

17/06/2021

Our Ref: 251-20

Northern Beaches Council
725 Pittwater Road,
Dee Why, 2099, NSW, Australia

Attention: Jordan Davies

Dear Jordan

Re: Development Application No: DA2021/0053 for Subdivision of land and construction of dwelling houses semi-detached dwellings and attached dwellings at 101, 111 & 121 Dove Lane WARRIEWOOD.

Reference is made to advice received from Northern Beaches Council requesting for further information to assist with Council's assessment of application **DA2021/0053** at 101, 111 & 121 Dove Lane, Warriewood.

Please refer to our response in **red** to Council Items:

1. **Design Sustainability Advisory Panel** – The application was referred to the DSAP and a number of recommendations have come from that meeting which are outlined in the minutes attached to this letter. The aim of the DSAP is to enable and encourage a high quality of development that achieves excellence for the development and for the community. The applicant is to review the comments provided and incorporate the recommendations into the proposal, or alternatively where the recommendations are not incorporated demonstrate to Council how the recommendations have been explored and a genuine attempt made to incorporate the recommendations into the design.

**Note – The issue of laneway design following the DSAP meeting has been discussed with Council's waste team and Council's waste team maintain the requirements for a waste truck to service the laneway to enable waste collection from each property.*

Response to each DSAP recommendations points:

1. **Public Domain and Landscape Character** – The DSAP minutes conclude the current proposal is a high quality of architectural and landscape treatment. We intend to keep the proposal generally in its current form.
2. **Changing lanes into 10km per hour shared ways with unit paving, landscaped verges and no dedicated footpaths**; this would also provide a safe precinct for children to play. The current Dove Lane and Fern Creek Road are already approved under an existing DA Consent DA2018/1044 with dedicated footpath proposed in the road reserve. We disagree with reducing the speed to 10km/hr considering the site is adjacent to the future which would be more appropriate area for children to play.
3. **Permeable paving** – The public road areas are already approved under DA Consent DA2018/1044 which states asphalt finish is required.



4. We can accept to provide signage to make this zone 30km/hr area.
5. Tree planting locations in public areas and private laneways have been coordinated. We have already undertaken swept path checks for larger vehicles (garbage trucks) and trees have been allocated in position to avoid any turn path clash.
6. The application is for subdivision and integrated housing. The landscaping proposed will be completed as part of the housing delivery and therefore completed prior to issue of occupation certificate.
7. Comprehensive landscape plan was prepared as DA documentation and will again be updated for Construction Certificate purposes. We accept and have already anticipated this requirement as a condition of consent.
8. As per DA notes – No changed to laneway widths

2. **Rural Fire Service Response** – The RFS have reviewed the proposal and the following is to be addressed:

An updated bush fire protection assessment, will need to be provided, in order for further assessment of the proposal to be undertaken and which identifies the extent to which, the proposed development, conforms with or deviates from the relevant provisions of Planning for Bush Fire Protection 2019, specifically related to the current proposed subdivision and construction works.

The assessment will include a statement that the site is Bush Fire Prone Land; the location, extent and vegetation formation of any bushland on or within 140 metres of the site; the slope and aspect of the site and of any Bush Fire Prone Land within 100 metres of the site; any features on or adjoining the site that may mitigate the impact of a bush fire on the proposed development; a statement assessing the likely environmental impact of any proposed BPMs; a site plan showing access, water supplies, APZs, BAL requirements and building footprint in relation to the bush fire hazards and the calculated BAL construction levels.

Refer to updated Bushfire Report to address RFS comments.

3. **Water Management Referral Response** – Council's Water Management Team have reviewed the proposal and require a number of items to be addressed, as outlined in the attached referral response. The issues to be addressed must also be considered in respect to the 'Stage 1' two lot subdivision submitted under a separate development application currently with Council. Could you please provide a response to each of the issues.

Refer to enclosed RFI response folder for full response to Water Management referral.

4. **Flood Management Response** – Council's flood team have reviewed the proposal and require the following issues to be addressed:

An overland flow path traverses through the subject site before discharging into Fern Creek to the north. The Water Management Report submitted in support of the Development Application has not adequately addressed the flood protection requirements outlined in the Warriewood Valley Water Management Specification, 2001. Whilst DRAINS modelling has been provided to demonstrate stormwater quantity targets can be achieved, sufficient flood modelling has not been provided to demonstrate:

- *the existing flow regime through the site in a range of design events up to and including the 1% and PMF events;*

Noted we have catered for events up to 1% AEP + CC

- *that the proposed subdivision and related civil works will have no impact on flooding*



for neighbouring properties;

All our proposed flows are conveyed through the Fern Creek Rd and Dove Lane pit and pipe system approved under S138A2021/0007 & DA2018-1044.

- *there is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events.*

The edge of the proposed site is separated by a public road approved under S138A2021/0007 & DA2018-1044. All flows from the subject site are conveyed through the Fern Creek Rd and Dove Lane pit and pipe system which is now approved under (S138A 2021/0007).

5. Development Engineering Response – Council’s development engineering team have reviewed the proposal and provide the following items to be addressed:

1. The DRAINS model has been reviewed and is generally acceptable however the design engineers certification is to be provided that the model has been prepared in accordance with the Warriewood Valley Water Management Plan and Australian Rainfall and Runoff 2019. Certification is to be prepared by a RPENG or NER qualified Civil Engineer accordingly.

Refer to attached NER certification for DRAINS model.

2. The design engineer is also to review the 5% AEP storm for the OSD tank 2 catchment as the predeveloped flows appear to exceed the post development flows.

Refer to attached updated DRAINS model.

3. It is also noted that the previous Section 138A roads act application previously approved by council (S138A 2021/0007) for the Stage One Dove Lane Roads and drainage system provided a comprehensive upstream catchment DRAINS model. All upstream and site flows up to the 1 % AEP storm event plus climate change are contained within the proposed Dove Lane pit and pipe/road drainage system and downstream 1500mm RCP pipe which will be connected to Fern creek.

Note only and agreed. No action required.

4. *The applicant is also to provide a draft community management statement that contains by laws referencing the maintenance of all community facilities including the Water quality and quantity devices including OSD tanks, swales, filter cartridges etc. A separate operations maintenance manual is to be prepared by the design engineer for all the water quality and quantity stormwater treatment devices/ OSD tanks. It is noted that the current paragraph in the stormwater management report references Council as having maintenance responsibility.*

Refer to attached draft Community Management Statement.

By Law 6 sets out the services which will form part of the community title i.e. stormwater and other utility services.

By Law 24 sets out the Community Association will manage relevant Stormwater Infrastructure (i.e. OSD Tanks) in accordance with Stormwater Operations Manual.



The final detailed Stormwater Operations Manual will be detailed at Subdivision Certificate stage including the manufacturer

5. **Strategic Planning Response** – Council’s strategic planning team have reviewed the proposal and require a response to each of the following items/issues:

a) The obligations under the Executed Planning Agreement VPA2018/0001, registered on the Title of the properties the subject of this DA, are still to be completed before any Subdivision Certificate can be issued for any residential subdivision. Additionally, DA2020/1727 (still undetermined) seeks to create a parcel that is part of this development (the current DA2021/0053); a Subdivision Certificate cannot be issued regarding DA2020/1727 until such time as the obligations under the subject Executed Planning Agreement have been complied with.

We agree and can accept a condition of consent that obligations under VPA2018/0003 need to be met prior to issue of Subdivision Certificate.

b) It is understood that this subject DA seeks to construct a total 31 dwellings, within the dwelling range permitted for the subject land of “not more than 33 dwellings or less than 26 dwellings” as specified by Clause 6.1 of Pittwater LEP.

A related DA, DA2020/1727, creating the lot that is subject of this DA will also create 2 residential lots. In the event that DA2020/1727 and this DA(DA2021/0053), the balance of dwellings permitted under the dwelling range is 2. This results in a dwelling per residential lot under the subdivision DA2020/1727, and to exceed 2 dwellings (being the balance) will result in prohibited development as the dwelling range under Clause 6.1 of Pittwater LEP is not a development standard (see Lotus at Pittwater Council; Karimbla at Pittwater Council).

Given the size and dimensions of the two residential allotments, and what has been submitted for the subject DA as integrated housing (as known under the Pittwater DCP), there is opportunity to consider a redesign that improves efficient use of residential zoned land and enhance the overall design of the subdivision and individual dwelling on each allotment.

Noted and no further action required. Note we have also met with DSAP and the from the meeting was the development complies with Council controls and provides a high standard of architectural quality and landscape treatment. There is also a wide diversity of housing types and design is reflected by diverse material selection which is thoughtfully considered.

c) *The staging sequence for this DA remains unclear and it is up to the applicant to state the staging sequence, specifically:*

Is the applicant seeking to register the subdivision before Construction Certificate or Occupation Certificate of the individual allotments?

- *Please refer to attached Sketch-0008 with assist understanding of the overall site staging.*
- *Stage 1 – DA01 (DA2020/1727) – Will be the 2 Residential Lot T Lot and 1 Residue Lot Torrens Title Subdivision.*
- *Stage 2 – DA02 (DA2021/0053) – 19 Integrated Housing Lot and 1 Community Lot Community Title Subdivision.*
- *Stage 3 – DA03 (DA2021/0053) – 12 Integrated Housing Lot and 1 Community Lot Community Title Subdivision.*
- **We are seeking to register to subdivision for DA2021/0053 before Construction Certificate of the individual allotments.**



d) The water management for the overall subdivision/dwellings appear to be wholly on land labelled "Community Property". Nonetheless, details of the maintenance regime of the proposed water management facility should be provided for Council's consideration to ensure they are maintained to an appropriate standard in perpetuity.

Noted. The full detailed maintenance regime can be adequately addressed as a DA condition of consent similar to other developments in the area. Note the Community Management Statement will state the water management devices will be part of the Community Association's responsibility and a Stormwater maintenance manual will be provided prior to Issue of Subdivision Certificate.

If there are any questions, please do not hesitate to contact Stanley Lu.

Yours faithfully,

Stanley Lu – Project Manager

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