

1st July 2024

**Land and Environment Court Proceedings 2023/00250329
Development Application No. DA2023/10669
Supplementary Statement of Environmental Effects
Demolition work and construction of 28 dwellings, infrastructure,
roadworks, landscaping, community title subdivision and the dedication of
the creekline corridor
Lot 4, DP 553816, 16 Macpherson Street, Warriewood**

This supplementary statement of environmental effects details the considered response to the issues raised in the Statement of Facts and Contentions filed by the respondent on 12 October 2023. In this regard, a number of amendments have been made to the proposal as detailed within the following amended and additional plans and documentation:

Amended documentation

- Subdivision Concept Plan prepared by Craig & Rhodes, Rev 14, dated 7 June 2024.
- Architectural Plans prepared by PBD Architects, Issue 5, dated 29 May 2024.
- Civil Works Plans prepared by Craig & Rhodes, Rev G, dated 4 June 2024.
- Creek Works Plans prepared by Craig & Rhodes, Rev F, dated 22 November 2023.
- Landscape Plans prepared by Black Beetle, Rev 5, dated 28 March 2024
- Biodiversity Management Plan prepared by AEP, dated October 2023
- Ecological Assessment Report prepared by AEP, dated August 2023
- Operational Waste Management Plan prepared by Elephants Foot, Rev F, dated 15 November 2023.
- VPA Offer Letter prepared by Boston Blyth & Flemming, dated April 2024
- BASIX certificate prepared by Greenview.

Additional documentation

- Impervious Area Plan (Existing) prepared by Craig & Rhodes, Rev A, dated 14 November 2023.
- DRAINS model prepared by Craig & Rhodes.
- Creek Survey Plan prepared by Colliers, dated 31 May 2024.
- Flood Impact Assessment prepared by Martens, dated July 2024.
- VPA Letter of Support from Northern Beaches Council, dated 21 May 2024.

Proposed amendments

The proposed amendments and how they respond to the various contentions can be summarised as follows:

1) Subdivision Concept Plan:

- Subdivision concept has been updated to coordinate with amended civil and architectural design.
- Bin collection locations deleted (now shown on landscape plans).

2) Architectural Plans:

- Architectural plans have been updated to coordinate with amended civil and landscape design.
- Updated first floor and roof plans to show setback lines / articulation zones and demonstrate roof eaves do not extend into front beyond articulation zones (refer DA101, DA105, DA107, DA109, DA117, DA119 & DA121).
- RL's from the survey plan have been added to the master plan (DA005) to demonstrate height compliance for Lots #4 through #6.
- Where survey data is available, an outline of the built form of adjoining properties (14 and 18 Macpherson Street) has been added to relevant drawings (refer DA004 & DA201).
- 3D perspectives of Brands Lane and internal access road provided as a visual aid to streetscape design (Refer DA430-DA435)
- Dimensions of Private Open Space (POS) areas for Type B layouts has been updated for consistency.
- Masterplan has been updated so roof plan for dwellings facing Macpherson Street is consistent with lower floor plans (refer DA 007).
- Type A2 roof plan updated so it is consistent with lower floor plans (refer DA 103).
- In relation to Contention 1d, setbacks for Type B dwellings have been increased and internal layout amended accordingly.
- In relation to Contention 1e, layout of Lot #5 has been flipped and attached to Lot #6 to increase the setback between Lots #4 and #5 (refer DA 004).
- In relation to contention 2b, site coverage calculations, including the Site Coverage Diagram (DA 510), Area Calculation Table (DA 512) and site coverage tables on individual floor plans have been updated for consistency.
- In relation to contention 4a, storage for 4 bins has been provided within the garage of each dwelling.
- In relation to contention 13c, consistent with advice received from Council's Urban Design officer, the lot plan has been updated to shift dwellings/lots in a northerly direction, so built form is positioned closer to the 50m creek corridor line. This has facilitated the inclusion of an additional side setback to Lots #8 & #29, increasing building separation and landscaped area for the relevant lots (refer DA004).

3) Civil Works Plans:

- Civil plans have been updated to coordinate with amended architectural and landscape design.
- Kerb (no gutter) has been added to Road No. 1 and Road No. 3.
- Pram ramp added to connect footpath of the northern verge of Road No.1 with footpath on the western verge of Road No 2.
- Levels on site and in Brands Lanes have been updated to align with latest flood modelling.
- In relation to contentions 2a and 3b, a 1.2m nature strip has been added to Brands Lane for street tree planting.
- In relation to contention 3a, the kerb nib in front of 18 Macpherson Street has been deleted to provide an additional parking space on Macpherson Street (7 spaces in total).
- In relation to contention 3a, an indented parking bay has been added on Brands Lane to provide an additional 6 parking spaces.
- In relation to contention 3c, footpath width along the northern verge of Road No. 1 has been increased to 1.2m.
- In relation not contention 3d, street lighting fixtures have been added to Brands Lane.
- In relation to contention 9. A vehicle access point has been added to the creek corridor.
- In relation to contention 13a, an access ladder has been added to the bio-basin.

4) Creek Works Plans:

- In relation to contention 12, the creek profile has been adjusted for improved flood conveyance.
- In relation to contention 13, habitat features including two riffles and a pool have been added to the creek profile.

5) Landscape Plans:

- Landscape plans have been updated to coordinate with amended architectural and civil design.
- In relation to contention 2a, street tree planting is now located in nature strip.
- In relation to contention 2b, permeable pavement has been replaced with steppers through garden.
- In relation to contention 2c, pavement type 03 (timber decking) has been removed and replaced with landscaping. Steppers in gravel areas removed and replaced with landscaping.
- In relation to contention 2d, fencing and gates forward of the building line have been removed.
- In relation to contention 3d, proposed street lighting features have been added.

- In relation to contentions 4b & 4c, bin collection (and street tree locations) are shown as per markup plan agreed in writing with Council.
- In relation to contention 13d, the plant schedule has been updated to include revised creekline corridor species as per the Warriewood Valley Landscape Masterplan and Biodiversity Management Plan.

6) Biodiversity Management Plan:

- In relation to contention 8, Biodiversity Management Plan has been updated to address Council comments including changes to weed cover targets and, identification of responsibility for the implementation of the BMP and planting density numbers in Appendix B.

7) Operational Waste Management Plan:

- In relation to contention 4a, the bin/bulky good collection locations for dwellings 2-8 have been updated. Appendix A2 has been added to show bin collection locations per markup agreed in writing with Council.

8) Ecological Assessment Report:

- In relation to contention 11, the Ecological Assessment Report has been updated to address Council comments regarding vegetation community PCT 1795.

9) VPA Offer Letter:

- In relation to contentions 14 & 15, the VPA Offer Letter has been updated to confirm the area of land to be dedicated to Council.

10) BASIX:

- BASIX certificate updated to reflect changes to architectural design.

The amended plans enhance the utility, visual amenity and broader streetscape character of the internalised access road (Road 1) with the increased setbacks proposed to the garaging and upper floors associated with the dwellings located on the south-western side of the access road (Dwelling Types B) together with the relocation of associated private open space to the Brands Lane frontage, facilitating the creation of an appropriately dimensioned and visually open landscaped streetscape.

In relation to flooding, the Flood Impact Assessment prepared by Martens contains the following summary and conclusions:

The analysis found that whilst there are some exceedances of thresholds specified in the PDCP, these do not cause harm to the environment, public or private property or infrastructure, and do not result in material changes to flood risks within the floodplain.

Specifically:

- 1. Flood level impacts: Flood level increases will not lead to any detrimental impacts on the existing riparian corridor of Narrabeen Creek, nor will the use, amenity or enjoyment of adjoining land to the northwest or southeast be detrimentally affected.*
- 2. Flow velocity impacts: Flood flow velocity increases will not lead to any detrimental impacts on the existing riparian corridor of Narrabeen Creek, nor will there be any likely impacts on existing vegetation, hardstand areas, property or infrastructure.*

The analysis has found that there is a small location within Brands Lane in the riparian corridor (location 3) where peak flow velocity increases above 2 m/s following the Creek regrading works. For this area we recommend any pervious areas are stabilised following completion of earthworks with biodegradable jute matting fixed into place and then hydro mulched to ensure rapid vegetative establishment. Routine inspections and maintenance during the vegetation establishment period will ensure that the risk of soil erosion and vegetation loss is appropriately mitigated.

- 3. Velocity x depth (VD) product impacts: Flood VD product increases will not lead to any detrimental impacts on road infrastructure, risks to public safety or affectations in the use of land.*

The further analysis of the water level afflux adjacent to Building A of 14 Macpherson Street found that the Proposal will increase the freeboard during Council's FPL defining event, the 1% AEP + 30% CC, by 50mm.

We are of the opinion that the amended documentation comprehensively responds to the contentions raised and provides for an overall refinement in the detailing and design quality of the development whilst appropriately responding to the applicable flood management provisions contained within PLEP and PDCP.

Having given due consideration to the matters pursuant to Section 4.15(1) of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent the granting of consent to the development sought in this instance.

Please not hesitate to contact me to discuss any aspect of this submission.

Yours faithfully

Boston Blyth Fleming Town Planners

A handwritten signature in black ink, appearing to read 'Greg Boston', written in a cursive style.

Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director