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# 10-12 Boondah Road, Warriewood

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Statement of Environmental Effects for  
Development Application



July 2024

FINAL

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REF: #9888

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# Contents

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Executive Summary	1
1. Introduction	2
1.1 Overview	2
1.2 Scope and format of the Statement of Environmental Effects	2
1.3 Supporting plans and documentation	2
1.4 Cost of works	3
2. Site Description and Context	4
2.1 Location and site description	4
2.2 Existing development on the site	5
2.3 Context and locality	7
2.4 Surrounding development and land uses	7
3. Proposed Development	12
3.1 Development description	12
3.2 Land use	12
3.3 Hours of operation	13
3.4 Demolition and earthworks	13
3.5 Environmental protection works	13
3.6 Business identification sign	13
3.7 Tree removal	13
3.8 Landscaping	13
3.9 Stormwater	14
3.10 Parking and vehicular access	14
3.11 Waste management	14
4. Statutory Assessment	15
4.1 Section 4.15	15
4.2 Overview of statutory and policy controls	15
4.3 Environmental Planning & Assessment Act 1979	15
4.4 State Environmental Planning Policy (Resilience and Hazards) 2021	16
4.5 State Environmental Planning Policy (Industry and Employment) 2021	17
4.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021	18
4.7 State Environmental Planning Policy (Sustainable Buildings) 2022	19
4.8 Pittwater Local Environmental Plan 2014	19
4.9 Pittwater 21 Development Control Plan	26
5. Impacts of the Development	32
5.1 Amenity impacts on neighbouring properties	32
5.2 Acoustic impacts	32

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5.3	Traffic and parking	32
5.4	Natural environmental and biodiversity impacts	32
5.5	Bush fire impacts	33
5.6	Flooding impacts	33
5.7	Construction impacts	33
5.8	Social impacts and economic impacts	33
5.9	The suitability of the site for the development	33
5.10	Consultation and submissions	34
5.11	The public interest	34
<hr/>		
6.	Conclusion	35

## List of Figures

*Figure 1: Aerial view of site and locality (Source: SIX Maps)*

*Figure 2: View looking west from Boondah Road towards the northernmost vehicle driveway entry of the site*

*Figure 3: View looking south-west from within the site towards an existing clearing and firewood stockpile*

*Figure 4: View looking south from the western side of the site towards existing horse stable fencing*

*Figure 5: Location plan (Source: Google Maps)*

*Figure 6: View looking north-west from Boondah Road towards an existing residential flat building at 79-91 Macpherson Street*

*Figure 7: View looking south from within the site towards the Warriewood Square shopping centre*

*Figure 8: View looking east from Boondah Road towards semi-rural lots and paddocks opposite the site*

*Figure 9: View looking south-west from Boondah Road towards the existing dwelling at 8 Boondah Road*

*Figure 10: View looking south-east from within the Warriewood Wetlands towards the wetlands proximate to the site*

*Figure 11: Extract of the PLEP 2014 Zoning Map*

*Figure 12: Extract of the PLEP 2014 Height of Buildings Map*

*Figure 13: Extract of the PLEP 2014 Heritage Map*

*Figure 14: Extract of the PLEP 2014 Urban Release Area Map*

*Figure 15: Extract of the PLEP 2014 Acid Sulfate Soils Map*

*Figure 16: Extract of the PLEP 2014 Biodiversity Map*

*Figure 17: Extract of the P21 DCP Warriewood Locality Map*

# List of Tables

*Table 1: Plans and documents prepared to accompany this SEE*

*Table 2: Assessment against criteria in Schedule 5 of the Industry and Employment SEPP*

*Table 3: RU2 Rural Landscape zone objectives assessment table*

*Table 4: P21 DCP consideration*

# Executive Summary

This statement of environmental effects (SEE) has been prepared in support of a development application (DA) made to the Northern Beaches Council ('the Council') under Part 4 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

The DA seeks consent for the construction of a new plant nursery and landscaping material supplies premises, demolition works, tree removal, associated earthworks, landscaping, and environmental protection works, located at 10-12 Boondah Road, Warriewood ('the site').

The DA and this SEE have been prepared in accordance with the EP&A Act 1979 and the EP&A Regulation 2021.

This SEE addresses the relevant heads of consideration listed under section 4.15(1) of the EP&A Act 1979 and provides an assessment of the proposed development against the relevant environmental planning instruments (EPis) and other planning controls applicable to the site and to the proposal.

The key planning controls are included within:

- Pittwater Local Environmental Plan (PLEP) 2014; and
- Pittwater 21 Development Control Plan (P21 DCP).

The proposed development is permitted with consent in the RU2 Rural Landscape zone under the PLEP 2014 and is consistent with the broad objectives of the zone. The development complies with the maximum building height control of 8.5m that is applicable to this site under clause 4.3 of the PLEP 2014.

This SEE demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood.

Based on the assessment undertaken, approval of the DA is sought.

# 1. Introduction

## 1.1 Overview

This SEE has been prepared in support of a DA for consent to undertake the construction of a new plant nursery and landscaping material supplies premises, demolition works, tree removal, associated earthworks, landscaping, and environmental protection works.

## 1.2 Scope and format of the Statement of Environmental Effects

This SEE has been prepared in accordance with the requirements of Part 3, Division 1 of the EP&A Regulation 2021, and provides an assessment consistent with the heads of consideration under section 4.15(1) of the EP&A Act 1979, which are relevant to the consent authority's assessment of the DA.

Accordingly, the SEE is structured into sections as follows:

- Section 1 - provides an overview of the project and of this SEE;
- Section 2 - describes the site, locality and surrounding development;
- Section 3 - describes the proposed development and provides details of all of the proposed works;
- Section 4 - identifies the applicable statutory controls and policies, and provides an evaluation of the proposed development against the relevant controls;
- Section 5 - provides an assessment of the proposal and its likely impacts on the environment, and in particular the potential impacts on adjoining properties and the surrounding area; and
- Section 6 - provides a conclusion on the proposal.

## 1.3 Supporting plans and documentation

This SEE has been prepared with input from a number of expert technical and design documents which have been prepared to accompany this DA. These documents are identified in Table 1 below.

<b>Document</b>	<b>Prepared by</b>
Cost Summary Report	Rider Levett Bucknall (RLB)
Survey Plan	Total Surveying Solutions (TSS)
Architectural Plans	Buchan Group
Waste Management Plan	MRA Consulting Group (MRA)
Water Management Report	Calibre
Stormwater Management Plan	Calibre
Soil & Water Management Plan	Calibre
Cut & Fill Plan	Egis

Transport Assessment	Ason Group
Landscape Plans	JCA Landscape Architects
Preliminary Site Investigation	Douglas Partners
Acid Sulfate Soil Management Plan	Douglas Partners
Biodiversity Development Assessment Report	Travers Bushfire & Ecology (Travers)
Vegetation Management Plan	Travers
Bushfire Protection Assessment	Travers
Arboriculture Impact Assessment Report	Travers

*Table 1: Plans and documents prepared to accompany this SEE*

#### **1.4 Cost of works**

The cost of works for the purpose of determining the DA fee for the proposed development has been calculated in accordance with clause 251 of the EP&A Regulation 2021 and is \$11,637,999 including GST. The cost of works is detailed in the Cost Summary Report prepared by RLB.



## 2. Site Description and Context

### 2.1 Location and site description

The site is located at 10-12 Boondah Road, Warriewood and is comprised of two (2) lots that are legally described as Lot 4 DP 26902 (10 Boondah Road) and Lot 3 DP 26902 (12 Boondah Road).

The lots are irregular in shape and have a total combined area of approximately 2.04ha.

The primary north-eastern frontage along Boondah Road is approximately 162.5m in length. The rear western boundary to Warriewood Wetlands is a total of approximately 236.5m and the northern and south-eastern side boundaries are approximately 81.3m and 153.5m, respectively.

Existing vehicle access is achieved via Boondah Road over unmade gravel driveways. The land is generally flat in topography with a slight downslope towards the west.

Vegetation is spread across the site and includes a variety of native and non-native trees, shrubs and weeds. Protected coastal wetlands are located in the southern corner of the site and along its western extent adjacent to Warriewood Wetlands.

The site is identified as containing bush fire prone land and as being within the flood planning area.

The location of the site is shown in Figure 1.



Figure 1: Aerial view of site and locality (Source: SIX Maps)

## 2.2 Existing development on the site

The site is currently partly cleared and has been used for rural/storage purposes. General debris (i.e., scrap, lumber, rubble) and abandoned ancillary structures are scattered across the site, particularly in the northern and central portions.

The southern part of the site (10 Boondah Road) contains an existing dwelling, ancillary stabling structures, and paddocks for horses.

A detailed account of existing conditions is included in section 6.1 of the Preliminary Site Investigation submitted with this application.

Photographs of the site and its existing improvements are shown in Figures 2 to 4.



*Figure 2: View looking west from Boondah Road towards the northernmost vehicle driveway entry of the site*



*Figure 3: View looking south-west from within the site towards an existing clearing and firewood stockpile*



*Figure 4: View looking south from the western side of the site towards existing horse stable fencing*

## 2.3 Context and locality

The suburb of Warriewood is characterised by a mix of land uses. These include:

- Commercial development as part of the Warriewood Square shopping centre;
- Public recreational uses at Boondah Reserve sports fields;
- Environmental conservation land as part of the Warriewood Wetlands;
- Medium density residential development along Boondah Road and Macpherson Street;
- Semi-rural paddocks along Boondah Road; and
- Regional sewerage system infrastructure as part of the Warriewood Wastewater Treatment Plant.

Bus services proximate to the site are located along Jacksons Road to the south, Macpherson Street to the north, and Pittwater Road to the east.

The location of the site in this context is shown in Figure 5.

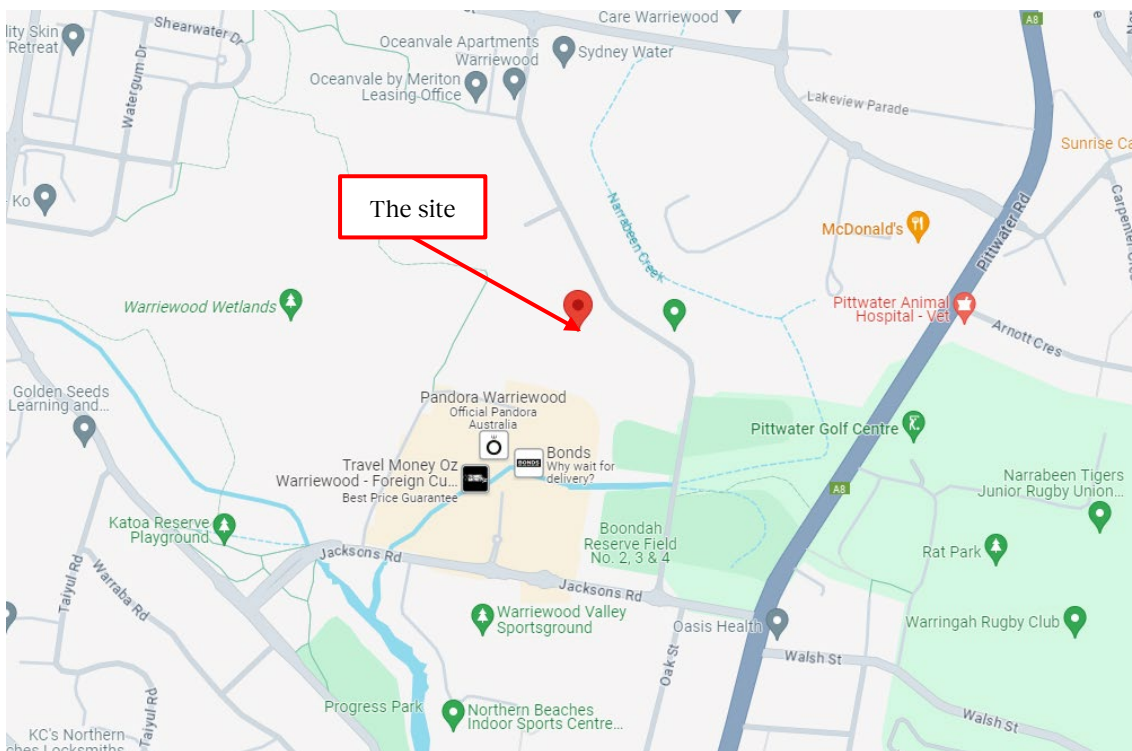


Figure 5 : Location plan (Source: Google Maps)

## 2.4 Surrounding development and land uses

### 2.4.1 North

A residential flat building is separated from the northern boundary of the site by Spinebill Drive, a private cul-de-sac (Figure 6). The apartment forms part of the 'Sanctuary at Oceanvale' residential development which extends further to the north and north-west along Macpherson Street.

Spinebill Drive provides vehicular access to the neighbouring development and leads to a bio-retention basin at the western rear of the apartments adjoining the Warriewood Wetlands.



Figure 6: View looking north-west from Boondah Road towards an existing residential flat building at 79-91 Macpherson Street

### 2.4.2 South

Warriewood Square shopping centre is near the southern boundary of the site. The centre is separated from existing improvements on the site by vegetation as shown in Figure 7.



Figure 7: View looking south from within the site towards the Warriewood Square shopping centre

### 2.4.3 East

Horse paddocks are located on the eastern side of Boondah Road. The Warriewood Wastewater Treatment Plant is located further to the east behind bushland as shown in Figure 8.

The site shares its south-eastern boundary to an existing detached dwelling located at 8 Boondah Road (Figure 9).



Figure 8: View looking east from Boondah Road towards semi-rural lots and paddocks opposite the site



Figure 9: View looking south-west from Boondah Road towards the existing dwelling at 8 Boondah Road

#### 2.4.4 West

The Warriewood Wetlands adjoin the western boundary of the site at 14 Jacksons Road. As shown in Figure 10, it is a prominent nature reserve that is identified as an item of local heritage significance under schedule 5 of the PLEP 2014.



*Figure 10: View looking south-east from within the Warriewood Wetlands towards the wetlands proximate to the site*



# 3. Proposed Development

## 3.1 Development description

The DA seeks consent for the construction of a new plant nursery and landscaping material supplies premises, demolition works, tree removal, associated earthworks, landscaping, and environmental protection works at 10-12 Boondah Road, Warriewood. The proposal comprises:

- Demolition of existing structures on the site
- Removal of 73 trees
- Construction of a new plant nursery and landscaping material supplies premises which includes the following:
  - associated toilets, storage and plant facilities
  - an internal storage space
  - a loading dock, landscape material bunkers and bin storage
  - business identification signage on the northern and southern elevations of the new plant nursery building
  - an on-site propagation areas
  - a children’s playground area and outdoor terrace
  - outdoor plant storage and displays
  - ancillary open event lawn
- Earthworks to enable the construction of the plant nursery
- A bioretention basin in the southern corner of the plant nursery, including an associated gross pollutant trap
- Environmental protection works including the creation of a vegetated western buffer zone
- Construction of 52 car parking spaces at the front of the site adjacent to Boondah Road
- Creation of a single vehicle access point from Boondah Road in the south-eastern corner
- Construction of a 2.5m wide pedestrian path fire trail bordering the plant nursery and the buffer zone

The proposal is detailed in the supporting documentation identified in Table 1 and is described in the following sections of this SEE.

## 3.2 Land use

The proposal includes a change of use of the site to a plant nursey and landscaping material supplies premises.

### **3.3 Hours of operation**

It is proposed that the plant nursery and landscaping material supplies premises will operate between 8:00am and 6:00pm, 7 days a week.

### **3.4 Demolition and earthworks**

The proposal requires the demolition of existing structures and vegetation on the site.

All demolition works will be undertaken in accordance with the provisions of Australian Standard - AS 2601.

It is anticipated that cut and fill will be required for a depth of up to 3m in order to enable building foundations and services associated with the construction of the plant nursery.

The Preliminary Site Investigation accompanying this application has considered that the site can be made suitable for the proposal, subject a series of recommendations for more detailed investigations.

### **3.5 Environmental protection works**

Consent is sought for environmental protection works to protect the existing coastal wetland mapped land on the western side of the site. The Landscape Plans provide details on these works, especially as they relate to the new vegetated western buffer zone between the wetlands and the plant nursery.

### **3.6 Business identification sign**

The proposal involves the installation of business identification signage relevant to the use of the new building as a plant nursery.

An assessment of the signage against schedule 5 of State Environmental Planning Policy (Industry and Employment) 2021 is found at section 4.5 of this SEE.

### **3.7 Tree removal**

The proposal involves the removal of 73 trees to accommodate the proposal. The proposed tree removal is supported by an Arboriculture Impact Assessment Report prepared by Travers.

### **3.8 Landscaping**

Comprehensive landscaping works are detailed in the Landscape Plans prepared by JCA Landscape Architects. Key elements of the landscape design include:

- Replanting including 84 native canopy trees
- Comprehensive vegetated western buffer zone planting and native screen planting along the eastern site boundary adjacent to Boondah Road
- Creation of a bioretention basin in the southern corner of the plant nursery
- Introduction of compacted gravel surfacing throughout the plant nursery
- Retention of trees in the northern part of the site
- Installation of 2 ornamental water features and 2 benches
- Creation of an ancillary function space

- Construction of a rolled concrete kerb between the pedestrian trail and wetland buffer zone planting area
- Construction of a children’s playground area and outdoor terrace

### **3.9 Stormwater**

The proposal includes stormwater management measures as detailed in the Stormwater Management Plan prepared by Calibre accompanying this DA.

### **3.10 Parking and vehicular access**

The parking and vehicular access design of the proposal involves:

- Construction of 52 car parking spaces at the front of the site adjacent to Boondah Road
- Creation of a single vehicle access point from Boondah Road in the south-eastern corner
- Construction of a loading area

The Transport Assessment accompanying this DA provides detailed assessment of the traffic and parking impacts associated with the proposal.

### **3.11 Waste management**

A Waste Management Plan prepared by MRA accompanies this DA and outlines measures to appropriately manage waste generated through demolition, construction and operation of the plant nursery.

# 4. Statutory Assessment

## 4.1 Section 4.15

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated.

The matters for consideration identified in section 4.15(1)(a) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of section 4.15(1) of the EP&A Act 1979 are addressed in section 5 of this SEE.

## 4.2 Overview of statutory and policy controls

The EPIs and other statutory planning documents and policies which are relevant to the assessment of the proposed development pursuant to section 4.15(1)(a) are identified below.

### 4.2.1 State environmental planning policies

- State Environmental Planning Policy (Resilience and Hazards) 2021 ('Resilience and Hazards SEPP');
- State Environmental Planning Policy (Industry and Employment) 2021 ('Industry and Employment SEPP');
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 ('Biodiversity and Conservation SEPP'); and
- State Environmental Planning Policy (Sustainable Buildings) 2022 ('Sustainable Buildings SEPP').

### 4.2.2 Local environmental plans

- Pittwater Local Environmental Plan (PLEP) 2014.

### 4.2.3 Development control plans

- Pittwater 21 Development Control Plan (P21 DCP).

## 4.3 Environmental Planning & Assessment Act 1979

Section 1.7 of the EP&A Act 1979 states that the Act is subject to the provisions of Part 7 of the *Biodiversity Conservation (BC) Act 2016*, which contains additional requirements with respect to assessments, consents and approvals. A Biodiversity Development Assessment Report (BDAR) has been prepared by Travers and assesses the proposal against these requirements.

### 4.3.1 Section 4.46 - Integrated development

#### Water Management Act 2000

The carrying out of development within 40m of watercourse requires controlled activity approval under section 91 of the *Water Management (WM) Act 2000*.

Section 4.3.1 of the BDAR has deemed that the adjoining wetland on the site is ‘waterfront land’.

The proposal therefore involves works within 40m of a waterfront land. As such, the proposed development is integrated development and approval under section 91 of the WM Act 2000 is sought.

#### Roads Act 1993

The proposal necessitates works that include the creation of a new driveway. Approval under section 138 the *Roads Act 1993* is sought on this basis.

### **4.4 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **4.4.1 Chapter 2 - Coastal management**

##### Development on certain land within coastal wetlands and littoral rainforests area

Section 4.3.4 of the BDAR provides an assessment of the proposal against the provisions of the repealed State Environmental Planning Policy (Coastal Management) 2018, which is now chapter 2 of the Resilience and Hazards SEPP.

The southern and western portions of the site contain land mapped as “coastal wetlands” under section 2.7 of the Resilience and Hazards SEPP. The proposal involves the carrying out of environmental protection works on coastal wetlands mapped land. Environmental protection works are defined as follows:

*“environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.”*

Development consent for environmental protection works is sought under subclause 2.7(1).

No clearing of native vegetation within the meaning of the *Local Land Services Act 2013* will occur on the coastal wetland mapped land. No development other than environmental protection works are proposed on the coastal wetland mapped land. The proposal is not declared to be designated development for the purposes of the EP&A Act 1979.

The BDAR outlines measures to minimise impacts on the adjoining wetland and notes that a 2m buffer from the mapped wetland has been applied to the proposed fire trail and pedestrian way.

##### Development on land in proximity to coastal wetlands or littoral rainforests

The recommendations of the BDAR ensure that the proposal has regard to the provisions of subsection 2.8(1) of the Resilience and Hazards SEPP in relation to development in proximity to coastal wetlands.

#### **4.4.2 Chapter 4 - Remediation of land**

Chapter 4 of the Resilience and Hazards SEPP prescribes a statutory process associated with the development of land that is contaminated and needs remediation.

Section 4.6 of the Resilience and Hazards SEPP provides considerations for the consent authority in the granting of development consent.

The site has a history rural residential and storage uses. A Preliminary Site Investigation has been prepared in relation to the site and has identified the need to prepare a detailed site investigation and remediation action plan. SJB Planning has been advised that these documents are currently being prepared.

Extensive contamination assessments have already been completed on the site as part of previous investigations into the redevelopment of the land. The Preliminary Site Investigation concluded that, based on its findings, the site can be made suitable for the proposal subject to recommendations which include the preparation of the above documents.

Having regard to above, it is considered that the site is consistent with the requirements of Resilience and Hazards SEPP and can be made suitable for the proposed land use.

#### 4.5 State Environmental Planning Policy (Industry and Employment) 2021

##### 4.5.1 Chapter 3 - Advertising and signage

The proposal involves the display of business identification signage associated with the principal use of the site on the northern and southern elevations of the plant nursery building, and therefore chapter 3 of the Industry and Employment SEPP applies.

Section 3.6 of the SEPP states that development consent to an application to display signage must not be granted unless the consent authority is satisfied that the signage is consistent with the objectives of chapter 3, and that the signage satisfies the assessment criteria specified in schedule 5 of the SEPP.

The proposed signage is consistent with the objectives of chapter 3 of the SEPP in the following ways:

- It is of low visual impact that does not directly face the public domain and is therefore compatible with the desired amenity and rural landscape character of the area;
- It effectively communicates the proposed use of the land as a plant nursery in suitable locations on the principal building; and
- The design and finishes will be of a high quality.

An assessment of the proposed signage against the criteria in Schedule 5 of the SEPP is provided in Table 2.

<b>Schedule 5 - Industry and Employment SEPP</b>	
<b>Control</b>	<b>Comment</b>
1. Character of the area	<ul style="list-style-type: none"> <li>— The signage is of a minor scale that relates to a permitted land use. The signage does not directly face the public domain and is considered to be compatible with the character of the area</li> <li>— There is no theme for outdoor advertising in the immediate locality along Boondah Road. The proposed signage will not create a precedent for inappropriate outdoor advertising</li> </ul>
2. Special areas	<ul style="list-style-type: none"> <li>— The signage is minor and nature and limited to the entry and corners of the proposed plant nursery building. It is substantially separated from surrounding environmentally sensitive areas</li> </ul>

## Schedule 5 - Industry and Employment SEPP

Control	Comment
3. Views and vistas	<ul style="list-style-type: none"><li>— No important views will be compromised</li><li>— The signage does not protrude above the building on which it sits and will therefore not obscure any views</li><li>— The viewing rights of other advertisers will not be diminished</li></ul>
4. Streetscape, setting or landscape	<ul style="list-style-type: none"><li>— The scale and proportion of the signage is a minor feature of the development that will not dominate the streetscape or landscape in any way</li><li>— Visual interest associated with the signage is limited to its offering which relates solely to the plant nursery use</li><li>— The signage will be attached to a new retail building that is of a good design, no unsightliness will result from the proposal</li><li>— The signage does not require ongoing vegetation management</li></ul>
5. Site and building	<ul style="list-style-type: none"><li>— The signage corresponds to the scale and massing of the building, which itself is considered to be a minor visual element of the site</li><li>— The signage respects important features of the site and plant nursery building</li></ul>
6. Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"><li>— 2 signs on the northern and southern elevations will contain LEP strip lights above and below the signs, which are considered to be minor in nature</li></ul>
7. Illumination	<ul style="list-style-type: none"><li>— The proposed illumination will not result in result unacceptable glare, detract from the amenity of any residence or adversely affect the safety of pedestrians, cyclists or vehicles.</li></ul>
8. Safety	<ul style="list-style-type: none"><li>— The signage is substantially separated from Boondah Road, the safety of motorists, pedestrians or bicyclists will be maintained</li><li>— Sightlines from public areas will not be obscured by the signage</li></ul>

Table 2: Assessment against criteria in Schedule 5 of the Industry and Employment SEPP

## 4.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

### 4.6.1 Chapter 2 - Vegetation in non-rural areas

Chapter 2 of the Biodiversity and Conservation SEPP aims to protect the biodiversity and amenity values of trees within non-rural areas of the state. The site is located within the Northern Beaches local government area and therefore chapter 2 applies.

Part 2.3 of the SEPP states that a development control plan may make a declaration in any manner relating to species, size, location, and presence of vegetation. Accordingly, section B4.22 of P21 DCP prescribes works that can be undertaken with or without consent to trees and objectives for tree management.

The proposal seeks consent for the removal of 73 trees as outlined in the Arboriculture Impact Assessment Report prepared by Travers.

The BDAR assesses the proposal against the Biodiversity Offset Scheme threshold outlined at clause 7.2 of the Biodiversity Conservation Regulation 2017 and provides appropriate consideration under chapter 2 of the Biodiversity and Conservation SEPP. Section 5.2 of the BDAR provides mitigation measures to avoid, minimise or ameliorate potential ecological impacts.

#### **4.6.2 Chapter 4 - Koala habitat protection 2021**

The site is located on land zoned RU2 Rural Landscape within the Northern Beaches LGA, and therefore chapter 4 of the Biodiversity and Conservation SEPP applies.

The site sits within the Central Coast Koala Management Area. The land subject to this DA has an area of at least 1 hectare and there is no approved koala plan of management applying to the land.

Section 1.2.1 of the BDAR states that the land subject of this DA is not core koala habitat. Under subsection 4.9(5)(a)(ii), the consent authority may grant development consent on this basis. The BDAR at section 4.2.2(b) provides an assessment of the proposal against chapter 4 of the Biodiversity and Conservation SEPP.

#### **4.7 State Environmental Planning Policy (Sustainable Buildings) 2022**

##### **4.7.1 Chapter 3 - Standards for non-residential development**

The proposal includes the erection of a new building for a purpose other than residential development with a cost of more than \$5 million. Subsection 3.1(2) states that chapter 3 of the Sustainable Buildings SEPP does not apply on land wholly in the RU2 Rural Landscape zone. Further consideration of chapter 3 is not required on this basis.

#### **4.8 Pittwater Local Environmental Plan 2014**

##### **4.8.1 Land use and permissibility**

The site is located within the RU2 Rural Landscape zone under the PLEP 2014. An extract of the Land Zoning Map in Figure 11.



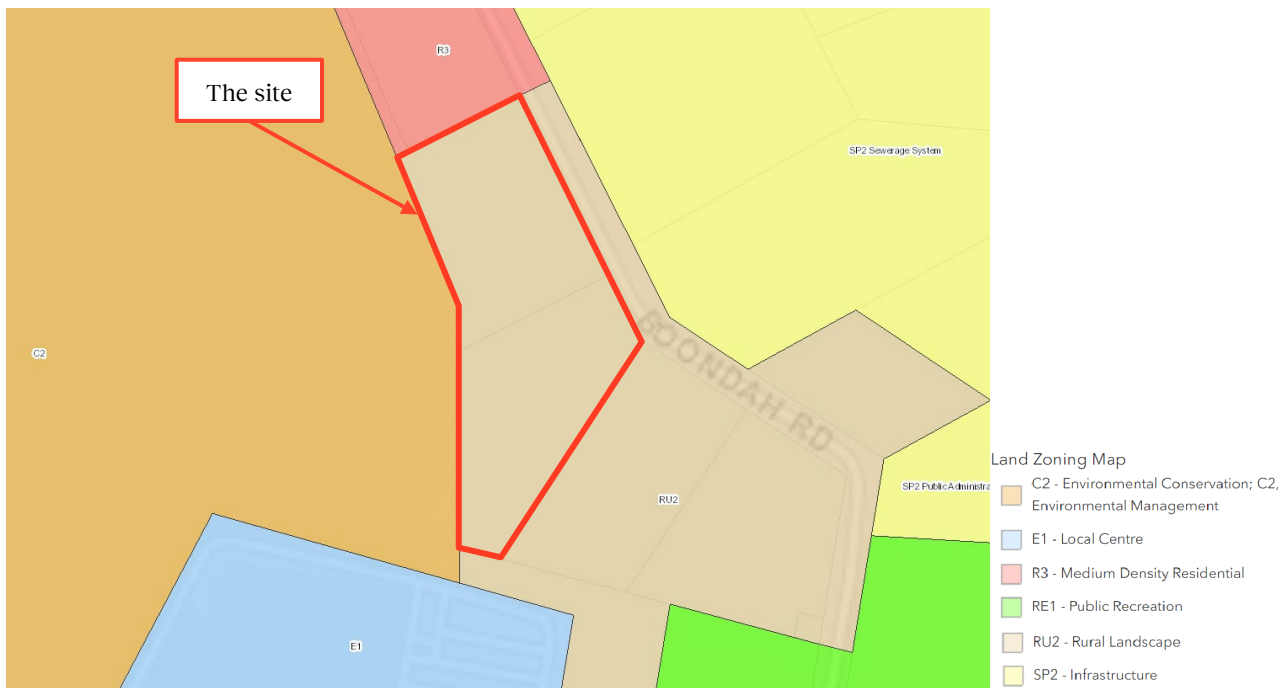


Figure 11: Extract of the PLEP 2014 Zoning Map

In the land use table of the PLEP 2014 under the RU2 Rural Landscape zone, plant nurseries and landscaping material supplies premises are listed as being permitted with consent.

The proposal is consistent with the objectives of the RU2 Rural Landscape zone as detailed in Table 3.

Objective	Comment
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The proposal does not involve industrial land uses.
<i>To maintain the rural landscape character of the land.</i>	<p>The built form of the proposed plant nursery building is not of a bulk and scale that detracts from the scenic landscape qualities of the property.</p> <p>The considerations made by the proposal to mitigate potential environmental impacts ensures that the ecological character of the Warriewood Wetlands will be appropriately protected.</p>
<i>To provide for a range of compatible land uses, including extensive agriculture.</i>	The use of the site as a plant nursery is in keeping with the rural landscape character of the locality. The proposal does not involve extensive agricultural land uses.
<i>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</i>	Appropriate facilities have been provided as part of the proposed plant nursery to ensure that demand for public infrastructure will not unreasonably increase.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The site is proximate to multiple land use zones. The proposal will have regard to this objective in the following ways:

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R3 Medium Density Residential zone

The use and operation of the site as a plant nursery will be suitably separated from residential development to the north.

SP2 Sewerage System zone

The proposal will not adversely affect the operation of the Warriewood Wastewater Treatment Plant to the east of the site due to substantial separation via semi-rural paddocks and bushland which will also not be subject to a land use conflict.

E1 Local Centre zone

Warriewood Square shopping village to the south will be unaffected by the proposed plant nursery.

C2 Environmental Conservation zone

Great consideration has been made for the ecological values of the Warriewood Wetlands adjoining the western boundary of the site. The proposal has been designed to generally avoid sensitive areas and includes environmental protection works to minimise potential impacts between the site and the adjoining land.

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Table 3: RU2 Rural Landscape zone objectives assessment table

**4.8.2 Demolition (Clause 2.7)**

The proposal includes demolition of all existing structures. Consent for these works is sought as part of this DA.

**4.8.3 Minimum subdivision lot size (Clause 4.1)**

A minimum subdivision lot size of 10,000m<sup>2</sup> applies to the site as prescribed by clause 4.1 of the PLEP 2014. The proposal does not involve the subdivision of land and therefore consideration of clause 4.1 is not required.

**4.8.4 Rural subdivision (Clause 4.2)**

Clause 4.2 of the PLEP 2014 applies to land in the RU2 Rural Landscape zone, however the proposal does not involve the subdivision of land and therefore consideration of clause 4.2 is not required.

**4.8.5 Height of buildings (Clause 4.3)**

Clause 4.3 of the PLEP 2014 establishes an 8.5m maximum building height for the site. An extract of the Height of Buildings Map is provided in Figure 12.

The proposed building results in a maximum height below 8.5m. Further consideration of clause 4.3 is not required.



Figure 12: Extract of the PLEP 2014 Height of Buildings Map

#### 4.8.6 Floor space ratio (Clause 4.4)

Clause 4.4 of the PLEP 2014 relating to maximum floor space ratio (FSR) for new development, is not applicable to the subject site.

#### 4.8.7 Heritage conservation (Clause 5.10)

The site is not a listed item of heritage within schedule 5 of the PLEP 2014, nor is it within an identified conservation area. The western boundary of the site is adjacent to Local Heritage Item No. 2270516, described as “Warriewood Wetland” at 14 Jacksons Road. An extract of the PLEP 2014 Heritage Map is provided in Figure 13.

The State Heritage Inventory for the Warriewood Wetlands cites the aesthetic, scientific, research and educational values of the item. The recommended management of the item is to be accordance with the ‘Warriewood Wetlands Plan of Management’ adopted by the former Pittwater Council on 21 June 2010.

The proposal has considered the aesthetic and natural value of the item in its design. The development is contained wholly within the boundaries of the site and is separated by a wetland planting buffer zone contained within the boundaries of the development site.

The supporting expert documentation accompanying this DA has considered the effect of the development on this item, being the Warriewood Wetlands, and includes measures to mitigate potential impacts to the adjoining coastal wetlands.

The proposal is considered acceptable in respect of environmental heritage under clause 5.10(4) of the PLEP 2014.

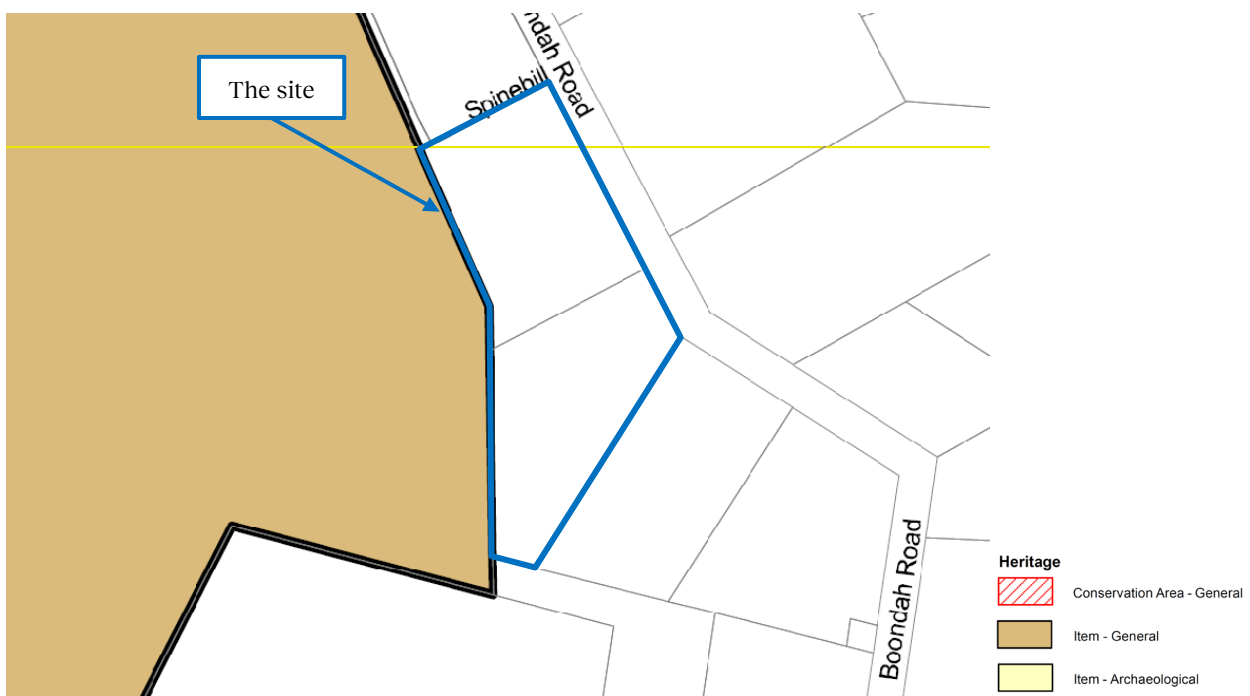


Figure 13: Extract of the PLEP 2014 Heritage Map

#### 4.8.8 Flood planning and special flood considerations (Clauses 5.21 and 5.22)

Section 5 of the Water Management Report prepared by Calibre includes a flood study that provides an assessment of the flooding impacts associated with the proposal. Section 5.6 includes an assessment against clause 5.21 of the PLEP 2014 and concludes that the proposal is compatible with the flood behaviour of the site.

For the purposes of clause 5.22, the proposal does not include “sensitive or hazardous development”. Section 5.5 of the Water Management Report contains an evacuation plan for the site to enable the safe occupation and efficient evacuation of people in the event of a flood.

#### 4.8.9 Public bushland (Clause 5.23)

Clause 5.23 of the PLEP 2014 applies to the disturbance of public bushland. To disturb public bushland means to:

- “(a) remove vegetation from public bushland, or
- (b) cause a change in the natural ecology of public bushland that results in the destruction or degradation of the public bushland.”

The adjoining Warriewood Wetlands is considered to be public bushland as it is managed by Council for environmental conservation. The provisions of clause 5.23 generally apply to development that will disturb or is reasonably likely to disturb public bushland.

There is a need to retain the public bushland adjoining the site. The design and supporting expert documentation reflects this need and includes measures to protect and mitigate any potential impacts to the public bushland.

The proposal will not remove or impact upon any vegetation within the adjoining Warriewood Wetlands. The proposal involves environmental protection works and includes a wetland planting buffer zone that will suitably separate the proposed development from the wetlands.

Further consideration of clause 5.23 is not required on this basis.

#### 4.8.10 Warriewood Valley Release Area (Clause 6.1)

The site is located within the Southern Buffer Area of the Warriewood Valley Release Area. An extract of the PLEP 2014 Urban Release Area Map is provided in Figure 14.

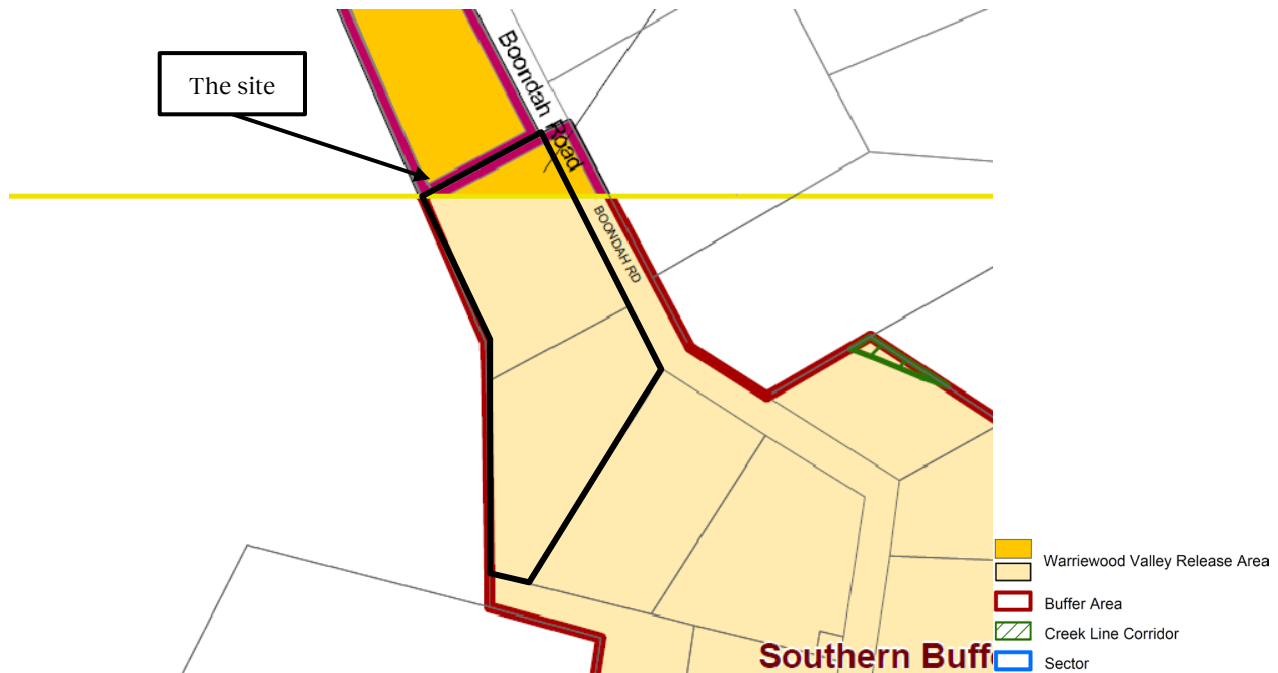


Figure 14: Extract of the PLEP 2014 Urban Release Area Map

The Southern Buffer Area is not identified in column 1 of subclause 6.1(3). Subclause 6.1(4) states:

- “(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following—*
- (a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,*
  - (b) the water quality and flows within creek line corridors,*
  - (c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.”*

Creek line corridors mean land identified as “creek line corridor” on the PLEP 2014 Urban Release Area Map (hatched in green).

The site is not proximate to mapped creek line corridors. Notwithstanding, expert supporting documentation has identified works and measures to appropriately protect the quality of environmentally sensitive land in the vicinity.

#### 4.8.11 Acid sulfate soils (Clause 7.1)

The majority of the site is identified as being in a class 3 Acid Sulfate Soils area, with a small portion along the western boundary identified as class 2.

An extract of the PLEP 2014 Acid Sulfate Soils Map is identified in Figure 15.

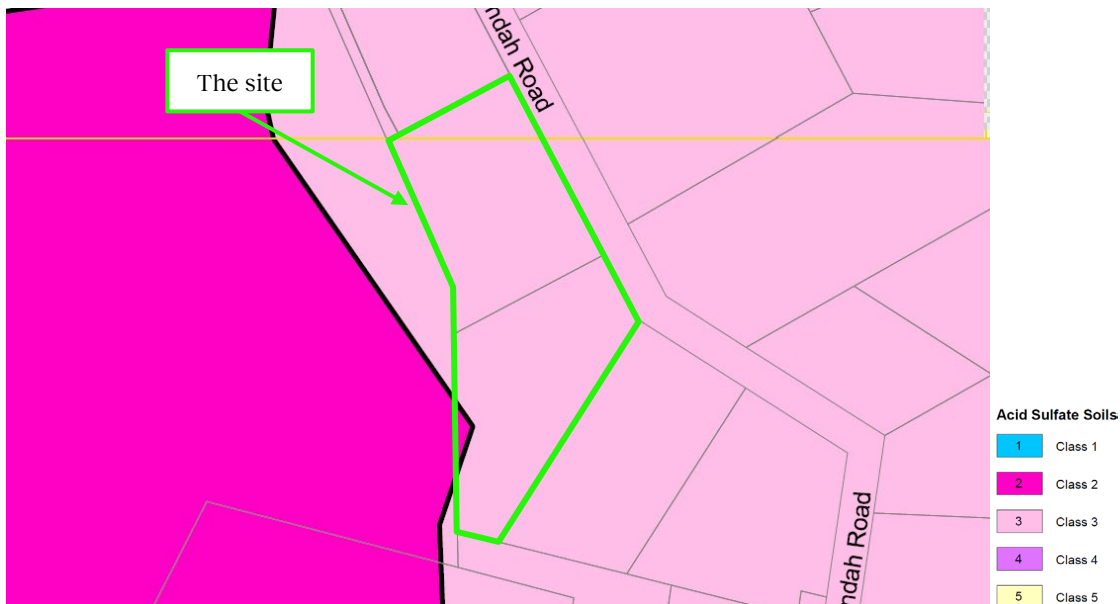


Figure 15: Extract of the PLEP 2014 Acid Sulfate Soils Map

The proposal involves works that are specified under subclause 7.1(2) as requiring development consent within a class 3 area (i.e. works more than 1 metre below the natural ground surface).

In accordance with subclause 7.1(3), an Acid Sulfate Soil Management Plan prepared by Douglas Partners accompanies this application.

#### 4.8.12 Earthworks (Clause 7.2)

Clause 6.2 requires consent for earthworks and identifies matters for consideration to ensure development involving earthworks will not have a detrimental impact on environmental functions and processes, neighbouring development, heritage, or features of surrounding land.

The proposal involves earthworks to enable the construction of the plant nursery and consent is sought as part of this DA. A cut and fill plan is included within the Architectural Plans which demonstrates that the earthworks will be appropriately located away from the adjoining heritage item to the west.

All works will be undertaken within the site boundary and are capable of complying with relevant Conditions of Consent in relation to the protection of surrounding land.

The proposed removal of existing structures and earthworks on the site will be appropriately managed by the recommendations of the Preliminary Site Investigation and Acid Sulfate Soil Management Plan prepared by Douglas Partners to mitigate potential impact.

The proposal is considered to be consistent with the relevant provisions of clause 6.2 on this basis.

#### 4.8.13 Biodiversity (Clause 7.6)

The western side of the site contains land mapped as “biodiversity” under clause 7.6. An extract of the PLEP 2014 Biodiversity Map is provided in Figure 16.

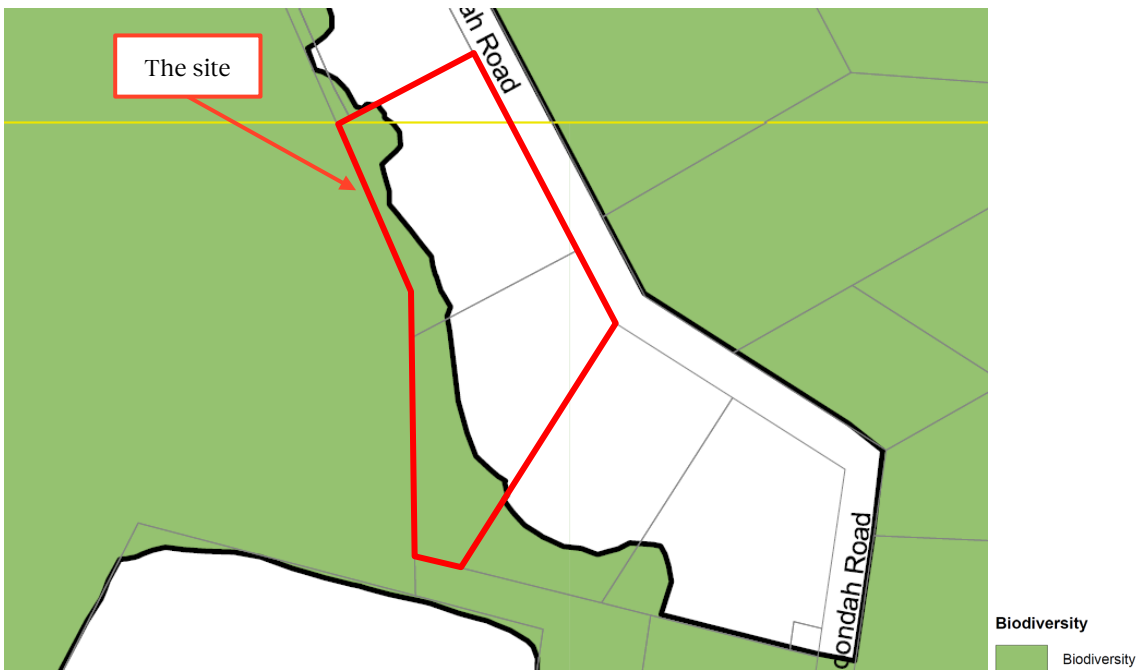


Figure 16: Extract of the PLEP 2014 Biodiversity Map

The proposed plant nursery building has been purposefully sited to mitigate potential environmental impacts of the principal built form on areas of high retention or ecological value. The proposal involves environmental protection works such as those detailed in the Landscape Plans to protect the coastal wetlands on the western side of the site.

#### 4.8.14 Essential services (Clause 7.10)

The proposal is supported by a Transport Assessment, Water Management Report and Stormwater Management Plan which confirm the arrangements that are able to be made for suitable vehicular access and stormwater drainage. Water, electricity and sewage infrastructure is able to be appropriately arranged for the site to suit its use as a plant nursery.

#### 4.9 Pittwater 21 Development Control Plan

The P21 DCP is the development control plan applicable to development within the former Pittwater local government area (LGA). The controls of the P21 DCP supplement those provisions contained in the PLEP 2014.

The site is located within the Southern Buffer Area of the Warriewood Valley locality. An extract of the P21 DCP Warriewood Locality Map is provided in Figure 17.

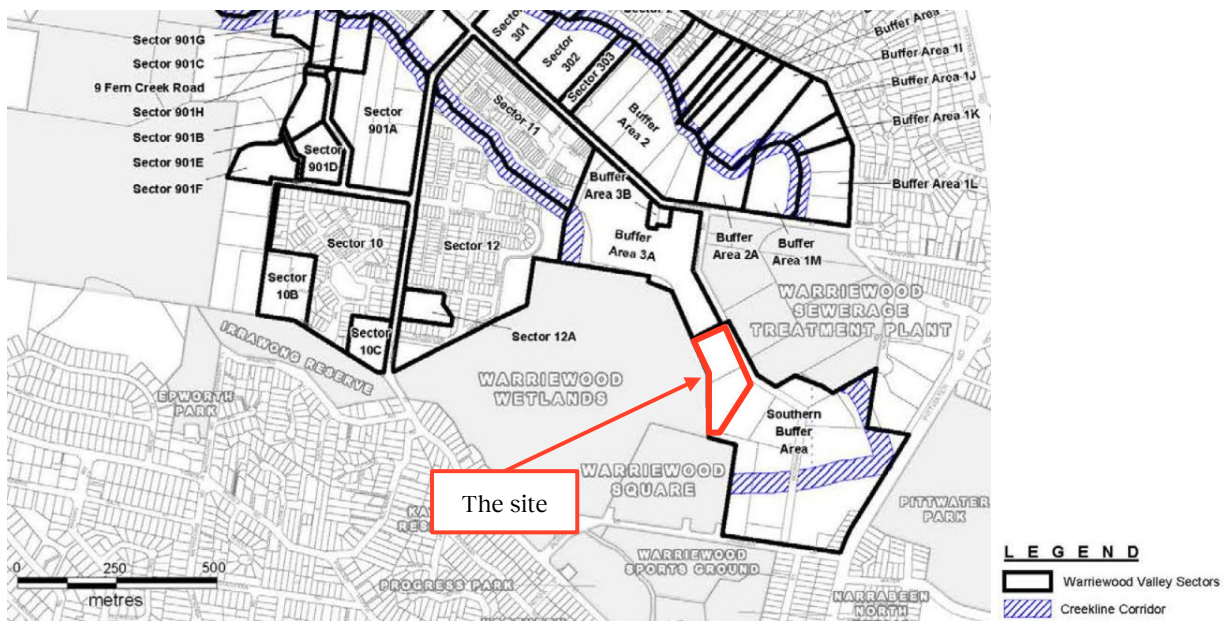


Figure 17: Extract of the P21 DCP Warriewood Locality Map

The proposal is categorised as ‘business development’ under the P21 DCP, which includes retail premises under the ‘commercial premises’ group term.

An assessment of the proposal against relevant and applicable parts of the P21 DCP is provided below.

DCP Section	Comment
<b>Section A4 - Localities</b>	
A4.16 <i>Warriewood Valley Locality</i>	The site is identified within the Warriewood Valley locality and is subject to locality-specific controls under sections C and D of the P21 DCP.
<b>Section B - General Controls</b>	
B1.2 <i>Development in the vicinity of heritage</i>	<p>The site adjoins a local heritage item identified under schedule 5 of the PLEP 2014 (Warriewood Wetlands). Section B1.2 excludes items in the Warriewood Valley Locality. The Warriewood Wetlands are adjacent to the locality.</p> <p>The proposal provides an adequate buffer zone between the site and the item to protect its heritage significance. A statement of heritage impact is not considered to be required.</p>
B3.2 <i>Bushfire hazard</i>	The Bushfire Protection Assessment (BPA) prepared by Travers concludes that the bush fire threat is considered to be relatively low and proposes recommendations to management potential bush fire risks.
B3.6 <i>Contaminated land</i>	The Preliminary Site Investigation and the assessment of the proposal against chapter 4 of the Resilience and Hazards SEPP included at section 4.4.2 of this SEE.
B3.11 <i>Flood prone land</i>	Section 5.6 of the Water Management Report prepared by Calibre contains a flood study that has assessed the proposal against section B3.11 of the P21 DCP.



<b>DCP Section</b>	<b>Comment</b>
<i>B3.12 Climate change</i>	Section 5.6 of the Water Management Report prepared by Calibre contains a flood study that has assessed the proposal against section B3.12 of the P21 DCP.
<i>B4 Controls relating to the natural environment</i>	<p>The BDAR provides a comprehensive assessment of the proposal with respect to threatened ecological communities that occur within the site.</p> <p>The proposal is in the vicinity of the Warriewood Wetlands. In accordance with section B4.14 of the P21 DCP:</p> <ul style="list-style-type: none"> <li>— the plant nursery building is located away from the wetlands</li> <li>— adequate buffering along the western site boundary has been provided to mitigate potential impacts on the wetlands</li> <li>— the Landscape Plans propose a comprehensive planting schedule whereby the vast majority (and all that form part of the wetland buffer planting zones) are native species</li> </ul> <p>The proposal involves the removal of existing trees on the site and consent is sought as part of this DA, which is supported by an Arboriculture Impact Assessment Report prepared by Travers.</p>
<i>B6.3 Off-street vehicle parking requirements</i>	<p>The proposal provides a total 52 car parking spaces within a single car park in the Boondah Road front setback, which includes 2 accessible spaces.</p> <p>Section 3.2 of the Transport Assessment prepared by Ason Group provides an assessment of the parking requirements of the proposed plant nursery.</p>
<i>B8.1 Excavation and landfill</i>	The proposal involves cut and fill to enable the construction of the proposed plant nursery. Refer to the Cut & Fill Plan prepared by Egis and Acid Sulfate Soils Management Plan prepared by Douglas Partners.
<i>B8.3 Waste minimisation</i>	The Waste Management Plan prepared by MRA outlines measures to appropriately manage waste generated through the construction phase.
<i>B8.6 Traffic management plan</i>	A Construction Traffic Management Plan has been provided at section 5 of the Transport Assessment.
<b>Section C2 - Design Criteria for Business Development</b>	
<i>C2.3 Awnings</i>	The proposal contains awnings on the northern and southern elevations of the plant nursery building. The awnings will have no impact on street trees. They are compatible in scale to the principal built form and will not protrude above the roof level.
<i>C2.5 View sharing</i>	Views to surrounding bushland will not be adversely impacted by the scale and massing of the proposal, which is generally limited to the south-eastern portion of the site.
<i>C2.6 Adaptable housing and accessibility</i>	The proposal provides at-grade ramps throughout the development to promote convenient and safe paths of travel for the general public.

<b>DCP Section</b>	<b>Comment</b>
C2.9 <i>Waste and recycling facilities</i>	The proposal is accompanied by a Waste Management Plan prepared by MRA.
C2.10 <i>Pollution control</i>	The proposal is for the purpose of a plant nursery. It is not expected that such a land use will result in significant adverse air, water, noise or land pollution. Appropriate conditions of development consent relevant to pollution control could be imposed.
C2.11 <i>Signage</i>	<p>The proposal involves business identification signage on the northern and southern elevations of the new plant nursery building. For the purposes of section C2.11 of the P21 DCP, the signage is considered to be 'wall signs', and they are not attached to a display window or transom of a doorway.</p> <p>The proposal complies with the relevant controls for wall signs in the following ways:</p> <ul style="list-style-type: none"> <li>— it does not extend beyond the building</li> <li>— it does not cover any window or architectural projections above the building</li> <li>— the signage area of 2 signs will be greater than 4.5m<sup>2</sup>, however they are appropriately spread across the plant nursery building and will not result in visual clutter</li> <li>— it is more than 2.6m above ground level</li> <li>— it does not project more than 300mm from the wall</li> </ul>
<b>Section C6 - Design Criteria for Warriewood Valley Release Area</b>	
C6.1 <i>Integrated water cycle management</i>	Refer to the Water Management Report accompanying this application which includes a climate change assessment.
C6.2 <i>Natural environment and landscaping principles</i>	<p>The environmental sensitivity and significance of the locality has been the driver for the landscape design of the proposal. This has been reflected in the Landscape Plans prepared by JCA Landscape Architects.</p> <p>The proposal has sought to retain trees of high retention value where possible.</p> <p>Native planting across the site as identified by the Proposed Plant Schedule (Landscape Drawing LP02) promotes a landscape design that is environmentally responsive and enhances on-site infiltration.</p> <p>The material used as part of the landscape design (i.e. paving, compacted gravel, mulch) complements the architectural style of the plant nursery building without diminishing surrounding natural features.</p> <p>Overall, the proposal enhances the rural landscape character of the site and complements the surrounding natural environmental elements.</p>
C6.3 <i>Ecologically sustainable development, safety and social inclusion</i>	The proposed plant nursery building contains skylights in the roof form and an open design to promote solar access through the development.

DCP Section	Comment
	<p>The building is not of a scale or GFA similar to development identified under section C5.22 of the P21 DCP that requires minimum design certification to address ecologically sustainable development (ESD) requirements.</p> <p>CPTED principles have been considered in the design of the proposal,</p>
C6.4 <i>The road system and pedestrian and cyclist network</i>	The proposal involves a single access driveway from Boondah Road for vehicles to enter and exit the site. Refer to section 3.3 of the Transport Assessment.
C6.5 <i>Utilities, services and infrastructure provision</i>	The proposal does not involve the creation of a new allotment. Infrastructure and utility services are able to be appropriately arranged for the site to suit its use as a plant nursery.
C6.6 <i>Interface to Warriewood Wetlands or non-residential and commercial/industrial development</i>	<p>The proposal provides a 15m wetland buffer zone between the proposed pedestrian way and the shared boundary with the Warriewood Wetlands. The built form of the plant nursery is setback from the western boundary by approximately 39m.</p> <p>The Landscape Plans detail extensive native planting, groundcovers and environmental protection works to ensure any potential impacts are minimised.</p> <p>The P21 DCP states that these buffer strips are to contain pedestrian paths which allow for casual surveillance of the path from adjacent buildings. The proposed pedestrian path is not within this buffer zone and is separated by a rolled concrete kerb.</p>
C6.7 <i>Landscape area (sector, buffer area or development site)</i>	The proposal is for the purposes of a plant nursery which includes planting zones along 3 site boundaries and a bio-retention basin. The proposal provides 15,317m <sup>2</sup> of landscaped area, which equates to 74.9% of the total site area. Substantial landscaped area will be provided to achieve the outcomes of section C6.7 of the P21 DCP. Refer to the Landscape Calculation Plan submitted with this application.
<b>Section D16 – Warriewood Valley Locality</b>	
D16.1 <i>Character as viewed from a public place</i>	<p>The proposed plant nursery building comfortably sits within the site and maintains the landscape character of Boondah Road. The design of the proposal contains appropriate articulation elements (i.e. awnings, windows, gabled roof form) that will not result in blank facades.</p> <p>The building is of a one storey scale that is secondary to the landscape design and existing vegetation on the site.</p> <p>The single car park associated with the nursery will be located within the front setback behind native screen planting along Boondah Road. The car parking provides 2 rows of spaces that will not extend to the rear of the site. It is not considered to be a dominant site feature when viewed from the public domain.</p>

DCP Section	Comment
D16.5 <i>Landscaped area for newly created individual allotments</i>	All non-residential development in the locality are to provide a minimum 25% landscaped area with minimum dimensions of 3m. The proposal retains landscaped area on more than 25% of the total site area as shown in the Landscape Plans.
D16.6 <i>Front building lines</i>	There are no controls for front building lines applying to non-residential development fronting Boondah Road or development in the RU2 Rural Landscape zone. The front setback of the plant nursery building is approximately 30m.
D16.7 <i>Side and rear building lines</i>	No side and rear building line controls apply to the site.
D16.9 <i>Solar access</i>	The Shadow Diagrams within the Architectural Plans demonstrate that no overshadowing to dwellings or their private open space on adjoining sites will occur.
D16.11 <i>Form of construction including retaining walls, terracing and undercroft areas</i>	The new plant nursery building will not be sited on land identified as “biodiversity” on the PLEP 2014 Biodiversity Map.  The proposal does not the construction of retaining walls or undercroft areas.
D16.12 <i>Fences</i>	Fencing will be used to restrict access to protected environmental areas on the site. The fencing will not exceed 1.8m in height and will be visually permeable.
D16.13 <i>Building colours and materials</i>	The proposed colours and materials of the plant nursery building are generally natural tones that will not be visually dominant. The colours are consistent with that of existing development along Boondah Road to the north and south-east.
D16.14 <i>Pets and companion animals</i>	The nature of the proposed use as a plant nursery means that pets and companion animals may potentially accompany customers on their trips. The following comment is made in relation to domestic pets in the Vegetation Management Plan:  <i>“The restoration area will be designed to limit access from domestic animals entering the site. The area is to have a 1.2m high chainlink or ringlock fence, with locked gates to discourage both the public, and domestic animals, from disturbing resident native fauna. The fence is to have signage indicating that it is a protected environmental area, and activities which will impact the ecological community and hinder its recovery are prohibited.”</i>

Table 4: P21 DCP consideration

# 5. Impacts of the Development

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under subsections 4.15(1)(b) to (e) of the EP&A Act 1979.

## 5.1 Amenity impacts on neighbouring properties

### 5.1.1 Bulk and scale

The plant nursery building is of a one storey scale that is generally limited to the south-eastern portion of the site. The building is secondary to the proposed landscape design and existing vegetation on the site.

The new building is of minimal visual impact in its semi-rural context, especially when considering the scale of residential apartment development adjoining the site to the north.

### 5.1.2 Solar access and overshadowing

The proposal results in no overshadowing impacts to neighbouring residential development or their respective private open space.

### 5.1.3 Visual privacy

The existing dwelling at 8 Boondah Road is appropriately separated from the plant nursery building and associated outdoor structures, all of which will be located at the ground level. Residential flat dwellings to the north will be separated from the site by Spinebill Drive and a matrix planting area along the northern boundary. No overlooking into adjoining dwellings are expected to occur.

## 5.2 Acoustic impacts

It is expected that adverse acoustic impacts are unlikely to occur as a result of the plant nursery use. The proposal is considered to be acceptable in terms of acoustic impacts.

## 5.3 Traffic and parking

The traffic and parking impacts of the proposal have been addressed in the Transport Assessment and can be supported.

## 5.4 Natural environmental and biodiversity impacts

The proposal has been designed and will be managed in a manner that acknowledges the environmental sensitivity of parts of the site and its surrounds. Subject to the measures and recommendations outlined in the expert ecological documentation supporting this proposal, the proposal is considered to result in acceptable natural environmental impacts.

## **5.5 Bush fire impacts**

The bush fire threat of the site has been assessed in context to the proposal. The BPA concludes that this threat is considered to be relatively low and proposes recommendations to management potential bush fire risks. The proposal results in acceptable bush fire impacts.

## **5.6 Flooding impacts**

A detailed flood study at section 5 of the Water Management Report provides an assessment of the flood impacts of the proposal as they relate to earthworks. The study concludes that Council's flood control requirements have been met for all scenarios, subject to the recommendations made by the study. The proposal is considered to result in acceptable flooding impacts.

## **5.7 Construction impacts**

All demolition and earthworks will be undertaken in accordance with the provisions of Australian Standard - AS 2601. Hours of construction will be undertaken in accordance with Council's requirements and adjoining properties will be notified prior to commencement of works on site.

The Preliminary Site Investigation provides an assessment of existing conditions and has considered that the site can be made suitable for the proposal subject a series of recommendations.

The Waste Management Plan details appropriate disposal measures for construction and demolition waste in accordance with relevant waste management regulations and policies.

## **5.8 Social impacts and economic impacts**

The proposal will not give rise to any adverse social impacts. The development includes a plant nursery and landscaping and material supplies premises that will improve on-site amenity when compared to existing conditions. Subject to recommendations, the proposal will retain and protect significant environmental functions on the site, particularly as part of the wetland buffer zone planting.

The proposal will result in markedly improved social outcomes when compared to the existing conditions of the site as described in section 2.2 of this SEE.

No adverse economic impacts are expected as a result of the proposal. The retail sale of plants that are propagated on-site will produce positive economic impacts.

## **5.9 The suitability of the site for the development**

The preceding sections of this report demonstrate that the site is suitable for the proposed development. The proposal is permitted with consent under the PLEP 2014 and is consistent with the relevant objectives of the RU2 Rural Landscape zone.

The scale of the proposal is in keeping with the rural landscape character of the area and is supported by detailed expert documentation. Any potential land use conflicts will be minimised through the recommendations of these documents.

Any natural constraints that would typically hinder development on the site have been identified and addressed in the design of the proposal. No significant impacts on neighbouring properties or the surrounding area will occur. Accordingly, the site is considered suitable for the proposed development.

## **5.10 Consultation and submissions**

The proposal will be notified in accordance with Council's notification policy. Any submissions received as a result of this public engagement process can be assessed at that time and responded to in the appropriate way.

## **5.11 The public interest**

The protection of the environment and the development of land in an orderly and economic way is in the public interest.

The public interest in the proposed development of this site is achieved in the provision of a new plant nursery and landscaping material supplies premises which has minimal impact on the amenity of surrounding properties. The associated environmental protection works and comprehensive landscape design seeks to retain the ecological significance of neighbouring land.

## 6. Conclusion

The DA seeks consent for the construction of a new plant nursery and landscaping material supplies premises, demolition works, tree removal, associated earthworks, landscaping, and environmental protection works, located at 10-12 Boondah Road, Warriewood.

The application seeks development consent under section 4.12 of the EP&A Act 1979 and has been assessed against the provisions of section 4.15 of the EP&A Act 1979.

The proposed development is permitted with consent in the RU2 Rural Landscape zone and are consistent with the broad objectives of the zone. The proposal complies with the maximum building height development standard applicable under clause 4.3 of the PLEP 2014 and substantially complies with the relevant provisions of the P21 DCP. The proposal has considered the provisions of the relevant SEPPs and has demonstrated consistency with these provisions,

The proposal provides an appropriate response to the site's context, including the ecological values of the locality. The height and scale of the plant nursery building is minor when compared to nearby development and responds to existing and emerging medium density residential development in the northern part of the locality.

The SEE demonstrates that the proposal does not result in significant adverse environmental, social, economic, or amenity impacts on adjoining properties or the neighbourhood through the implementation of key measures to mitigate any impacts.

Based on the assessment undertaken, the site is suitable for the proposed development and approval of this application is sought on this basis.