

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 2566 2288

16 October 2023

Mr Scott Phillips
Chief Executive Officer
Northern Beaches Council
Via NSW Planning Portal

Attention: Mr Adam Croft

Dear Mr Croft,

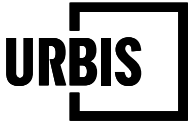
DA2023/0129 RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION - 4 FOREST RD, WARRIEWOOD

1. INTRODUCTION

This submission of additional information has been prepared by Urbis on behalf of BMN Properties Pty Ltd (the Applicant) in respect to their development application DA2023/0129 for 13-lot subdivision at 4 Forest Road, Warriewood.

This information is submitted in response to the Request for Information (RFI) issued by Northern Beaches Council (Council) on 25 May 2023 and Council's follow up on 1 September 2023 and 5 October 2023, pursuant to Clause 36 of the *Environmental Planning and Assessment Regulation 2021*. This letter is accompanied by the following reports with the associated amendments:

- Civil Plans prepared by Acor Consultants Pty Ltd, dated October 2023. (showing additional lot sections and that each dwelling platform sits at the natural ground level, the cut and fill is required to achieve the road layout and to allow the houses to address each road)
- Site Plans, Sections, 3D perspectives and 3D visualisations prepared by MHDP Architects dated June and September 2023;
- Addendum Bushfire Response Letter, prepared by Travers Bushfire and Ecology, dated 16 October 2024 (showing that the APZs are correctly calculated and the development is properly located);
- Updated Transport Impact Assessment prepared by JMT Consulting dated 16 October 2023 (demonstrating that the new layout and that the roads are correctly specified and safe vehicle sight lines);
- Amended landscape plans prepared by A Total Concept Landscape Architects dated October 2023 (showing footpaths and street trees in Council's preferred locations);
- An amended Arborist report (Revision B) prepared by Naturally Trees, dated 16th October 2023. (showing that the new road alignment will protect and retain four more high value trees);



The RFI primarily relates to the subdivision layout and the response to the physical characteristics of the site, concerns over excavation and reliance on retaining walls, future potential height of dwellings, information submitted with the application, subdivision type, demonstration that proposed building platforms comply with PBP, Concern is raised that the proposal does not satisfy the landscape outcomes of the Warriewood Valley Landscape Masterplan and Design Guidelines, of the proposed tree removal, cut and fill works, road layout and landscape design. Concern is raised in relation to the proposed road design, lot access and stormwater drainage design

A summary response to each matter raised by Council is provided in Section 2 drawing upon the technical documentation appended. We trust this information will allow Council to finalise their assessment of the application and proceed to determination.

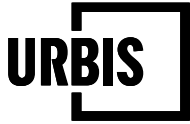
2. RESPONSE TO COUNCIL RFI

The following table summarises the response to the matters raised in Council’s RFI. Council’s comment has been summarised where appropriate.

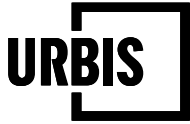
Table 1 Response to RFI

Item	Response
<p><u>Site Layout, Planning & Urban Design</u></p> <p>P21DCP C6.8</p> <p>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. The proposal includes excessive excavation of the natural topography; the extent of the proposed ground level changes do not respond to the characteristics of the site and the reliance on substantial retaining walls is not an acceptable outcome.</p> <p>As the height of future dwellings is required to be measured to the ‘existing’ ground levels of the site (i.e. the altered ground levels following the excavation works proposed in this application), the</p>	<p>The site is steep (the highest and lowest levels differ by >25m), and the proposed Forest Rd extension (Road MC01) must link to existing and approved development to the North and South as well as complying with Auspec, various referral responses, and the need to provide safe escape from fire and access for emergency vehicles.</p> <p>The proponent has sought to manage the excavation and retaining wall so as achieve these purposes and to provide building platforms which allow for the final estate (i.e. not the bare civil works) to conform to the local topography.</p> <p>The addition of 3D building forms to the adjusted layout and lot sections will allow Council to assess the true impact of the development when compared to natural ground levels and “sub-divided” ground levels respectively and will demonstrate that future dwellings can be designed so as to reflect the intention of the applicable controls and the desired future character.</p> <p>The amended plans show a realignment of Road MC01, which delivers a reduction in the total excavation. It significantly lowers the main retaining wall to a mean height of 2m with only a short section at the maximum height of 3m.</p>


Item	Response
<p>proposed excavation and fill works will result in distorted/artificial building heights that are not reflective of the heights intended by applicable controls or the desired future character.</p>	<p>The alignment of MC01 also retains a number of high value trees (including trees 20 - 26, 33, 34 and 36) and provides safe bushfire and flood egress for the neighbouring site.</p> <p>Should Council require, some low “terracing” can be added above Road MC01 between chainages 35 and 85, subject to oversight by the arborist. This will have the effect of lowering the maximum retaining wall height to below 3.0m, and the average retaining wall height to just over 2.0m.</p> <p>The adjustment of levels has permitted the deletion of more than 40% (by length) of the internal lot retaining walls reducing the reliance on retaining walls on boundaries shared between lots and the adjacent roadways.</p> <p>The architectural plans and sketches show the relationship of eventual housing development when compared to natural ground levels and “sub-divided” ground levels.</p> <p><u>Cut and Fill</u></p> <p>The extent of fill on most lots has been reduced substantially, refer to the Cut and Fill plans prepared by Acor Consultants Pty Ltd, dated October 2023. Future dwellings will align with the natural topography, however there must still be significant cut and fill to accommodate the required road design. The below outlines the extent of cut and fill by each lot.</p> <ul style="list-style-type: none"> ▪ Lot 1 – the proposed dwelling platform (the horizontal blue line) cuts through the existing ground level (the grey line). ▪ Lot 2 – the proposed dwelling platform is largely below the existing ground level, due to the removal of uncontrolled fill that was used to form the driveway when the existing house was constructed. ▪ Lot 3 – the proposed dwelling platform cuts the existing ground level (EGL). ▪ Lot 4 – the proposed dwelling platform cuts the EGL. ▪ Lot 5 – the proposed dwelling platform cuts the EGL.



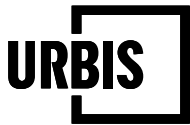
Item	Response
	<ul style="list-style-type: none"> ▪ Lot 6 – the proposed dwelling platform is largely above the EGL, but this is necessary to allow the dwelling to address Road MC02. Road MC02 cannot be at this point as the required gradient would not be achieved. ▪ Lot 7 – the proposed dwelling platform is largely above the EGL as per Lot 6. ▪ Lot 8 – the proposed dwelling platform cuts the EGL. ▪ Lot 9 – the proposed dwelling platform is largely above the EGL, but this is necessary to allow the dwelling to address Road MC02. Road MC02 cannot be at this point as the required gradient would not be achieved. ▪ Lot 10 – the proposed dwelling platform cuts the EGL. ▪ Lot 11 – this lot is currently affected by a deep cut which was created when the existing dwelling was constructed. The proposed dwelling platform is located at a level which corresponds to the natural ground level prior to those works (i.e., to the natural topography). ▪ Lot 12 – the proposed dwelling platform cuts the EGL. ▪ Lot 13 – the proposed dwelling platform cuts the EGL. <p>In response to the referral response, the proponent investigated the classification of Road MC01 which has been presented as an Access Street in accordance with the Master Plan and matching the road already approved within the adjoining property at 8 Forest Road.</p> <p>The final size and level of the OSD has been modelled and reduce the impact on the adjoining lots.</p>
<p><i>ii. P21DCP C6.9</i></p> <p>The control identifies the required items of information to be submitted for applications under “Approval Pathway 1: DA for subdivision”.</p> <p>The submitted application does not include all required information,</p>	<p>We note the references to approval pathways and PDCP C6.</p> <p>The Site Plans, Sections, 3D perspectives and 3D visualisations prepared by MHDP Architects dated June and September 2023, provide views of elevations, streetscapes, and show the character, amenity, and streetscape outcomes.</p>



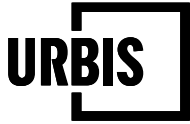
Item	Response
<p>notably building envelope plans for each allotment and plans demonstrating potential amenity impacts between future dwellings; the <i>building footprint</i> plans provided are insufficient in this regard.</p> <p>Moreover, given the constraints presented by the topography, it is recommended that a new application for Integrated Housing (Approval Pathway 2a/2b) be submitted.</p> <p>It is noted that PDCP C4 does not apply to the subject development (as referred to in the PLM notes), and that the relevant subdivision controls are contained within C6.</p>	
<p><u>2. Subdivision Type</u></p> <p>Due to the stormwater management concerns discussed further below, it is strongly recommended that the proposal be for community title subdivision, rather than Torrens title. In short, the application must demonstrate appropriate ownership and titling arrangements to facilitate the effective future management of private infrastructure in perpetuity.</p>	<p>The OSD will be a community lot. Final design will reflect modelling which is to be performed once the general layout is confirmed.</p> <p>In consultation with suppliers of stormwater treatment units we have determined that the most likely units will require only pedestrian access for servicing. Note also that the access path will be substantially less steep than originally proposed. The final detail will be subject to the final OSD design.</p> <p>Acor confirms that Sydney Water has made provision for a sewer connection. The civil plans have been updated to reflect the sewer main as shown in image below. Council's development consent would include a standard condition to this matter.</p>

Item	Response
	
<p><u>3. NSW RFS</u></p> <p>The NSW RFS is unsupportive of the proposal for the reasons outlined in the attached referral response.</p>	<p>Refer to the Addendum Bushfire Response Letter, prepared by Travers Bushfire and Ecology, dated 16 October 2024.</p> <p>The Bushfire Response Letter notes that the only effective downslope conditions arise when the contours are taken parallel to the lot's front boundaries (to the north), not in relation to the perpendicular to the front. A northerly direction takes the effective slopes into cleared grasslands.</p> <p>The Bushfire Response Letter recommends downgrading the bushfire attack level for the site's southern aspect to remnant and maintains that the proposed APZ, consisting of the road-reserve, preexisting buildings and existing APZ areas 30m into <i>Mater Marie Catholic College</i> is consistent with PBP2019.</p> <p>The Bushfire Response Letter recommends that all future buildings should not exceed radiant heat levels of 29 kW/m². The Bushfire Response Letter also advises that building footprints not exceeding radiant heat levels of 29 kW/m² can be achieved if built within the regions of residential allotments that are designed as <i>BAL-29</i> or lower.</p> <p>All housing lots will properly respond to all requirements.</p> <p>The Bushfire Response Letter states that the perimeter road associated with this proposal has been reduced from 8.0m, to 7.5m wide (kerb-to-kerb). This reduction is a deviation</p>

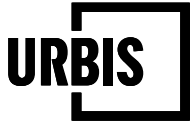
Item	Response
	<p>from the standards required from Planning for Protection 2019, and as such is a non-compliance.</p>
<p><u>4.Landscaping</u></p> <p>Concern is raised that the proposal does not satisfy the landscape outcomes of the Warriewood Valley Landscape Masterplan and Design Guidelines, Warriewood Valley Roads Masterplan or the relevant PDCP controls.</p>	<p>Amended landscape plans prepared by A Total Concept Landscape Architects dated October relocated the street tree and footpath layout to demonstrate compliance with Warriewood Valley Landscape Masterplan and Design Guidelines, Warriewood Valley Roads Masterplan and the relevant PDCP controls.</p>
<p><u>5. Bushland and Biodiversity</u></p> <p>Concern is raised in relation to the proposed tree removal, cut and fill works, road layout and landscape design. Further issues are identified in relation to the proposed APZ's and the submitted Flora and Fauna Report.</p>	<p>An amended Arborist report (Revision B) has been prepared by Naturally Trees, dated 16th October 2023.</p> <p>The report notes that, originally 23 high value trees were to be removed, however with the proposed realignment of Road MC01 this number has been reduced to the removal of 19 high value trees. The realignment of the road allows four more high value trees to be retained.</p> <p>Trees 21, 22, 23 and 24 are important trees and are located on the adjoining property. The proposed works will occupy less than 10% of their Tree Protection Zones and therefore direct impacts are not expected.</p> <p>The realignment of MC01 has also contributed to a reduction in the total "cut" and assists in addressing the APZ concerns.</p> <p>The referral response notes concern with the proposed removal of certain trees, in particular trees which are located outside of the lot. Of these trees, 9 are located in the road reserve for Forest Road Two trees (tree 26 and possibly tree 25) will be lost because of the alignment of the already approved road coming from the adjoining development at 8 Forest Road.</p> <p>All of the remaining high value trees nominated in the report can be spared by the realignment.</p> <p>It is also important to note that most of the trees are in Council's reserve. The proposal is retaining most of the</p>



Item	Response
	<p>trees which are actually the proponent’s responsibility. Also, there are currently very few trees on site and the landscaping plan and requirement to plant trees with new houses means that the final result will have significantly more trees than existing.</p>
<p>6. Traffic & Engineering</p> <p>Concern is raised in relation to the proposed road design, lot access and stormwater drainage design. In particular, the combined bio basin and OSD system being accommodated within Lot 7 is not supported as there is no community/strata body to ensure the ongoing maintenance and financing of the infrastructure. There are further concerns relating to water quality management within the development.</p>	<p>Refer to Updated Transport Impact Assessment prepared by JMT Consulting dated 16 October 2023.</p> <p>Based on Council’s feedback the access driveway to Lot 1 has been relocated to MC02 so as not to impact the nearby roundabout.</p> <p>All roads have been designed with a 12.5m wide cross section including a 7.5m wide road carriageway - consistent with the roadway coming from 8 Forest Road and consistent with the recommendations contained in the Warriewood Valley Roads Masterplan document for a local street.</p> <p>The adoption of the main road (MC01) as a local street is considered suitable given:</p> <ul style="list-style-type: none"> ▪ The Warriewood Valley Roads Masterplan does not nominate the extension of Forest Road as a Collector Street. ▪ The approval for the adjacent 8 Forest Road development under N0440/15 (as modified 9 April 2018) requires the construction of a local road through the site rather than a collector road. ▪ The volume of traffic predicted to use MC01 will be in the order of 1,000- 1,500 vehicles per day – well within the thresholds of a local street as defined in the Warriewood Valley Roads Masterplan document. This is based on the predicted traffic movements from the approved 8 Forest Road development, proposed 4 Forest Road development and other nearby sites. <p>Traffic counts undertaken in support of the 8 Forest Road development showed that less than 25 vehicles per hour or approximately 250 vehicles per day currently use the section of Jubilee Avenue near 8 Forest Road.</p>



Item	Response
	<p data-bbox="703 544 1394 611">Vehicle sight lines have been addressed by amending the road geometry to:</p> <ul data-bbox="703 640 1430 1025" style="list-style-type: none"><li data-bbox="703 640 1430 779">▪ Allow for improved sight lines for vehicles travelling around the bend in the road MC01 to sight vehicles leaving road MC02. This has been achieved by setting back the building line of Lot 13.<li data-bbox="703 808 1430 1025">▪ Provide lines of sight for vehicles approaching the existing roundabout at the school adjoining the site. The vertical curve for road MC01 has been adjusted such that there is a constant downward slope from the bend in the road MC01 all the way through to the roundabout – providing for suitable lines of sight to nearby vehicles. <p data-bbox="703 1055 1430 1234">The traffic modelling demonstrates that the minor increase in traffic flows associated with the proposal will not result in adverse impacts on the surrounding road network – taking into consideration development from surrounding areas and the future extension of Forest Road.</p> <p data-bbox="703 1263 1430 1473">The Forest Road / Macpherson Street retains its strong existing level of service A and average vehicle delay increases by less than one second across both peak hour periods. This confirms the traffic impacts will be acceptable with no additional measures required to accommodate future traffic demands.</p>



3. CONCLUSION

We welcome Council's comments and have endeavoured to provide sufficient information for Council to progress the assessment of the DA and determine the application.

The proposed modifications have responded to Council's RFI letter and the site is considered highly suitable for the proposed development for the following reasons:

- The proposed development complements the transformative nature of the proximate context and surrounding area as approved by N0440/15 and desired land use pursuant to the PLEP 2014.
- The proposed development is permissible in the zone and satisfies all objectives of the R3 Zone.
- The proposed development is fully compliant with the relevant Local and State Planning Controls despite a minor departure from Chapter B6 Access and Parking of the DCP to which a variation is sought and justification is provided in the SEE and the accompanying documents.
- The proposed development is of a scale that is desired in the locality (Sector 5) and broader urban fabric.
- The site is afforded ample access to existing public transport (bus) and the construction of new roads linking to the overarching road hierarchy will enhance this connectivity for existing and future residents.
- The proposed concept subdivision arrangements respond satisfactorily to the slope of the land; the Roads Masterplan; and bushfire considerations.

Should you require any additional information or clarification please do not hesitate to contact the undersigned.

Kind regards,

A handwritten signature in blue ink that reads "Belinda Thomas".

Belinda Thomas
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