
From: Stuart Quirk
Sent: 16/02/2024 10:32:59 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED Submission Application No DA2021/2600 | 43, 45 & 49 Warriewood Road, Warriewood
Attachments: 15 February 2024_Stuart Quirk_Submission_DA2021_2600.pdf;

Attn: Development Assessment

Re: Submission

Application No. DA2021/2600

Address: Lot 1 and Lot 2 DP 349085 and Lot DP 972209

43, 45 & 49 Warriewood Road, Warriewood

Description: Subdivision of land, creek line works and the construction of two (2) residential flat buildings

Please refer to the attached.

Kind regards
Stuart Quirk

Mr Stuart Quirk
59 Warriewood Road
Warriewood NSW 2102

15 February 2024

Attn: Chief Executive Officer
Northern Beaches Council
PO Box 82
Manly NSW 1655 Australia

Delivered by: council@northernbeaches.nsw.gov.au

Dear Northern Beaches Council

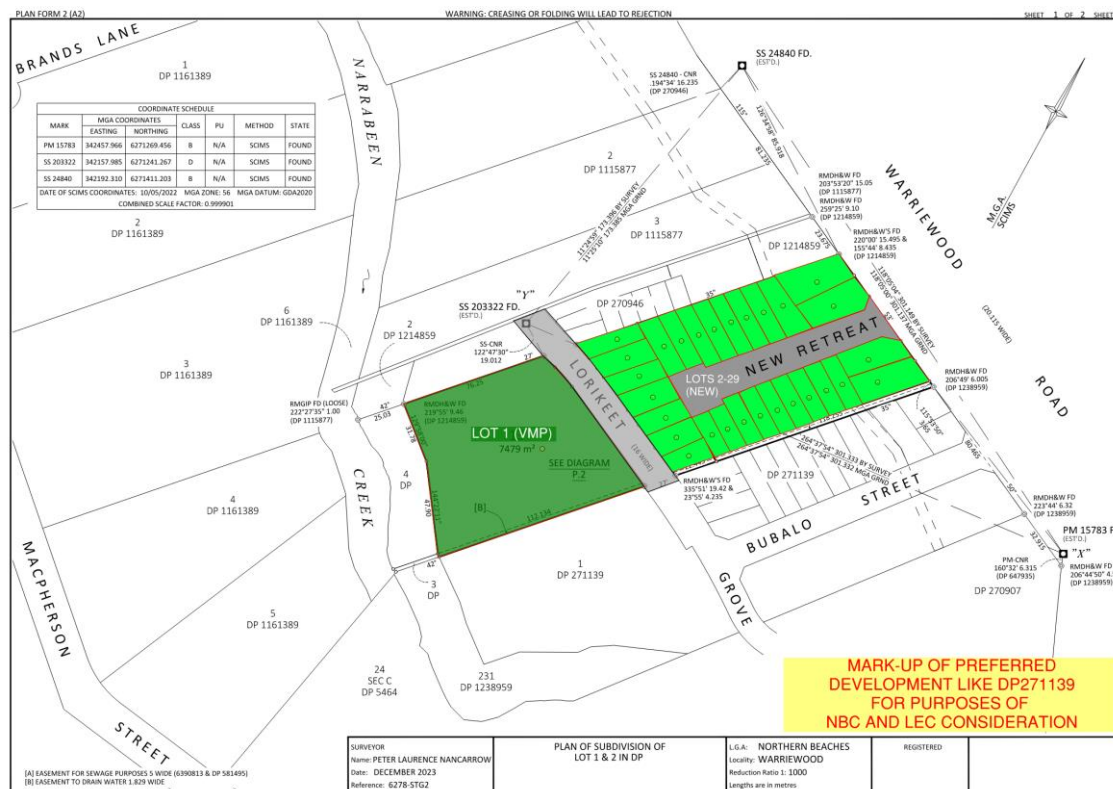
Re:	Submission
Application No.	DA2021/2600
Address:	Lot 1 and Lot 2 DP 349085 and Lot DP 972209 43, 45 & 49 Warriewood Road, Warriewood
Description:	Subdivision of land, creek line works and the construction of two (2) residential flat buildings

With regards to DA 2021/2600, I express significant concerns about the validity of this proposal and the recent amendments prepared for the Land and Environment Court of NSW [**LEC**] as per the Northern Beaches Council [**NBC**] letter issued on 17 January 2024.

From my previous submission on 25 February 2022, my position remains unchanged, for the following reasons.

1. **TRAFFIC IMPACT REPORT:** This report has been amended as per TAB 14. Upon reviewing the amended documents via a peer review process by a professional expert witness around Traffic Management and Planning, validated my concerns around traffic. Because the traffic report furnished by the applicant is totally flawed, misleading and makes the entire development invalid. This fact alone should be clearly observed by the LEC as it cannot be ignored by the LEC. See Annexure below being the peer review letter by another traffic engineer and their creditable credentials.
2. **NO VEHICLE** access onto Warriewood Road from this development. This will only encourage traffic to the proposed development to utilize Bubalo Street, which will make only increase vehicle movements in Bubalo St, making the narrow street unsafe the residents. The LEC should clearly note that Council's own internal traffic engineer referral process states that the proposal development is not supported and therefore the LEC should observe this advice.

3. Lack of PRIVACY and OVERSHADOWING of the gardens and houses on the Eastern side of Bubalo Street, due to the OVERSIZED height of the unit block and the Applicants justification is not a valid for the request for variation. This should not be supported by the LEC.
4. GROSS OVERDEVELOPMENT. Warriewood Valley has particularly delicate fauna and flora this development shall not be supported in its current form. The development should reflect the Community Association adjoining the proposal to the eastern side being DP271139, consisting of 31 Lots (being 30 Torrens Title Lots with Lot 1 being the Community Lot providing protection via Vegetation Management Plan (VMP) for 5 years, incumbering the Torrens Title lots, which at the end of the 5 years becomes automatically becomes dedicated as Council land and the incumbent is lifted from the Torrens Titles Lots. As per the LEC orders made in Case number: 2017/00053907 (Case title: **Woolwich Pty Ltd as trustee for Margaret Street Unit Trust v Northern Beaches Council**).
5. STAKEHOLDER ENGAGEMENT. The previous S34 that was held still does not consider the suggestions by the Community to reproduce another development like DP271139. To assist this, please refer to the below mark-up showing preferred concept for consideration and request again for the LEC to support the Community's preference of acceptable development for the area.

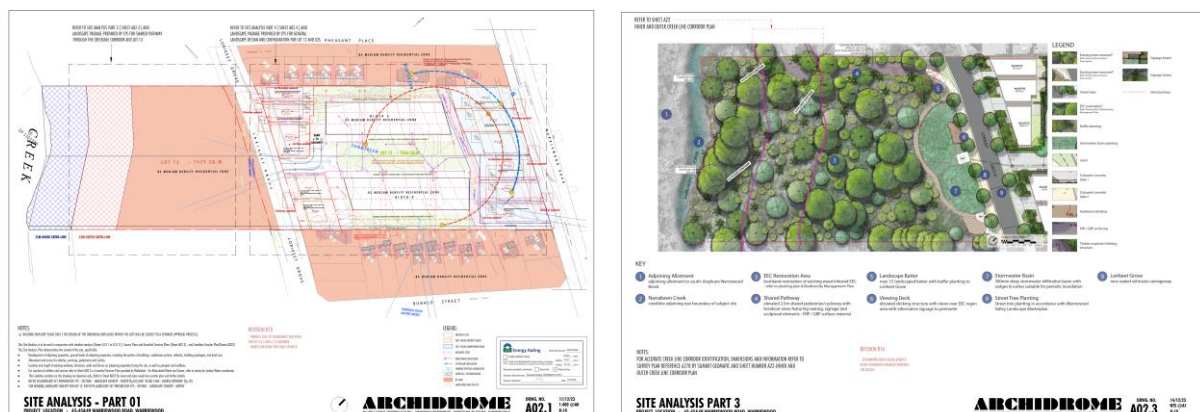


6. INCOMPLETE DOCUMENTS AND DOCUMENTATION FORMATING. The amended documents as referenced by TAB 1C – Schedule of amendments prepared by the Applicant has used what looks like “excel” and the text within the “cells” have not been formatted correctly as parts of the text / sentence incomplete? This document should be reformatted and resubmitted for purposes of clarity.

<p>9) compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case,</p>	<p>As already justified in Section 9 (Height) above.</p> <p>At the preinitial planning stage, the Council have set an elevated level for Lorikeet Grove which has been followed by our neighbouring developments along both side setbacks.</p> <p>This requires us to undertake a fill to our site, to provide appropriate amenity that ensure pedestrian pathways meet accessibility requirements, and that the proposed ground levels are in line with neighbouring development, not 0.7m below neighbour.</p> <p>The neighboring sites have undertaken a similar fill to their site and raised their building level in respect to the finished ground level created by filling their site due to the raised Lorikeet Grove Levels, which is evident by the retaining walls seen on both side boundaries of our site.</p> <p>Therefore our site should be measured from the fill level, i.e. the finished ground level created by connecting Lorikeet Grove to Warriewood Road and ensuring the site is level with adjoining neighbours.</p> <p>The current site levels are lower than neighbours along both side boundaries and also lower than the Lorikeet Grove finished level.</p> <p>We have undertaken two height analysis plans:</p> <p>a. Height analysis from existing site levels that shows that building exceed the height plans.</p> <p>b. Height analysis based on proposed finished ground level created by connecting Lorikeet Grove to Warriewood Road and ensuring the site is level with adjoining neighbours. This height analysis indicates that the proposed RFB does not exceed the height plane when measured from a ground plane that lines up with neighbours and the road.</p>	<p>A.12.1 (Section 01), A.12.2 (Section 25), A.18.1 (Height plane Analysis- Existing site level) & A.18.2 (Height plane Analysis- Proposed finished site level)</p>
<p>10) there are sufficient planning grounds to justify contravening the development standard in clause 4.3(2) of RCP 2014; and</p>		
<p>11) the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R3 Medium Density Residential zone.</p>		

<p>ii. Objective SP-1, with inadequate building separation between buildings/lots,</p>	<p>As per ADG, the Building separation achieved is more than:</p> <ol style="list-style-type: none"> 1. 12m between habitable rearward balconies. 2. 9m between habitable and non-habitable rooms. 3. 6m between non-habitable rooms. <p>Building separation is increased to achieve adequate sunlight access and privacy on the site.</p> <p>The separation also supports residential amenities and provides suitable open space with adequate daylight access to buildings.</p> <p>The proposed building separation to building height achieves the desired urban form, with adequate sunlight access and privacy on the site.</p>	<p>A.62.1 (Site Analysis - Part 1), A.62.2 (Site Analysis - Part 2), A.62.3 (Site Analysis - Part 3), A.62.4 (Site Analysis - Part 4), A.62.5 (Site Analysis - Part 5), A.62.6 (Site Analysis - Part 6), A.62.7 (Site Analysis - Part 7), A.62.8 (Site Analysis - Part 8), A.62.9 (Site Analysis - Part 9), A.62.10 (Site Analysis - Part 10), A.62.11 (Site Analysis - Part 11), A.62.12 (Site Analysis - Part 12), A.62.13 (Site Analysis - Part 13), A.62.14 (Site Analysis - Part 14), A.62.15 (Site Analysis - Part 15), A.62.16 (Site Analysis - Part 16), A.62.17 (Site Analysis - Part 17), A.62.18 (Site Analysis - Part 18), A.62.19 (Site Analysis - Part 19), A.62.20 (Site Analysis - Part 20), A.62.21 (Site Analysis - Part 21), A.62.22 (Site Analysis - Part 22), A.62.23 (Site Analysis - Part 23), A.62.24 (Site Analysis - Part 24), A.62.25 (Site Analysis - Part 25), A.62.26 (Site Analysis - Part 26), A.62.27 (Site Analysis - Part 27), A.62.28 (Site Analysis - Part 28), A.62.29 (Site Analysis - Part 29), A.62.30 (Site Analysis - Part 30), A.62.31 (Site Analysis - Part 31), A.62.32 (Site Analysis - Part 32), A.62.33 (Site Analysis - Part 33), A.62.34 (Site Analysis - Part 34), A.62.35 (Site Analysis - Part 35), A.62.36 (Site Analysis - Part 36), A.62.37 (Site Analysis - Part 37), A.62.38 (Site Analysis - Part 38), A.62.39 (Site Analysis - Part 39), A.62.40 (Site Analysis - Part 40), A.62.41 (Site Analysis - Part 41), A.62.42 (Site Analysis - Part 42), A.62.43 (Site Analysis - Part 43), A.62.44 (Site Analysis - Part 44), A.62.45 (Site Analysis - Part 45), A.62.46 (Site Analysis - Part 46), A.62.47 (Site Analysis - Part 47), A.62.48 (Site Analysis - Part 48), A.62.49 (Site Analysis - Part 49), A.62.50 (Site Analysis - Part 50), A.62.51 (Site Analysis - Part 51), A.62.52 (Site Analysis - Part 52), A.62.53 (Site Analysis - Part 53), A.62.54 (Site Analysis - Part 54), A.62.55 (Site Analysis - Part 55), A.62.56 (Site Analysis - Part 56), A.62.57 (Site Analysis - Part 57), A.62.58 (Site Analysis - Part 58), A.62.59 (Site Analysis - Part 59), A.62.60 (Site Analysis - Part 60), A.62.61 (Site Analysis - Part 61), A.62.62 (Site Analysis - Part 62), A.62.63 (Site Analysis - Part 63), A.62.64 (Site Analysis - Part 64), A.62.65 (Site Analysis - Part 65), A.62.66 (Site Analysis - Part 66), A.62.67 (Site Analysis - Part 67), A.62.68 (Site Analysis - Part 68), A.62.69 (Site Analysis - Part 69), A.62.70 (Site Analysis - Part 70), A.62.71 (Site Analysis - Part 71), A.62.72 (Site Analysis - Part 72), A.62.73 (Site Analysis - Part 73), A.62.74 (Site Analysis - Part 74), A.62.75 (Site Analysis - Part 75), A.62.76 (Site Analysis - Part 76), A.62.77 (Site Analysis - Part 77), A.62.78 (Site Analysis - Part 78), A.62.79 (Site Analysis - Part 79), A.62.80 (Site Analysis - Part 80), A.62.81 (Site Analysis - Part 81), A.62.82 (Site Analysis - Part 82), A.62.83 (Site Analysis - Part 83), A.62.84 (Site Analysis - Part 84), A.62.85 (Site Analysis - Part 85), A.62.86 (Site Analysis - Part 86), A.62.87 (Site Analysis - Part 87), A.62.88 (Site Analysis - Part 88), A.62.89 (Site Analysis - Part 89), A.62.90 (Site Analysis - Part 90), A.62.91 (Site Analysis - Part 91), A.62.92 (Site Analysis - Part 92), A.62.93 (Site Analysis - Part 93), A.62.94 (Site Analysis - Part 94), A.62.95 (Site Analysis - Part 95), A.62.96 (Site Analysis - Part 96), A.62.97 (Site Analysis - Part 97), A.62.98 (Site Analysis - Part 98), A.62.99 (Site Analysis - Part 99), A.62.100 (Site Analysis - Part 100).</p>
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7. INCONSISTENCY OF DOCUMENTS. Tab 4 – Plan of Subdivision depicts Lot 13 as a Torrens Title Lot. Tab 1A drawing A02.1 (left hand side of page) confirms this as being Lot 13 – 7479 SQ. M _ R3 Medium Density Residential Zone which implies another future development of another potential Residential Flat Building [RFB]. But Tab 1A drawing A02.3 (right hand side of page) shows a beautiful, regenerated vegetation plan for biodiversity purposes (fauna and flora). Drawing A02.3 should be supported as per point 4 above, being Lot 13 becomes Lot 1 as part of VMP.



Mr Stuart Quirk
59 Warriewood Road
Warriewood NSW 2102

So, as a resident of the local community, family of 4 and as Chairperson for the Residence Group of Bubalo Street / Lorikeet Grove, my position remains unchanged and that the Applicant and Owner/Developer of this submission (DA2021/2600) continues to disregard all the previous concerns raised by the adjoining stakeholders.

Therefore, in summary I object to this application being approved and should not be supported.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stuart Quirk', with a stylized flourish at the end.

Stuart Quirk

Annexure – Item 1



TRANSPORT AND TRAFFIC PLANNING ASSOCIATES

Suite 604, Level 6, 10 Hume Street, Chateau NSW 2067

12 February 2024
Ref: 026/2024

Mr Stuart Quirk

E: [REDACTED]

Dear Stuart

**Re: Proposed Development
45-49 Warriewood Road, Warriewood**

I have assessed the TPIR prepared by TEF Consulting (21.12.23) in relation to the subject Development Application (DA2021/2600).

The report makes reference to the RTA Development Guidelines 2002 but then applies traffic generation rates from the RMS Technical Direction (TDT2013/04a) which is not referenced. The cited peak traffic generation rates from the TDT are AM 0.19vtph/unit and PM 0.15vtph/unit and these were derived from a study "*Report for High Density Residential Trip Generation Surveys, GHD, Sept 2012*" commissioned by RMS.

One of the stated purposes of that study was to have particular regard for available public transport services and the sites surveyed were "*more than 6 levels*".

There were 8 sites selected and surveyed for the Sydney Metropolitan area and all were very close to or within ready walking distance of a railway station with most being within a CBD area with retail, entertainment, employment and other services.

The RTA 2002 traffic generation rates for High Density Residential were based on a study which I in fact undertook for the RTA in 1993. This study similarly involved surveys of 16 sites in the Metropolitan area with all except 2 being located in close proximity of railway stations and within Commercial centres. The peak traffic generation rate established in the 1993 study and documented in the RTA Guidelines was AM & PM 0.29vtph/unit.

..... / cont'

Transport and Traffic Planning Associates

Mr Stuart Quirk – 45-49 Warriewood Road, Warriewood (266/2024) – 12/2/24

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The circumstances at the Warriewood development site are that:

- It is nowhere near a railway station
- There are relatively limited bus services available
- It is not within walking distance of shops, services or employment opportunities

It is apparent therefore that:

- The TEF applied traffic generation rates for the proposed apartments are totally inappropriate for the Warriewood location. This is confirmed by the attached extract from the 2012 RMS study which indicates that the sites which were utilised to derive the traffic generation rates applied in the TEF assessment had non-car mode share of up to 75% whereas this is more likely to be some 25% at the Warriewood location
- The traffic generation rates from the RTA 2002 Guidelines for High Density Residential are also not appropriate
- If the apartments have 2 parking spaces each, then the peak traffic generation rates will be more akin to that cited by TEF for the proposed single dwellings (i.e. 0.99 vtpd per dwelling)

It is my assessment that the traffic generation of the proposed apartments is likely to be at least 3 or 4 times more than that assessed in the TEF report.

The Council Traffic Engineer (based on the findings of the TEF report) expresses concern in relation to the additional level of traffic which will occur on Lorikeet Grove and Bubalo Street as a result of this proposed development. It is apparent that this concern would be significantly heightened with the realisation that the traffic generation outcome will be at least 3 or 4 times more than that assessed in the TEF report.

I don't believe that the suggested traffic facilities at the Warriewood Road/Bubalo Street intersection would act to reduce these traffic volumes and the traffic outcome particularly for the very narrow Bubalo Street will be totally inappropriate.

Yours faithfully



Ross Nettle
Director
Transport and Traffic Planning Associates

TTPA | Ross Nettle – Professional Credentials



Ross has been intensely involved in the planning and assessment of road network and landuse development projects for many years and has developed a diverse background in these activities. Ross is skilled in regional planning and transport strategies and in devising traffic management schemes to complement landuse planning and major development projects.

Ross has undertaken many significant projects for both private and public sector clients and has played a principle role in assessments for substantial urban development schemes such as the Rhodes Peninsula and Discovery Point projects.

Prior to entering private consultancy Ross had some 24 years' experience with the former Roads & Traffic Authority (RTA) and its predecessors. During that period, he was closely involved in the planning and management of the public road network and the integration of major development projects into that system.

Ross's key skills include:

- Traffic and Parking Assessment
- Land Use Planning
- Transport Planning
- Traffic Management Plan
- Public Transport Studies
- Expert Witness

Source: [Ross Nettle | Road Engineering Consultants Sydney | TTPA](#)