



TAKE THE LEAD

STATEMENT OF ENVIRONMENTAL EFFECTS

**Part Lot 3 DP 942319 & Lot 3 DP 1115877
53A & 53B Warriewood Road, Warriewood**

**17 lot Community Title subdivision including
demolition, drainage, earthworks, one accessway lot
and the extension of Lorikeet Grove.**

Prepared for **Legendway Pty Ltd**

March 2019

Ref: 076-18

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Issue	Date	Author	Reviewed	Approved
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This report has been prepared by Craig & Rhodes Pty Ltd and has undergone a quality assurance review. The above signatures confirms review completion.



1. Executive Summary

Craig & Rhodes Pty Ltd has been engaged by Legendway Pty Ltd to prepare a Statement of Environmental Effects (SEE) in support of a development application (DA) for consolidation of two adjoining lots (on the assumption that council's land acquisition plan for Part Lot 3 DP 942319 occurs prior to development consent) and a 17 lot Community Title subdivision including demolition, drainage, earthworks and a new road. Refer to **Figure (i)** below.



Figure (i) - Overlay of proposed subdivision of 53A & 53B Warriewood Rd, Warriewood and aerial view of locality

The subject land is identified as Part Lot 3 DP 942319 & Lot 3 DP 1115877, being 53A & 53B Warriewood Road, Warriewood (hereafter referred to as the site). In a broader context, the site is located within the Warriewood Valley Release Area (WVRA), situated within the Northern Beaches Local Government Area.



Legendway Pty Ltd are currently in negotiations with Council for the acquisition of Part Lot 3 DP 942319. A letter of offer has been issued by council to Legendway Pty Ltd and our client is in the process of reviewing the land valuation nominated.

The site is identified as Bushfire Prone Land therefore the proposal is Integrated Development pursuant to S.4.46 *Environmental Planning & Assessment Act, 1979* and requires concurrence from the Rural Fire Service. The site is also part mapped Biodiversity and part flood prone by the Pittwater Local Environmental Plan 2014.

In support of the proposal is a Bushfire Risk Assessment and Flora and Fauna Assessment and prepared by Eco Logical, Arboricultural Assessment by About Trees, Stormwater Management Report by Craig & Rhodes, and Geotechnical Assessment by Geotechnique.

This SEE is submitted in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. It finds that the proposal is generally consistent with the controls and objectives of the *Pittwater Local Environmental Plan 2014* (PLEP 2014), the *Pittwater 21 Development Control Plan* (P21 DCP 2014) and the *Amended Warriewood Valley Strategic Review Addendum Report* (2018).

The proposal is consistent with all statutory planning controls with no variations sought, and generally consistent with the provisions of the DCP. The proposal also outlines measures to protect the environment and to mitigate against any potential harmful impacts, if necessary. Based on this assessment the proposal is considered an acceptable form of development, satisfying the provisions of S.4.15 of the *Environmental Planning & Assessment Act, 1979* on which basis it may be supported on its merits for approval.



2. Existing Environment

2.1 Site Location

The site is legally identified as Part Lot 3 DP 942319 & Lot 3 DP 1115877, being 53A & 53B Warriewood Road, Warriewood, refer to **Figure 1 & 2**.

Lot & DP	Address	Land Owner	Area (m ²)
(Part) Lot 3 DP 942319	53A Warriewood Road, Warriewood	Pittwater Council (Northern Beaches Council)	*397m ²
Lot 3 DP 1115877	53B Warriewood Road, Warriewood	Legendway Pty Ltd	6,836m ² (by survey)



Figure 1: Site Location Map (SIX Maps 2019)

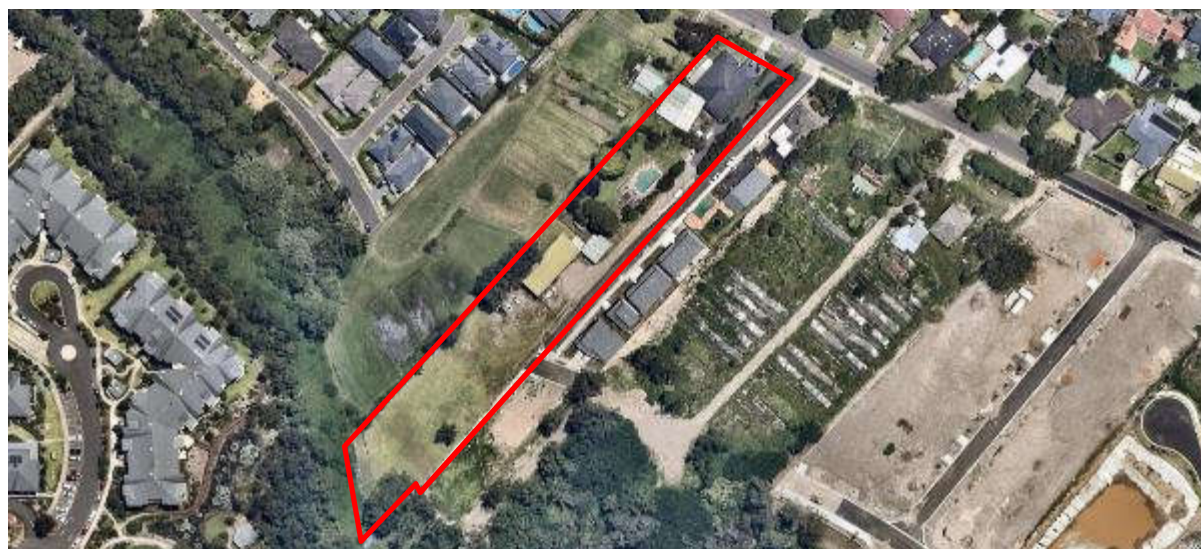


Figure 2: Aerial Site Location Map (Nearmap 2019)



2.2 Site Description

The site consists of two separate parcels of land, as identified in Section 2.1 of this SEE. As shown in **Figures 3 - 6**, 53B Warriewood Road currently contains a two-storey rendered brick dwelling. Ancillary structures include several metal sheds, outbuildings and an inground pool within the northern half portion of the site.



Figure 3: Streetscape view of the site, looking west from Warriewood Road



Figure 4: view of rear of site looking north, note neighbouring housing development and half road to east



The southern half portion of the site is largely empty cleared land, with clusters of trees and proliferation of uncontrolled weeds located within the Narrabeen creek line corridor, forming part of the wider 25m offset riparian zone for the creek. Refer to **Figures 5 & 6**.

Of particular note is a 5m wide sewer easement for Sydney Water access which is located immediately to the rear of the existing residential dwelling. The easement contains a 1800mm trunk main that services parts of the Warriewood Valley Urban Release Area.



Figure 5: view of rear of site looking south-west to rear boundary



Figure 6: view of rear of site including Narrabeen Creek looking south



2.3 Topography

The topographic survey prepared over the site as prepared by Craig & Rhodes illustrates that the site generally rises gently from the south west (being Narrabeen Creek), to its north eastern frontage (being Warriewood Road), with an approximate gradient of 7.7%.

2.4 Surrounding Development

Surrounding development is a mix of rural residential and residential development land uses, that have been zoned for residential development, in accordance with the Pittwater LEP 2014.

On the northern opposite side of Warriewood Road, established housing fronts the street, mostly consisting of detached one-two storey dwellings, with lot sizes generally in excess of 550m².

The north western neighbour of the site (53 Warriewood Road), is currently occupied by a single dwelling, whereas the south eastern neighbour (formerly 53C Warriewood Road) contains a row of detached and semi-detached two-storey dwellings.

The recent development of the southern neighbouring land (formerly 53C Warriewood Road) was granted development consent under DA N0330/14, for a community plan of subdivision of land to create 10 residential lots and one accessway lot, civil works and landscaping, refer to **Figure 7**. This includes a part 'Access Street' constructed to its northern boundary, neighbouring the subject site.





2.5 Land Zoning

The site is zoned R3 – Medium Density Residential under the PLEP 2014, refer to **Figure 8**.



Figure 8: Land Zoning Map (Sheet LZN_012 from the PLEP 2014)

2.6 Acid Sulfate Soils / Salinity

The northern portion of the site is identified as Class 5 Acid Sulfate Soils, whereas the southern portion of the site towards Narrabeen Creek has been identified as Class 4 Acid Sulfate Soils, under the PLEP 2014, refer to **Figure 9**.

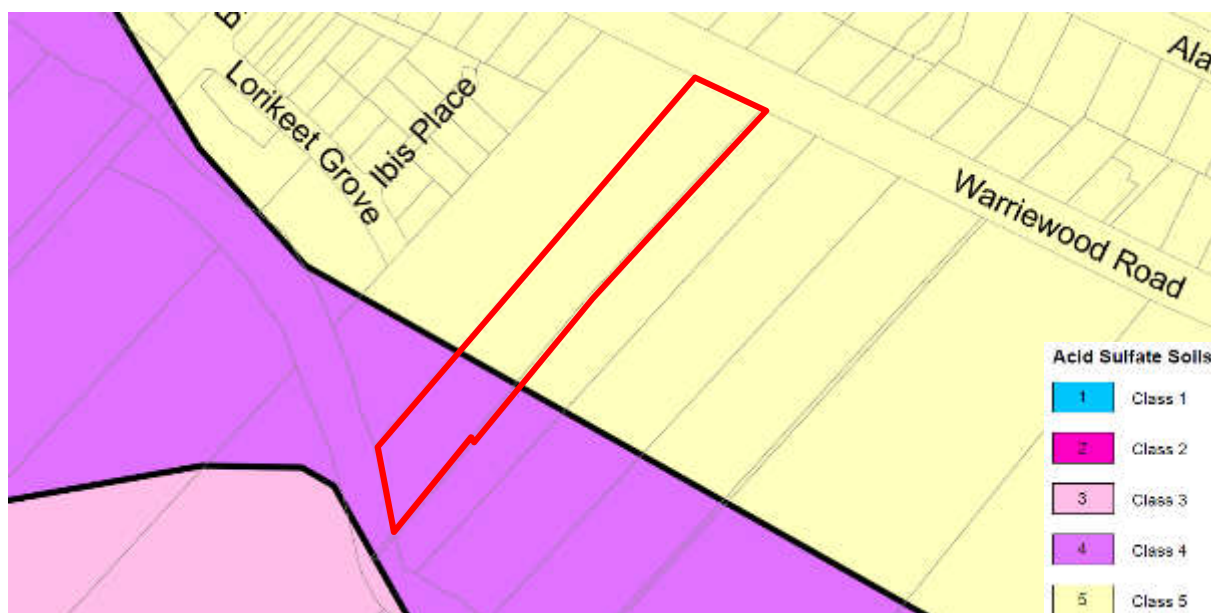


Figure 9: Acid Sulfate Soils Map (Sheet ASS_012 from the PLEP 2014)



2.7 Geotechnical

The site is not identified as an area of geotechnical hazard, under the PLEP 2014, refer to **Figure 10**.



Figure 10: Geotechnical Hazard Map (Sheet GTH_012 from the PLEP 2014)

2.8 Biodiversity

The southern portion of the site, (south of Lorikeet Grove) has been identified as Biodiversity under the PLEP 2014, refer to **Figure 11**.



Figure 11: Biodiversity Map (Sheet BIO_012 from the PLEP 2014)



2.9 Flooding

The lower part of the site towards Narrabeen Creek site is mapped partly as medium flood risk precinct, with a minor portion of high risk in close proximity to Narrabeen Creek, under the Pittwater Flood Risk Planning Map, refer to **Figure 12**. As such, the southern portion of the site is affected by the 1:100-year ARI flood event.

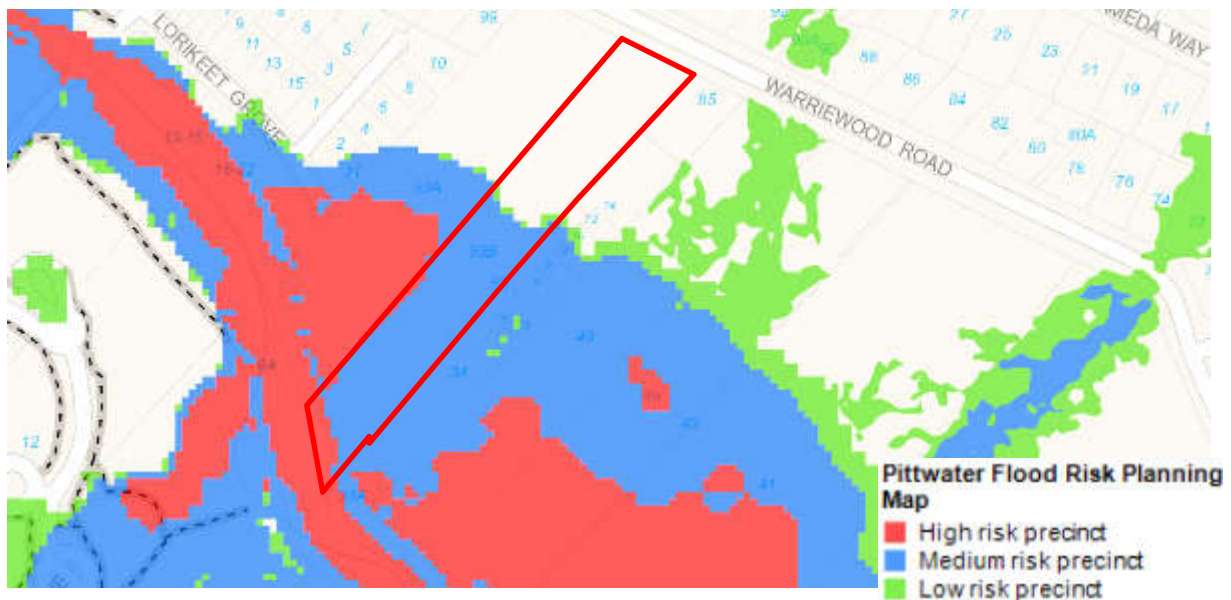


Figure 12: Flood Risk Planning Map (Pittwater Council 2013)

2.10 Bushfire

The far southern portion of the site, adjacent to Narrabeen Creek is identified as Bush Fire Prone Land: Vegetation Buffer, with a small portion of Vegetation Category 2 on the southern property boundary, under the Pittwater Bush Fire Prone Land Map 2013, refer to **Figure 13**.

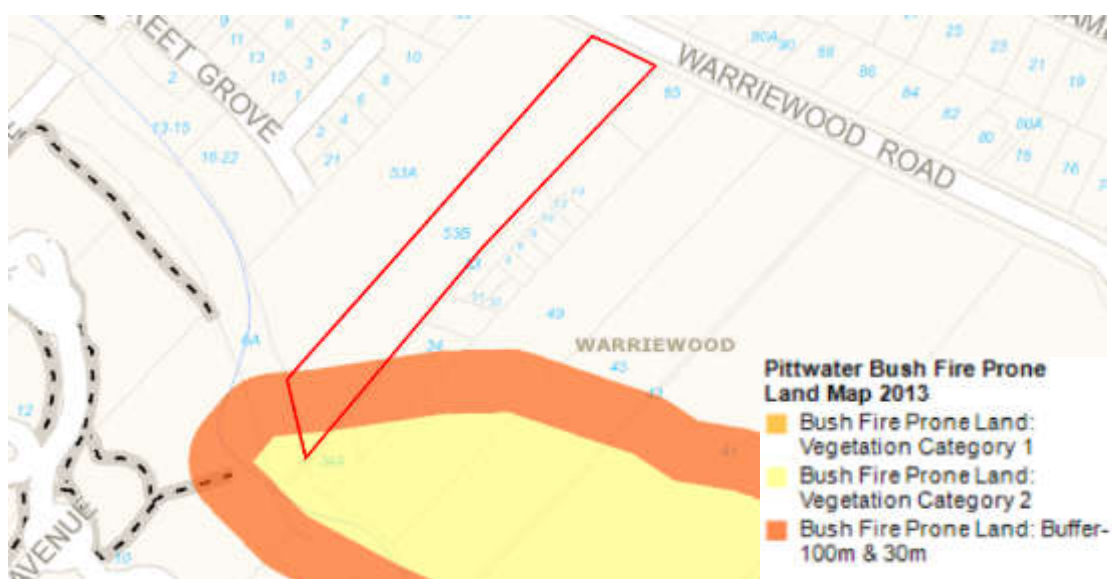


Figure 13: Bush Fire Prone Land Map (Pittwater Council 2013)



It is noted that the Draft Northern Beaches Bush Fire Prone Land Map 2018 as shown in **Figure 14** is consistent with the endorsed Pittwater Council 2013 Bush Fire Prone Land Map.

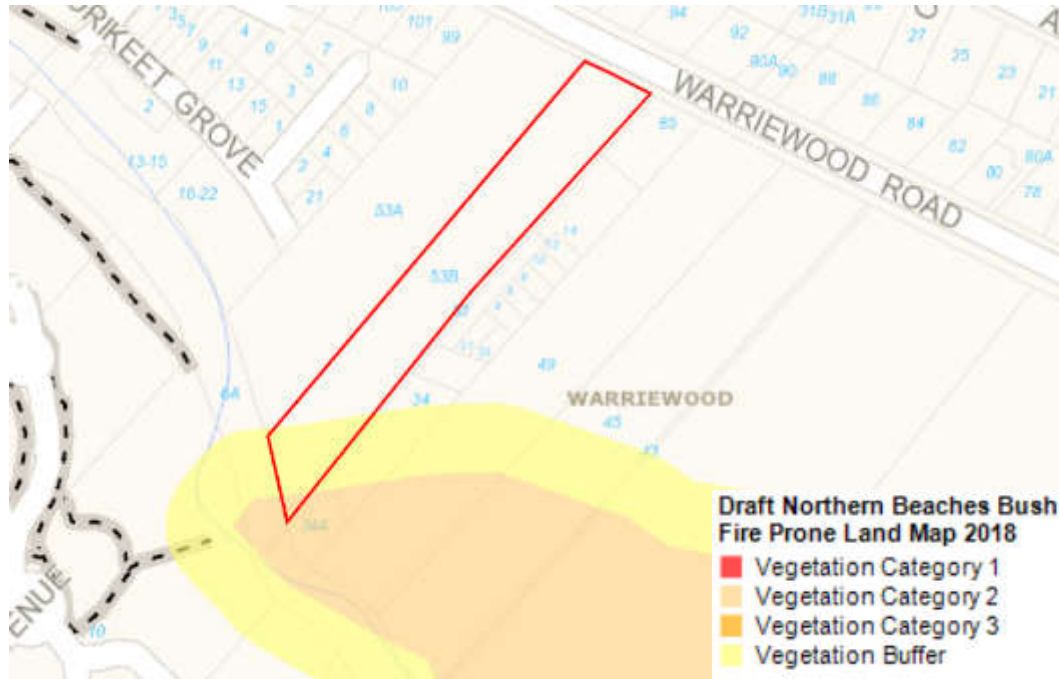


Figure 14: Draft Bush Fire Prone Land Map (Northern Beaches Council 2019)

2.11 Non-Indigenous Heritage

The site is not identified as containing any non-indigenous heritage, nor is it within a close proximity to a heritage item, under Schedule 5 of the PLEP 2014, refer to **Figure 15**.

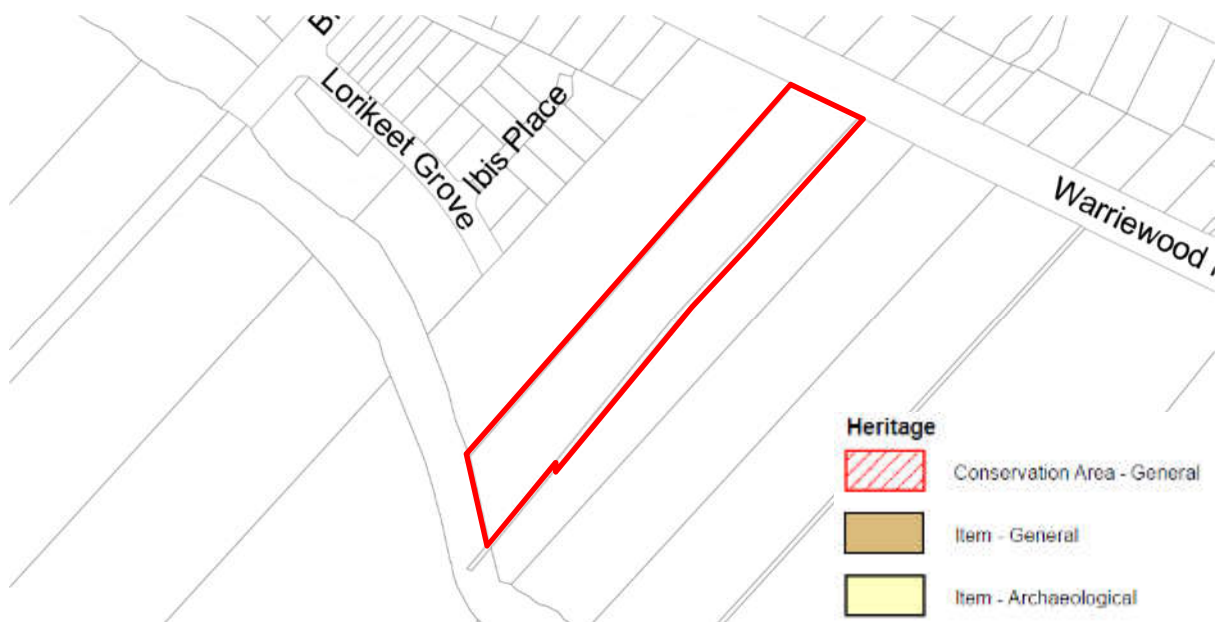


Figure 15: Heritage Map (Sheet HER_012 from the PLEP 2014)



2.12 Aboriginal Heritage

A search of the NSW Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) Web Services portal has shown that:

- Zero Aboriginal sites are recorded in or near the site; and
- Zero Aboriginal places have been declared in or near the above site.

2.13 Noise Environment

The site is located within the WVRA, and therefore is subject to a locality undergoing dramatic change and expansion through subdivision into a medium density residential neighbourhood.

Observations on site indicate that the site is not impacted by any significant sources of noise such as heavy traffic, as Warriewood Road is classified as a collector road, and noise levels burdened by the site are generally in keeping with a residential environment.

2.14 Visual Amenity

The site is characterised by partly cleared gently undulating land, with landscaping around the dwelling and isolated, scattered trees in the rear garden, forming part of the landscaped, riparian character of the Narrabeen Creek Corridor. The surrounds are characterised by low density residential land undergoing transition to medium density small lot housing with landscaping.



3. Development Proposal

3.1 Summary of proposed subdivision and development

Development consent is sought for consolidation and subdivision of Part Lot 3 DP 942319 & Lot 3 DP 1115877, being 53A & 53B Warriewood Road, Warriewood, summarised as follows:

- Consolidation of Part Lot 3 DP 942319 & Lot 3 DP 1115877, creating the site – as shown in the proposed consolidation plan;
- Subdivision of the site into 17 lot Community Title lots;
- Lot 1, divided into two parts, comprising:
 - Part Lot - the widening of adjoining Pheasant Place; and
 - Part Lot - a water quality basin between the 25m-50m Narrabeen Creek offset;
- One residue lot (being Lot 16), which will be dedicated to Council as a Public Reserve, as dictated by the 25m Narrabeen Creek offset;
- The extension of Lorikeet Grove across the lower portion of the site;
- Registration of a temporary easement on title (right of carriageway) over Lots 4 - 7 & 17, until the neighbouring connection of Lorikeet Grove is made to Warriewood Road; and
- Narrabeen Creek rehabilitation works (solely contained within Residue Lot 16).

3.2 Proposed works

To facilitate the proposed subdivision, the following works are proposed:

- Demolition of existing dwelling and outbuildings;
- Excavation comprising cut and fill to achieve orderly levels;
- Installation of essential services (e.g. potable water, waste water, electricity, gas and NBN);
- Construction of a public road (Lorikeet Grove) tying into the existing section of Lorikeet Grove to the south;
- Construction of a private shared driveway (Pheasant Lane) tying into the existing section of Pheasant Lane neighbouring to the east, utilising the existing usage rights over Pheasant Lane;
- Construction of stormwater network and associated drainage infrastructure, including a water quality basin; and
- Creek rehabilitation works.

Refer to:

- Consolidation Plan and Subdivision Plan by Craig & Rhodes – ref 076-18P: DA01 [06]
- Civil design plans prepared by Craig & Rhodes – ref 076-18C: DA0001 – DA-0909
- Demolition plan prepared by Craig & Rhodes – ref 076-18C-DA-0021
- Landscape plans prepared by Sym Studio – ref CRA01-DA101-B



4. Statutory Considerations of the Development

4.1 Background

The following assessment of the proposed development is undertaken in accordance with the heads of consideration in Section 4.15 of the Environmental Planning & Assessment Act 1979 ("the Act") that states:

Section 4.15 Evaluation – Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

- *the provisions of:*
 - i) *any environmental planning instrument, and*
 - ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii) *any development control plan, and*
 - iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- *the suitability of the site for the development,*
- *any submissions made in accordance with this Act or the regulations,*
- *the public interest.*

Both statutory and non-statutory plans including all relevant Environmental Planning Instruments (EPIs) have been addressed in relation to the proposed development. Applicable statutory controls considered during the preparation of the application are set out below (including but not limited to):

- State Environmental Planning Policy No.55 – Remediation of Land (SEPP No.55);
- Pittwater Local Environmental Plan 2014 (PLEP 2014);
- Pittwater 21 Development Control Plan 2014 (PDCP 2014);
- Warriewood Valley Strategic Review Report.

4.2 State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP No.55 requires contamination and remediation to be considered when determining a Development Application. The Geotechnical Investigation prepared by Geotechnique advises that:

- *Based on the laboratory test results and the assumption that soils are predominantly sand, the site is assessed to be mildly aggressive to steel, and moderately aggressive to concrete;*
- *Based on the laboratory tests, it appears that soils across the site are unlikely to be acid sulphate or potentially acid sulphate soils;*
- *The proposed development works may be carried out without the requirement for an acid sulphate soils management plan;*
- *From a risk of slope instability consideration, the site is assessed to be suitable for the proposal*
- *Based on its past use with market gardens, the site would be suitable for residential following appropriate remediation and validation*

COMMENT: Based on the Geotechnical Investigation the site is considered suitable for residential development, with no prohibitive geotechnical, contamination or salinity constraints.



4.3 Pittwater Local Environmental Plan 2014

4.3.1 Land zoning

The site is located within the R3 Medium Density Residential zone. A range of residential development including dwellings is permissible with consent in the zone. Subdivision of the land is permissible with consent.

4.3.2 Objectives of Zone R3 – Medium Density Residential

The objectives of the zone are set out and addressed as follows.

- *To provide for housing needs within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

COMMENT:

The proposed subdivision creates 15 residential lots ranging from 239m² – 531m², in addition to Pt. Lot 1 containing the widening of Pheasant Place, and the water quality basin.

The subdivision proposes a range of lot areas and widths, serving to provide for a range of dwelling sizes under separate future applications. As vacant lots, their future development may permit other land uses permissible within Zone R3 – Medium Density Residential, subject to separate approval.

Lot 16 is proposed as a residue lot, due to its future dedication to Northern Beaches Council as a Public Reserve noting its location within the Narrabeen Creek riparian corridor.

4.3.3 Demolition

Clause 2.7 of the LEP requires development consent to demolish a building. As part of the proposal, demolition is sought for the existing dwelling and ancillary structures on the site.

4.3.4 Warriewood Valley Release Area

Clause 6.1(1) Warriewood Valley Release Area of the PLEP 2014 requires consideration of the following objectives:

- (a) *to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Addendum Report,*
- (b) *to ensure that development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates the creek line corridors.*

Clause 6.1(4) sets provisions which must be satisfied to permit development of the land:

(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.*



COMMENT:

The *Warriewood Valley Strategic Review Report* identifies the site as being located within Buffer Area 1C and 1D, refer to **Figure 16** for clarification.

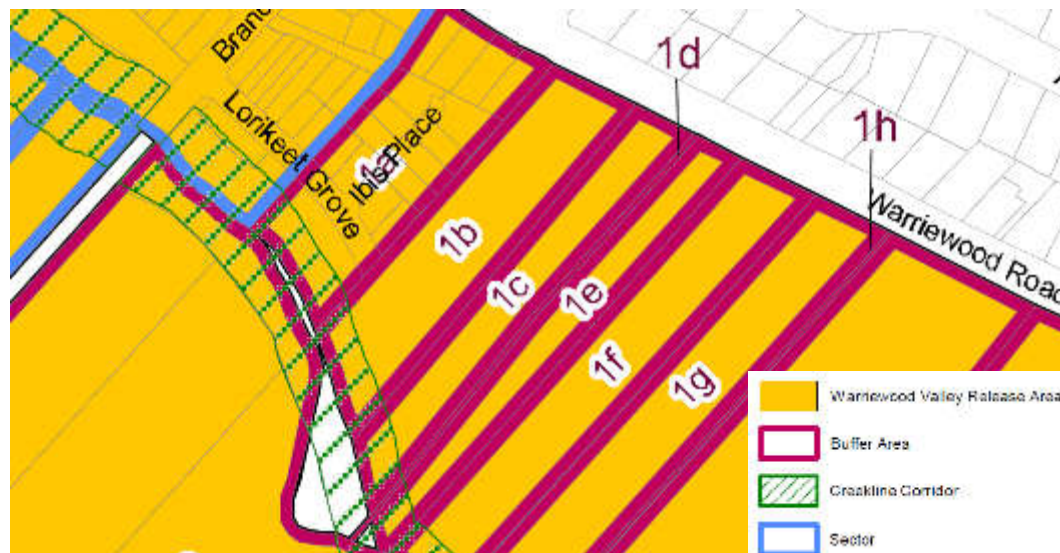


Figure 16: Urban Release Area Map (Sheet URA_012 from the PLEP 2014)

Pursuant to Clause 6.1(3) of the LEP:

- Buffer 1C (containing the proposed subdivision) sets a target yield of 13 – 18 dwellings,
- Buffer 1D (containing the proposed access) sets a maximum yield of 1 dwelling.

The proposal seeks consent for 15 residential lots and therefore complies with the target yield.

The proposal includes the provision of a WSUD basin within Pt. Lot 1 to treat stormwater quality and control the rate of discharge to Narrabeen Creek. The proposal also includes a Public Reserve within Lot 16 as part of the riparian corridor, thereby serving to protect existing vegetation and the creek line, whilst allowing opportunities to rehabilitate the riparian corridor.

4.3.5 Clause 7.1 - Acid Sulfate Soils

The subject land is mapped as part Class 4 and part Class 5 Acid Sulfate Soils.

Pursuant to Cl.7.1(2) development consent is required for land that is Class 4 or 5 where excavation works exceed 2m depth below natural ground level.

Pursuant to Cl. 7.1(3),

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

COMMENT:

As per **Section 4.2** of this SEE, clarification is provided in the Geotechnical Assessment that soils across the site are unlikely to be acid sulphate or potentially acid sulphate soil. Accordingly a further acid sulfate soils management plan is not considered necessary.



4.3.6 Clause 7.2 Earthworks

In accordance with the provisions of Cl. 7.2(3), consideration is required of earthworks as follows:

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment – The proposal includes a WSUD basin designed to treat quality and regulate stormwater flows into Narrabeen Creek, thereby minimising impacts to the creek.

(b) the effect of the development on the likely future use or redevelopment of the land,

Comment – The proposed residential subdivision is in accordance with the zoning of the land as residential and the *Warriewood Valley Strategic Review Addendum Report*.

(c) the quality of the fill or the soil to be excavated, or both,

Comment – It is estimated that a balance of 3,750m³ (Import) will be required to carry out the subdivision and road works. This will include soil excavated from the proposed WSUD basin. Fill material either cut from within the site or imported will be required to be certified VENM, which Council may also apply as a condition of consent.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment – The proposed subdivision facilitates future housing development consistent with the recent residential development of neighbouring land, thereby supporting residential amenity.

(e) the source of any fill material and the destination of any excavated material,

Comment - It is estimated that a balance of 3,750m³ of imported soil will be required to facilitate the proposed subdivision. Fill will be required to be certified VENM, which Council may also apply as a condition of consent.

(f) the likelihood of disturbing relics,

Comment – An AHIMS search advises zero Aboriginal sites are recorded in or near the site; and zero Aboriginal places have been declared in or near the above site.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Comment – The lower portion of the site (below Lorikeet Drive) adjoins the riparian corridor for Narrabeen Creek. The proposed WSUD basin is located within an existing cleared portion of the site and is specifically designed to minimise impacts on water quality and flows for Narrabeen Creek. The proposed Public Reserve in Lot 17 is to be dedicated, enabling its regeneration as riparian land.



(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

Comment – As stated the WSUD basin is specifically designed to treat stormwater runoff from the subdivision and future housing, and regulate the discharge rate of this to Narrabeen Creek, thereby minimising impacts from the development. Furthermore minimal clearing is required with street tree planting serving to enhance the landscape setting of the site.

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Comment – No adverse heritage impacts result noting there are no archaeological sites or listed heritage items recorded on the site or its vicinity.

4.3.7 Clause 7.3 Flood Planning

In accordance with Clause 7.3 Flood Planning of PLEP 2014, consideration of impacts caused by development at or below the flood planning level are summarised as follows:

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

COMMENT:

As identified in **Section 2.9** of this SEE the site is mapped partly as medium flood risk with its southern boundary to Narrabeen Creek mapped as high flood risk.

The proposal does not propose any significant earthworks within the area identified as high flood risk, with works limited to placement of topsoil and landscaping as part of rehabilitating the creek corridor. In addition, the location of the proposed bio-retention basin within the 100 year flood planning levels is unlikely to adversely affect flood behaviour noting it will treat stormwater runoff quality, capture sediment, regulate discharge rates into Narrabeen Creek, and feature a bund height above the flood planning level to prevent inundation.

For the lots proposed south of Lorikeet Grove (Residential Lot 15, Pt. Lot 1 and Residue Lot 16), the Water Management Report prepared by Craig & Rhodes Pty Ltd states the following:

- There are minimal off-site flood impacts at the 1% AEP event and negligible impact on surrounding properties at the 1% AEP+CC and PMF events;
- No additional flood prone lots are created within the proposed subdivision with the exception of three lots along the northern fringe of the floodplain that each have developable land located well above the FPL for the site; and
- The vast majority of the lots and all of the likely building locations are flood-free at the PMF event.



4.3.8 Clause 7.6 Biodiversity

Clause 7.6 – Biodiversity of PLEP 2014 applies to land as identified in **Section 2.8** of this SEE and requires consideration pursuant to Cl.7.6(3) as follows:

(3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*

(a) *whether the development is likely to have:*

(i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

(ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

(iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

(iv) *any adverse impact on the habitat elements providing connectivity on the land, and*

(b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

COMMENT:

With reference to the proposed subdivision plan, the mapped biodiversity land is located south of Lorikeet Grove, which is predominantly cleared.

To consider works within the Biodiversity mapped part of the site, a Flora and Fauna assessment prepared by Eco Logical Australia Pty Ltd, dated 21/01/19, states that there is a presence of one native vegetation community, mapped as Coastal Swamp Mahogany Forest (CSMF), known as *Eucalyptus robusta*.

The Arboricultural Assessment by About Trees specifically identifies one *Eucalyptus robusta* (ref. Tree 39), which is proposed for removal to accommodate the proposed WSUD basin, advising that it is not suitable for retention due to its poor health. Three other *Eucalyptus robusta* trees (40, 41 and 43) at the rear of the site within the riparian corridor are recommended for retention, noting they are located within proposed Lot 16 – public reserve.

As advised in the Flora and Fauna Report, the CSMF community corresponds to the Threatened Ecological Community (TEC) Swamp Sclerophyll Forest on Coastal Floodplains of the Sydney Basin Bioregion. Swamp Sclerophyll Forest is listed as an endangered ecological community under the NSW *Biodiversity Conservation Act 2016*. The community present on the site persists primarily as a canopy species. The remainder of the vegetation present on the site is identified as urban natives / exotics, that does not correspond to any TECs.

The proposal will remove 0.027ha (270m²) of the abovementioned TEC. However, a test of significance was conducted for the TEC, and concluded that it is unlikely that the proposed subdivision will create any significant impacts to the TEC.

Additionally, the site is not observed as containing any threatened species, nor is it identified in the Biodiversity Values map. Whilst no mitigation measures are identified as necessary, the proposed Public Reserve in Lot 16 will include topsoil placement and native vegetation seeding as part of rehabilitating the Narrabeen Creek corridor.

Based on this assessment, the proposed subdivision including roads and basin is considered to achieve satisfactory outcomes for the biodiversity land.



4.3.9 Clause 7.10 Essential Services

Clause 7.10 of PLEP 2014 requires a proposal to demonstrate that the site can be adequately serviced by reticulated sewage, water, electricity, stormwater drainage and vehicular access.

COMMENT:

Sewer – Refer to ‘Not for Construction Plans’ for CASE172797WW plans prepared by Metrowater Management

Water – Refer to ‘Not for Construction Plans’ for CASE172797PW plans prepared by Metrowater Management.

Electricity – Prior to the issue of a Construction Certificate, an appropriately qualified Level 3 ASP Services designer will be engaged to submit a design package to Ausgrid for certification

Stormwater – Please refer to Civil Engineering Plans prepared by Craig & Rhodes

Vehicular Access – Please refer to **Section 5.2** of this SEE for more information.

4.4 Draft Amendments to the PLEP 2014

Pursuant to S.4.15(1)(a)(ii) of the Act, consideration is required of “Any proposed instrument that is or has been the subject of public consultation”.

A review of the Northern Beaches Council website finds that no proposed instruments are relevant to the site or proposal.

4.5 Pittwater 21 Development Control Plan 2014

4.5.1 Part C6.8 Residential Development Subdivision Principles

Table 3 below sets out the relevant design principles of the DCP which apply to the site, demonstrating the proposal is consistent with the design principles.

Table 3: P21 DCP 2014 Part C6.8 Compliance Table

P21 DCP 2014 Control	Comment	Yes / No
<i>Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.</i>	As stated in Section 2.1 of this SEE, the site consists of two land parcels, being Buffer Area 1C & 1D, combining to a total site width of 31m. The proposed development matches into Buffer Area 1E to the south, and promotes orderly development.	Yes
<i>The subdivision layout including the lot size must respond to the physical characteristics particular to each sector, such as slope and existing significant vegetation, and site constraints including bushfire risk.</i>	The proposed subdivision layout responds adequately to the specific topography and environmental constraints on the site. Vegetation will only remain within Residue Lot 16 and Pt Lot 1, whilst the remainder of the site will be cleared. No residential lots are burdened by an APZ, as the bushfire risk relating to the creek line corridor only encroaches upon non-residential lots (e.g. Residue Lot 16 and Pt. Lot 1).	Yes



P21 DCP 2014 Control	Comment	Yes / No
<i>The subdivision layout is to incorporate adequate pedestrian, cycle and vehicle links to the road network, public transport nodes, pedestrian/cyclist network and public open space areas.</i>	Council approved neighbouring DA-N0330/14 with a lesser road verge on the south eastern side of Pheasant Place, varying the design criteria for an 'Access Street', prescribed by the <i>Warriewood Valley Roads Masterplan</i> . Refer to Section 5.2 of this SEE for more information.	Yes
<i>Roads should adjoin creek line corridors and open space areas to facilitate surveillance, provide access to and prevent isolation and degradation of these spaces.</i>	The proposed extension of Lorikeet Grove is consistent with this principle, and the road alignment advised in strategic planning documents for the Warriewood Valley Release Area.	Yes
<i>A single access point to each sector, buffer area or development site serviced by a roundabout, if necessary, or other on street traffic management facilities is to be provided, with vehicular access to individual lots within the subdivision being from internal roads within that subdivision.</i>	Proposed Pheasant Place provides the primary point of access to the proposed subdivision via the extension of Lorikeet Grove. Apart from Lots 2, 3 & 17 fronting Warriewood Road, all lots will be accessed by internal roads which follow design principles advised in strategic planning documents for the Warriewood Valley Release Area.	Yes
<i>The number of driveway entrances from any sector, buffer area or development site onto major roads in Warriewood Valley including Garden Street, Macpherson Street, Forest Road, Orchard Street and Warriewood Valley including Garden Street, Macpherson Street, Forest Road, Orchard Street and Warriewood Road is to be minimised. Opportunities for shared driveways maximise the on-street parking provision and create a more attractive streetscape.</i>	Separate driveway access is provided to Lot 2, 3 & 17, which front Warriewood Road, as depicted in the building envelope plans prepared by Craig & Rhodes. By doing so, this will not detract from the streetscape, as the northern side of Warriewood Road does have existing driveways entering off Warriewood Road for detached dwellings, in addition to on-street parking still be available in tandem with the provision of separate driveways for each of the three lots fronting Warriewood Road.	Yes
<i>Lots must have the appropriate area, dimensions and shape to accommodate the housing product proposed as well as canopy trees and other vegetation, a private outdoor open space, rainwater tanks, vehicular access and onsite parking.</i>	The proposed subdivision does create orderly and appropriate lot size, compliant with relevant minimum lot size and setback controls. Each lot does have a building envelope provided, which does illustrate that a future housing product may be accommodated, in addition to achieving the minimum PPOS requirement.	Yes
<i>Lots are to be orientated to optimise solar access for dwellings and areas of private open space. Wides or deepest lots are to be oriented with north to the front, with the narrowest orientated with north to the rear.</i>	Orientation of the proposed lots is largely influenced by the north-east to south-west orientation of the site, along with the road layout set by Warriewood Valley Release Area design controls. Longer narrower lots are positioned on the north-western side of Pheasant Place for optimal solar access to rear private open space. Future housing on each lot will all have an offset northern aspect providing solar access to living areas.	Yes



P21 DCP 2014 Control	Comment	Yes / No
<i>Larger lots should be located on corners.</i>	The smallest lot size is 239m ² with the largest corner lots having an area of at least 261m ² , with Building Envelope Plans provided to demonstrate their capability to accommodate a dwelling.	Yes
<i>Use of battle axe shaped lots should be minimised.</i>	N/A – no battle axe lots are proposed.	N/A
<i>A 'break' is to be provided between every three (3) attached/abutting dwelling of the same lot width.</i>	The subdivision proposes a range of varying lot widths, with no more than three neighbouring lots containing the same lot width, promoting a mixture of future housing typologies and diversity.	Yes
<i>Continuous runs of garages fronting laneways are to be avoided (i.e. break up through pairing, setback variation etc.)</i>	N/A – no laneways are proposed, as Pheasant Place is a community titled accessway with front accessed detached dwellings.	Yes
<i>Street Network</i>	The extension of Lorikeet Drive and widening of Pheasant Place is in accordance with the strategic planning documents for the Warriewood Valley Release Area. It therefore promotes a traditional grid form, allowing clear and unconstrained access from front to rear. Refer to Section 5.2 of this SEE for more information.	Yes
<i>Lot Diversity Requirements: A range of residential lot types (varying in area, frontage, depth and access) should be provided to ensure a mix of housing types and dwelling sizes.</i>	A range of lot sizes are proposed with varying widths to accommodate a range of future housing in terms of design and size. This should ensure the future development of a mix of housing types and sizes, with a varied streetscape.	Yes

4.5.2 Part 6.9 Residential Development Subdivision Principles

The proposed subdivision is consistent with *Pathway 1: DA for subdivision*, and an illustration of its compliance is available in **Table 4** below.

Table 4: P21 DCP 2014 Part C6.9 Compliance Table – Pathway 1

P21 DCP 2014 Control	Proposed Subdivision	Y/N
Minimum Lot Size: 225m ²	Smallest Lot Size is Lot 7 – 239m ²	Yes
Minimum Frontage: 9m	Smallest Lot Frontage is Lot 10 & 12 – 9m	Yes



4.5.3 Part 6.10 Additional Specifications for Development of Buffer Area 1a to 1m

The proposed subdivision is consistent with the additional specifications outlined in this section of the P21 DCP 2014, refer to **Table 5** below.

Table 5: P21 DCP 2014 Part C6.10 Compliance Table

P21 DCP 2014 Control	Proposed Subdivision	Y/N
Extend Lorikeet Grove	Lorikeet Grove is being extended from approved DA N0330/14 in the south, to 53C Warriewood Road in the north.	Yes
Maximum of two new connecting roads to Warriewood Road	Until full access from Lorikeet Grove is provided, temporary access to Warriewood Road has been proposed through the provision of a 6m wide temporary road pavement, in addition to a 2m wide road verge to enable pedestrian access. This is proposed as a temporary easement for right of carriageway, and can be extinguished once ultimate access from Lorikeet Grove becomes available.	Yes
Minimise driveways accessed of Warriewood Road	Although Council's Pre-Lodgement Meetings states that Council does not support individual driveway access off Warriewood Road, the P21 DCP 2014 states that "opportunities for driveway access... of Warriewood Road should be minimised". As such, Council's own interpretation of this P21 DCP 2014 is more constrictive than intents, as the wording of it suggests that individual driveway access off Warriewood Road is still an option, subject to not detracting from the streetscape, and providing adequate on street car parking spaces, which this proposal does.	Yes
Pedestrian & cycle paths	The proposed subdivision continues the pedestrian and cycle path noted within Council's strategic planning documents for the Warriewood Valley Release Area, through Residue Lot 16 – public reserve.	Yes

5.1 Context, Setting & Amenity

The proposed subdivision and associated works are considered compatible in form and density in context of its future surrounds, and will fit into its built setting without dominating the streetscape.

5.2 Access, Parking & Traffic

Part of Pheasant Place is constructed by the recent development of (formerly 53C Warriewood Road) under DA N0330/14, being for a Community Title subdivision to create 10 residential lots and one accessway lot, civil works and landscaping, refer to **Figure 7** of this report. Pittwater Council approved a lesser road verge (1.3m) on the south eastern side of Pheasant Place, being less in width than the design criteria for 'Access Street', prescribed by the *Warriewood Valley Roads Masterplan*.

Plan view of the proposed road layout for Pheasant Place. The diagram shows a 10m wide road section with a 7.5m carriageway and a 2m pavement extension. It includes a 0.5m berm, a 1.5m verge, and a 0.5m berm on the right. The road is flanked by boundaries and an existing road. A table at the bottom provides design levels and offsets for the road section.

DESIGN LEVEL	OFFSET
5.704	3.000
5.604	3.300
5.600	2.000
5.600	2.000
5.600	1.500
5.674	0.000

Given these circumstances, the applicant proposes to comply with providing the remaining road pavement to create a 7.5m wide carriageway, with a 1.3m wide verge for street tree planting, similar in width to the neighbouring 1.2m wide verge (in DA N0330/14) for the foot path and street lighting component of an access street.



5.2.2 Temporary Accessway / Driveway No. 1

As stated in **Table 3** of this SEE, temporary site access from Warriewood Road is required, to enable the site to be developed in isolation until such time that full access along Lorikeet Grove becomes available.

Therefore, access to Warriewood Road is provided through the provision of Temporary Accessway / Driveway, consisting of a 6.5m wide temporary road pavement, in addition to a 2m wide road verge to enable pedestrian access. Refer to the Craig & Rhodes Plan of Subdivision which notates easements relating to access over Lots 4-7 & 17, in addition to a proposed right of access 6.5m wide. Once ultimate access is provided along Lorikeet Grove, the subject easements and right of way relating to the temporary accessway / driveway no. 1 will be extinguished accordingly.

5.3 Contamination & Salinity

As stated in **Section 4.2** of this SEE, the investigations carried out by Getechnique Pty Ltd clarify that there are no constraints to the development of the site as a residential subdivision.

As such, there are no constraints to the proposed development, as a result of contamination and salinity.

5.4 Indigenous Heritage

Section 2.12 of this SEE confirms that disturbance of the site through its long-term occupancy as market gardens and grazing land makes it unlikely to impact on any Aboriginal objects. Furthermore, the AHIMS search advises of no archaeological material being recorded on the site. Based on this the proposed subdivision works may proceed with caution.

If unforeseen Aboriginal objects are uncovered during construction, work should cease, and an archaeologist, OEH, and Metropolitan Local Aboriginal Land Council (LALC) should be informed. If human remains are found, work should cease, the site should be secured and the NSW Police and OEH should be notified.

As such, there are no constraints to the proposed development, as a result of indigenous heritage

5.5 Flora & Fauna

Section 2.8 and Section 4.37 of this SEE clarify that although the proposal will remove 0.027 hectares of the abovementioned TEC, a test of significance was conducted for the TEC, and concluded that it is unlikely that the proposed subdivision will create any significant impacts to the TEC.

5.6 Bushfire

As stated within **Section 2.10** of this SEE, the site is identified as being bushfire prone. Consequently, the Bushfire Protection Assessment prepared by Eco Logical Australia, dated 15/01/19 identifies the bushfire prone land on site as being biodiversity sensitive forested wetland. Therefore Lot 15 within the proposed subdivision is burdened by a 32m Asset Protection Zone (APZ).



To further consider Lot 15, an addendum letter prepared by Eco Logical Australia dated 06/03/19 provides further detailed evidence modelling the APZ constraint to Lot 15. This reduces the APZ to 18m under the existing Rural Fire Service Code *Planning for Bushfire Protection* 2006 (PBP), and 26m under the draft Code PBP 2018 (not adopted at time of lodgement of this DA), refer to **Table 6** below.

Table 6: Comparison of Bushfire APZ Requirements (Eco Logical Australia Pty Ltd)

Bushfire Protection Assessment (15/01/19)	Bushfire Addendum Letter (06/03/19)

Table 6: Comparison of Bushfire APZ Requirements (Eco Logical Australia Pty Ltd)

Based on this assessment the building envelope plan for Lot 15 prepared by Craig & Rhodes Pty Ltd adequately illustrates a future dwelling may be sighted within the Lot, unburdened by the 18m APZ in accordance with PBP 2006. Accordingly there are no constraints to the proposed subdivision as a result of bushfire.

5.7 Site Drainage & Stormwater Management

All drainage generated by the development will be piped by road or inter-allotment drainage in accordance with Council's engineering specifications. The stormwater system will be designed to cater for all storm events up to the 1:100-year ARI event as required.

The Water Management Report, prepared by Craig & Rhodes Pty Ltd confirms that the proposal will not create any additional flood prone residential lots, with minimal off-site flood impacts and increased flow conveyance along Narrabeen Creek.

5.8 Topography

Proposed bulk earthworks over the site will enable the site to be consistent with neighbouring adjoining developments, by matching into fixed levels and engendering orderly development for future housing product, refer to the bulk earthworks plan prepared by Craig & Rhodes Pty Ltd for more information.



5.9 Landscape & Scenic Quality

The proposed subdivision will facilitate future development of the site for residential purposes, which will not adversely impact upon the landscape or scenic quality of the locality, noting it nestles into Warriewood Valley.

The riparian creek line corridor (Residue Lot 16) will be substantially retained as a backdrop to future housing on the site, providing forest/wetland views south towards Narrabeen Creek.

5.10 Social and Economic Impact

The social and economic impacts of the proposed development relate to the future occupation and development of residential land. In this regard the proposal is part of a strategic land release area under the Warriewood Valley Strategy, being associated with provision of community infrastructure. The site is also in close proximity to the growing Mona Vale business district where local employment opportunities may grow.

Employment is addressed during dwelling construction and the proposal will continue to contribute to the growth of housing which is in demand in the Northern Beaches.

6. Suitability of the Site for the Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent development or from within the site; there are adequate transport facilities in the area; utilities and services are available and adequate for the site.

There are no hazardous land uses or activities nearby, and noise levels from future residential occupancy will have minimal effect on the surrounds. Access arrangements will be onto upgraded existing roads and a new road. The proposed lots and their future development as dwelling houses will be complimentary to the locality.

There are therefore, no known zoning, planning or environmental matters that should hinder the development of the subdivision as proposed.

7. Any Relevant Submissions

No issues are known to have been raised by the community.

8. The Public Interest

The proposal is considered to be compatible with the desired future character of the locality and represents an appropriate form and density of housing given its residential zoning and proximity to the existing and planned infrastructure and services. No adverse impacts are considered to result to its surrounds. This is reflected in the proposal being consistent with the controls and objectives of Council's planning controls, on which basis it is considered within the public interest.



9. Conclusion

It is recommended that the proposed consolidation and 17 lot Community Title subdivision of Part Lot 3 DP 942319 & Lot 3 DP 1115877, being 53A & 53B Warriewood Road, Warriewood be supported on the following grounds:

- a) The proposal is considered acceptable in terms of Section 4.15 of the Environmental Planning and Assessment Act 1979;
The proposal is permissible under and consistent with the relevant provisions of the PLEP 2014 & P21 DCP 2014
- b) The proposal is not considered to result in any significant adverse impacts in the locality; and
- c) The proposed development provides new housing opportunities where such development is suited, whilst complimenting the existing settlement pattern, and enhancing the local economy.

If this submission raises any further enquiries please do not hesitate to contact the undersigned.

Yours faithfully,

CRAIG & RHODES PTY LTD

Ben Rourke
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