# STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition and Residential Subdivision

Sector 5

Warriewood Urban Release Area

Lot 1, DP 5055, No. 8 Forest Road, Warriewood

Suite 1, 9 Narabang Way Belrose NSW 2085
Phone: (02) 9986 2535 | Fax: (02) 9986 3050 |
www.bbfplanners.com.au

# Statement of Environmental Effects

## Demolition and Residential Subdivision

## Sector 5

## Warriewood Urban Land Release Area

## Lot 1, DP 5055

## No. 8 Forest Road

## Warriewood

Prepared under instructions from:

**Warriewood Vale Pty Limited**

By:

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

Boston Blyth Fleming Pty Ltd
(ACN 121 577 768)

Suite 1/9 Narabang Way
Belrose NSW 2085

Tel: (02) 99862535

November 2020

## TABLE OF CONTENTS

## Annexures

# 1 INTRODUCTION/ BACKGROUND

This statement has been prepared on behalf of Warriewood Vale Pty in support of a Development Application proposing the demolition of the existing dilapidated dwelling house and the Torrens Title subdivision of the existing allotment to create 3 Lots. Specifically, the proposed subdivision will provide for the following land use outcomes:

Proposed Lot 1

This Lot comprises a Community Scheme in which:

- Lot 1 is the Community Lot,
- Lots 2 – 18 are created to accommodate future dwelling houses, and
- Lot 19 is created to accommodate a future residential flat building.

Proposed Lot 2

This Lot comprises the Inner 25 metre Creekline Corridor which is to be dedicated to Council.

Proposed Lot 3

This Lot comprises the RU2 Rural Landscape zoned portion of the development site with an area of 2.821ha. Required rights of carriageway and a restriction as to user for the purpose of an APZ are to be created.

The application also provides for the provision of required roads, stormwater infrastructure, APZ's, creek line rehabilitation works, Community Lot landscaping and services to each of the proposed Lots.

We note that in October 2015, Warriewood Vale Pty Ltd lodged a development application (N0440/15) seeking approval for the subdivision of land within the subject site and the construction of a residential development incorporating 81 dwellings and associated civil and landscape works. The proposal comprises 66 apartments within 4 residential flat buildings, 14 dwellings in multi dwelling housing and the retention of the existing dwelling house.

Following a deemed refusal, Warriewood Vale Pty Ltd lodged an appeal (16/151186) with the Land and Environment Court (LEC). With consideration of expert advice, the LEC proceedings resulted in the appeal being upheld. In the proceedings, the Commissioner found that:

> *I am satisfied that the development of 8 Forest Road for 81 dwellings is consistent with cl 6.1(1)(a) of LEP 2014 and consequently, there is no barrier to the approval of a development on 8 Forest Road that has a dwelling yield of 81 dwellings.*

The Court consent was subsequently modified on a number of occasions to facilitate the staging of the approved works and reflect design changes aimed at better meeting market demand in terms of the approved townhouses. Whilst this consent was physically commenced, market feedback showed a significantly greater demand for small lot detached style housing rather that the approved townhouse typology. This application seeks to provide a subdivision and building dwelling typology that better reflects market demand in this locality whilst also being responsive to the issues identified during formal pre-DA discussions with Council (PLM2020/0120). Importantly, the previously approved residential density of 81 dwellings is maintained.

The subject property forms the northern part of Sector 5 within the Warriewood Urban Release Area (WURA) with No. 4 Forest Road to the south comprising the balance. In recognition of Council's desire to for development to occur on a "whole of sector" basis, and notwithstanding that the previous Court consent determined that No. 8 Forest Road was capable of being developed in isolation, the proponent has made a formal approach to purchase the adjoining property to enable it to be developed concurrently as detailed at Annexure 1. We confirm that to date no response has been received to such offer. Accordingly, the application seeks consent for development on the portion of Sector 5 known as Lot 1, DP 5055, No. 8 Forest Road, Warriewood (the subject site).

As detailed in the following supporting documentation:

- Architectural Plans prepared by Jackson Teece,
- Site Survey prepared by SDG Land Development Solutions,
- Plan of proposed Torrens Title and Community Title subdivision prepared by Stratasurv,
- Heritage statement prepared by Weir Phillips Heritage and Planning,
- Traffic and Parking Assessment Report prepared by MLA Transport Planning,
- Bushfire Threat Assessment prepared by Anderson Environment & Planning,
- Ecological Assessment Report prepared by Anderson Environment & Planning,
- Water Cycle Management Report prepared by Martens & Associates Pty Ltd,
- Flood Assessment and Flood Emergency Response Plan (FERP) prepared by Martens & Associates Pty Ltd,
- Civil works/stormwater plans prepared by Martens & Associates Pty Ltd,
- Services plans prepared by Northrop,
- Geotechnical Report prepared by JK Geotechnics,
- Landscape Plan prepared by Site Image,
- Arboricultural Impact Assessment prepared by Redgum Horticultural,
- Aboriginal Heritage Due Diligence Report prepared by Future Past Pty Ltd,

- QS Report prepared by KGCB,
- Documentation confirming approach to owners of No. 4 Forest Road, Warriewood,
- Perspective images; and
- Electronic model.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979 (the Act),
- Pittwater Local Environmental Plan 2014 (PLEP 2014),
- Pittwater 21 Development Control Plan (P21DCP),
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), and
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

This statement will detail the developments performance when assessed against the applicable statutory planning considerations. This submission will demonstrate that the subdivision outcome and associated dwelling yield is appropriately described as complimentary and compatible with the identified environmental sensitivities of the site and the desired future character of the Warriewood Urban Land Release Locality as reflected by the existing approval for 81 dwellings across the site.

We have formed the considered opinion that the density and dwelling yield proposed reflects the environmental capability of the site without adverse residential amenity or environmental planning consequences with the removal of the existing dwelling facilitating a better environmental planning outcome for the site than were it retained. The proposed rehabilitation works to Narrabeen Creek/ riparian zone and its acquisition by Council will afford significant public and environmental benefit.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 (the Act). It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

# 2 SITE ANALYSIS

## 2.1 Site description and location

The subject site is legally described as Lot 1, DP 5055, No. 8 Forest Road, Warriewood. The property is irregular in shape due to its northern boundary being delineated by the centreline of Narrabeen Creek. The site has frontage and address to an unmade section of Forest Road of 201.7 metres with secondary narrow frontage to Jubilee Avenue in its north eastern corner from which vehicular access to the site is current obtained. The site has a viable depth of between 275.2 and 324.48 metres, and irregular southern boundary along Narrabeen Creek and an area of 5.678 hectares or 56,780 square metres as depicted in the survey extract at Figure 1 below.

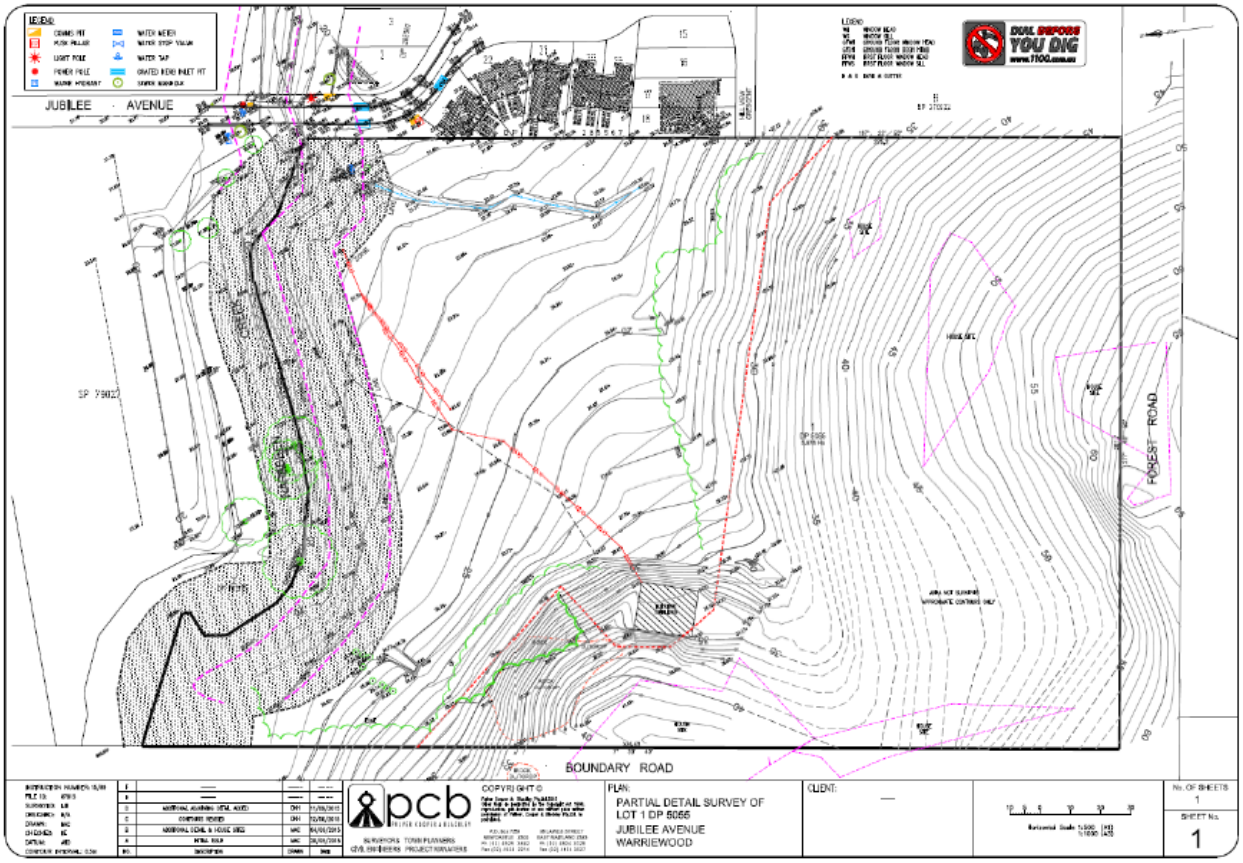


**Figure 1** – Site survey extract

The northern portion of the site falls relatively gently to the north and has been previously cleared and used for agricultural purposes. A single storey dwelling house with pitched and tile roof and sandstone base is located on the highest point of this cleared area. To the south of this cleared area the site rises steeply towards Forest Road with various rock outcrops and remnant bushland on the slopes occupying an area of approximately 3.36 hectares as depicted on the aerial photograph at Figure 2 over page. Narrabeen Creek and its riparian areas generally comprise thickets of environmental weed species with pockets of indigenous trees.

**Figure 2** – Aerial location photograph (Source: SIX Maps)

To the north of the site, and located on the opposite side of Narrabeen Creek, is the Warriewood industrial area containing industrial and warehouse development with heights of approximately 11 metres. The property generally to the south is occupied by Mater Maria Catholic College with the property to the south west, No. 4 Forest Road, occupied by a dwelling house and several ancillary buildings with the site accessed from the made portion of Forest Road.

The properties to the east are occupied by 2 storey detached dwelling houses within the Warriewood Grove residential estate. These properties are accessed from the southern end of Jubilee Avenue with the dwellings orientated to the street such that the properties share their rear boundary with the subject site. The property adjoins the Warriewood Escarpment to the west. The built form characteristics of the site are depicted in the following series of photographs.

**Figure 3** – View looking south down Jubilee Avenue towards entrance to subject site

**Figure 4** – Entrance to subject site from Jubilee Avenue

**Figure 5** – View looking south from north eastern corner of site to rear vegetated RU2 zoned portion of allotment

**Figure 6** – View looking south along eastern boundary of subject site

**Figure 7** - View looking west from centre of site towards existing dwelling house

**Figure 8** – View looking north east from existing dwelling across subject site

**Figure 9** – View looking west along Narrabeen Creek alignment

## 2.2 Zoning and key environmental considerations

The property is zoned part R3 Medium Density Residential and part RU2 Rural Landscape pursuant to Pittwater Local Environmental Plan 2014 (PLEP 2014).

Residential flat buildings are permissible with consent on the R3 Medium Density Residential zoned portion of the site however prohibited on the RU2 Rural Landscape zone. Dwelling houses are permissible within both zones.

The key environmental considerations that have been identified through detailed site analysis are as follows:

- Geotechnical hazard;
- Bushfire hazard;
- Flooding hazard;
- Flora and fauna;
- Riparian
- Vegetation and water management; and
- Traffic generation/ car parking.

The above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this development application.

# 3 DESCRIPTION OF PROPOSED DEVELOPMENT

## 3.1 Proposed demolition works

The application proposes the demolition of the existing dwelling house with its sandstone foundations retained to create a benched area for passive recreation as part of the overall development of the site.

## 3.2 Proposed subdivision

The proposed Torrens Title and Community Title subdivision prepared by Stratasurv with the overall subdivision strategy comprising the following:

Proposed Lot 1

This Lot comprises a Community Scheme in which:

- Lot 1 is the Community Lot incorporating the proposed roadways, stormwater detention basins and passive recreation area utilising the retained foundations of the existing dwelling,
- Lots 2 – 18 are created to accommodate future dwelling houses with indicative building footprints for each of the lots detailed on the accompanying plans prepared by Jackson Teece. These lots have areas ranging from 315 to 340 square metres and all have street frontage. The construction of individual dwellings houses will be the subject of separate development consents, and
- Lot 19 is created to accommodate a future residential flat building with such building the subject of a separate development consent.

Proposed Lot 2

This Lot comprises the Inner 25 metre Creekline Corridor which is to be dedicated to Council.

Proposed Lot 3

This Lot comprises the RU2 Rural Landscape zoned portion of the development site. Required rights of carriageway and a restriction as to user for the purpose of an APZ are to be created.

### 3.3 Proposed landscape/ environmental rehabilitation works

The accompanying arboricultural impact assessment prepared by Redgum Horticultural has considered the 42 substantial and prominent tree groups within and adjacent to the development area of which 39 are proposed to be removed. This trees loss takes into account the tree loss associated with the required bushfire Asset Protection Zone (APZ) clearing as identified within the accompanying bushfire threat assessment prepared by Anderson Environment & Planning. We note that the remainder of these trees together with the several thousand trees located on the southern portion of the site will be preserved.

The application proposes rehabilitation works to Narrabeen Creek and its riparian zone it being noted that this creek line has been significantly degraded and impacted by past vegetation clearing, rubbish dumping, filling, weed invasion and erosion. It is proposed to rehabilitate this riparian zone in accordance with the Bushfire and Riparian Management Plan prepared by Anderson Environment & Planning and as detailed on the accompanying Landscape Master Plan prepared by Site Image. Such works incorporate “Rainforest” vegetation as defined under the Planning for Bushfire Protection 2019 (PBP) given such landscaping will form part of the APZ with plant species also providing supplementary roosting, foraging and / or dispersal habitat for threatened species recorded in the immediate area and as detailed in the accompanying Ecological Assessment Report prepared by Anderson Environment & Planning.

The development also involves the implementation of an integrated site landscape regime across the development footprint as detailed on the accompanying Landscape Master Plan prepared by Site Image. Such landscaping incorporates the required public access along Narrabeen Creek, appropriately offsets the required tree loss and will ensure that the development sits within a landscape setting comprising canopy of trees of a height and density which will soften and screen the future buildings as viewed from the public domain.

### 3.4 Proposed civil works

The application proposes the construction of a 6 metre wide private road from Jubilee Avenue through the site for future connection to Forest Road through No. 4 Forest Road to the south which forms the balance of Sector 5. An 8 metre wide ring road for general circulation and firefighting purposes is also proposed the acceptability of which is detailed within the accompanying Traffic and Parking Assessment Report prepared by MLA Transport Planning.

The application also proposes the construction of 2 x open stormwater detention basins incorporated into the landscape regime along the Narrabeen Creek outer public riparian area. The proposed site stormwater regime is depicted on the plans prepared by Martens & Associates Pty Limited. These basins will incorporate the necessary water quality measures and will read as integrated components of the landscaping.

# 4 STATUTORY PLANNING FRAMEWORK

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

## 4.1 Environmental Planning and Assessment Act 1979

Pursuant to Division 3 of Part 2A and Schedule 4A(3) of the Environmental Planning and Assessment Act 1979 (The Act) development that has a Capital Investment Value (CIV) of more than $30 million is to be determined by a Sydney North Planning Panel (SNPP). The proposed subdivision and associated infrastructure provision have a CIV well below the threshold and therefore does not need to be referred to the SNPP.

## 4.2 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local environmental planning instrument applicable to the land. The relevant provisions of PLEP 2014 and the manner in which they relate to the site and the proposed development are assessed below.

### 4.2.1 Zoning and permissibility

The property is zoned part R3 Medium Density Residential and part RU2 Rural Landscape pursuant to Pittwater Local Environmental Plan 2014 (PLEP 2014) as depicted in Figure 10 over page.

Residential flat buildings are permissible with consent on the R3 Medium Density Residential zoned portion of the site however prohibited on the RU2 Rural Landscape zone. Dwelling houses are permissible within both zones.

The proposed residential subdivision will incorporate future dwelling houses and residential flat buildings as defined. All proposed residential accommodation is located wholly on the R3 Medium Density Residential zoned portion of the site. Accordingly, the proposed residential development is permissible with consent.

Torrens Title, Community Title and Strata Title Subdivision are permissible with consent pursuant to clause 2.6 of PLEP 2014.

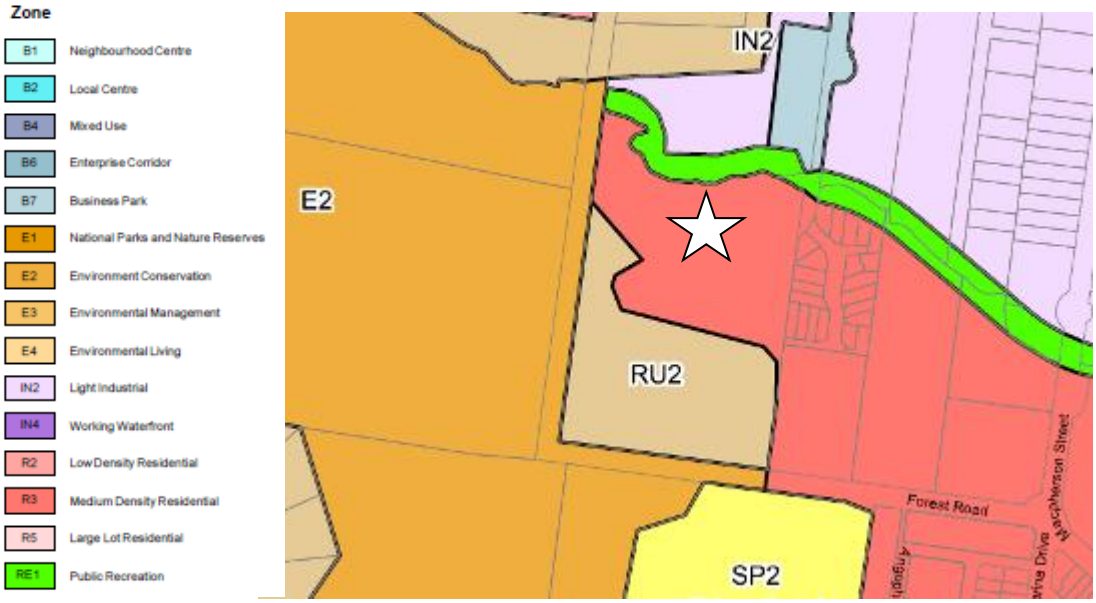


**Figure 10** – PLEP 2014 Zoning Map Extract

The objectives of the R3 Medium Density Residential and RU2 Rural Landscape zones are as follows:

**Zone R3 Medium Density Residential**

- *To provide for the housing needs of the community 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 day to day needs of residents.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

**Zone RU2 Rural Landscape**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Having regard to the objectives of the relevant zones we have formed the considered opinion that the proposed residential development is consistent with the R3 Medium Density Residential zone objectives as it provides for the housing needs of the community within a medium density residential environment whilst providing a variety of housing typologies include a detached dwelling houses and apartments.

The development also maintains the rural landscape character of the RU2 Rural Landscape zoned portion of the site with no conflict between adjoining zones associated with the minor works proposed on this portion of the land.

We have formed the considered opinion that the development is permissible with consent and consistent with the zone objectives as outlined and accordingly there is no statutory impediment to the granting of consent.

### 4.2.2 Minimum subdivision lot size

Pursuant to clause 4.1(3) the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land an extract of which is at Figure 11 below.

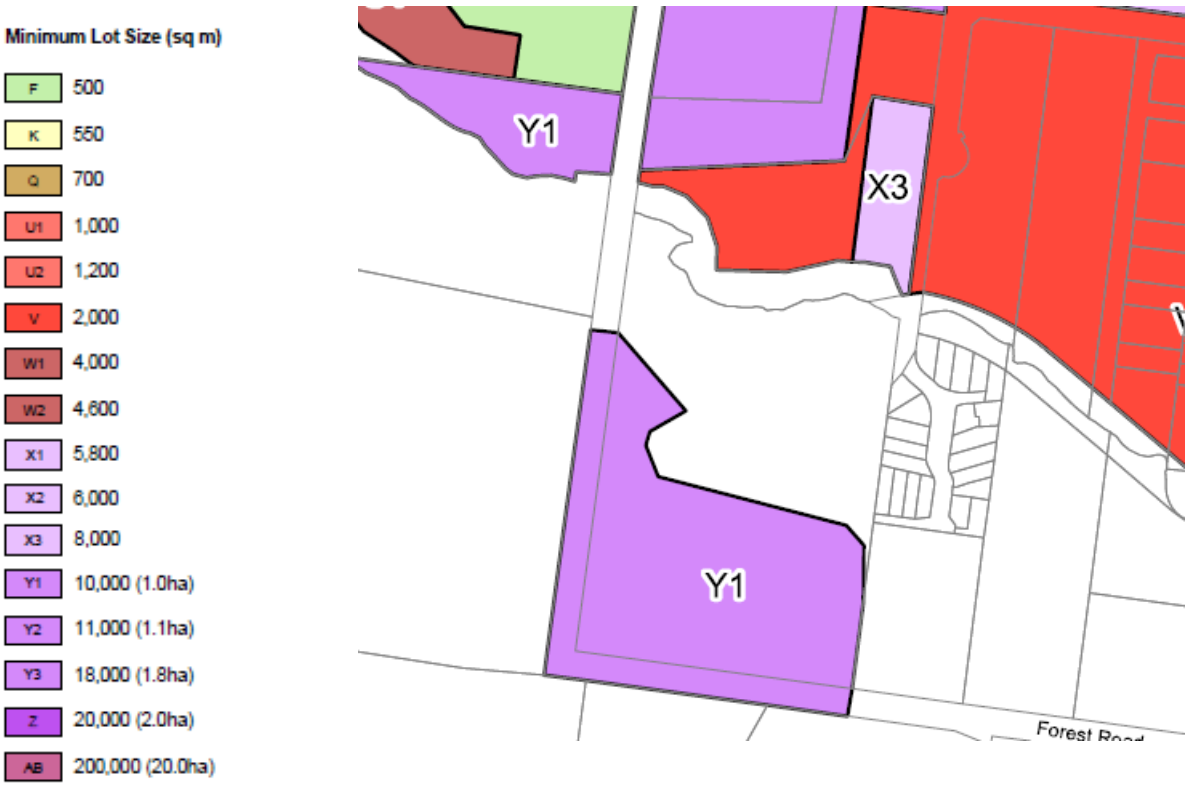


**Figure 11** - PLEP 2014 Minimum Lot Size Map extract

The application proposes the Torrens Title subdivision of the land as depicted on the proposed plan of subdivision an extract of which is in Figure 12 below. We note that there is no minimum subdivision lot size for the R3 Medium density Residential zoned area of the site however a minimum subdivision lot size of 1.0 hectare applies to the RU2 Rural Landscape zone.

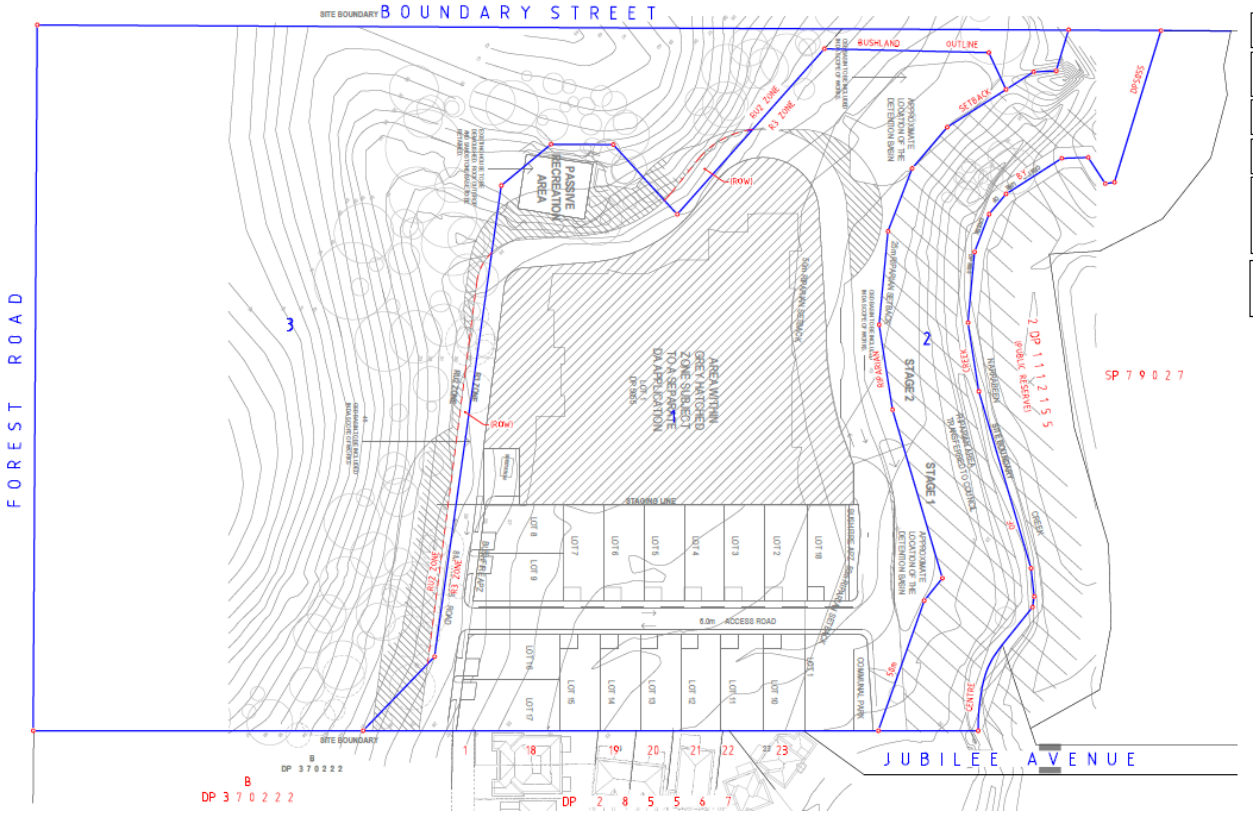


**Figure 12** – Plan of proposed subdivision

The application seeks to subdivide the RU2 Rural Landscape zone portion of the site from the R3 Medium Density Residential zone portion of the land with proposed Lot 1 having an area of approximately 2.7 hectares. Such area complies with the minimum 1.0 hectare development standard and accordingly is deemed to comply with the associated objectives. We note that proposed rights of carriageway and easements for services will ensure that access is maintained to proposed Lot 1 from Jubilee Avenue and that the site is able to be serviced from the north notwithstanding that proposed Lot 1 will continue to have frontage to the unmade section of Forest Road. Accordingly, there is no statutory impediment to the granting of consent.

Clauses 4.1AA – Minimum subdivision lot size for community title schemes and clause 4.2A – Minimum subdivision lot size for strata plan scheme in certain rural, residential and environmental protection zone do not apply to R3 zoned land with no community title or Strata Plan schemes proposed on the RU2 Rural landscape zoned portion of the land.

### 4.2.3 Height of buildings

Pursuant to clause 4.3 of PLEP 2014 the maximum building height for development on the land is 10.5 metres as depicted in Figure 2 below.

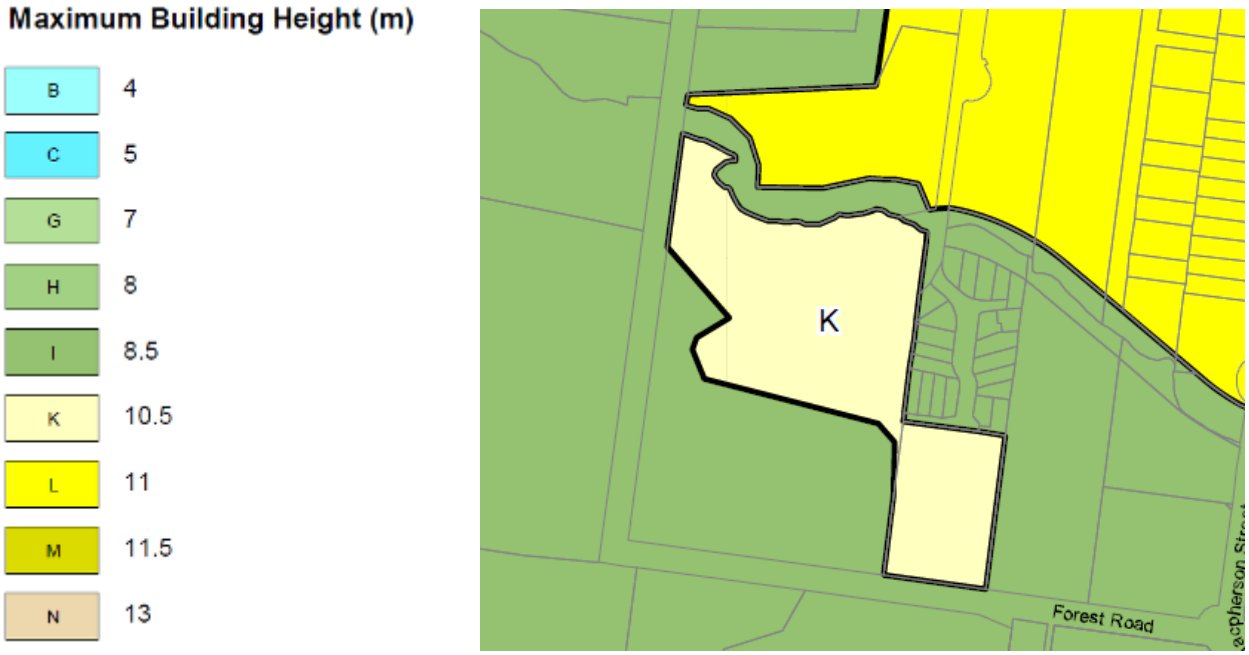


**Figure 13** – PLEP 2014 Height of Buildings Map Extract

Building Height is defined as follows:

> ***building height*** *(or* ***height of building****) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*
>
> ***ground level (existing)*** *means the existing level of a site at any point.*

The stated objectives of the height of buildings standard are as follows:

*(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*

*(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

*(c) to minimise any overshadowing of neighbouring properties,*

*(d) to allow for the reasonable sharing of views,*

*(e) to encourage buildings that are designed to respond sensitively to the natural topography,*

*(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

It has been determined that all works associated with the proposed subdivision will sit comfortably below the 10.5 metre height development standard. As the proposed works comply with the numerical standard they are also deemed to comply with the associated objectives.

### 4.2.4 Warriewood valley Release Area

Pursuant to clause 6.1 of PLEP 2014 development consent must not be granted for development on land in sector 5 unless the consent authority is satisfied that not more than 94 or less than 75 dwellings will be erected on the land. This maximum dwelling yield represents a density of 32 dwellings per hectare of developable site area. The stated objectives of the clause are as follows:

*a) to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Review 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,*

*c) to facilitate the mitigation of odours from the Warriewood Sewage Treatment Plant on the users and occupiers of residential development in a buffer area*

The application proposes the creation of a Community Scheme involving the creation of 17 dwelling house lots and 1 x development lot upon which a future residential flat building containing 64 dwellings is to be located. We note that a separate development application proposing the construction of the residential flat building has been submitted for concurrent consideration.

Accordingly, the subdivision will facilitate the construction of 81 dwellings across the site consistent with the previously approved by the Court and within the range prescribed by clause 6.1 of P LEP 2014. Having regard to the detailed constraints analysis undertaken across the sector we are of the opinion that the residential density/ yield proposed is responsive the environmental capability of the site.

Further, clause 6.1(4) states 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*

We note that the creek line corridor means land identified as “creek line corridor” on the Urban Release Area Map being 25 metres from the centre line of Narrabeen Creek.

In relation to the objectives of the standard and applicable clause 6.1(4) considerations we advise as follows:

- The documentation prepared in support of this application demonstrates that the proposed development will not adversely impact on Narrabeen Creek and creekline corridor, protects and enhances native riparian vegetation and provides for the rehabilitation of the creek line corridor;

- The development provides for the rehabilitation of the aquatic and riparian vegetation, habitats and ecosystems within creek line corridor,

- The water quality and flows within Narrabeen Creek is maintained,

- The development maintains the stability of the bed, shore, and banks of Narrabeen Creek and its corridor.

The consent authority can be satisfied that the proposed dwelling yield/ density complies with the minimum/ maximum dwelling yield for Sector 5, complies with the objectives of the standard and satisfies the clause 6.1(4) considerations. Accordingly, there is no statutory impediment to the granting of consent to the dwelling density/ yield proposed.

### 4.2.5 Heritage Conservation

Pursuant to the clause 5.10 PLEP 2014 provisions we confirm that the subject site is not heritage listed, is not located within a heritage conservation area and is not located within the vicinity of any Heritage items. That said, Council has identified that the existing dwelling house located on the subject site may have some historical significance and to that extent the application is accompanied by a heritage statement prepared by Weir Phillips Heritage.

The application proposes to remove the house from the site and retain the sandstone foundations that surrounded to create a benched area of passive recreation as part of the overall development. The heritage statement details the historical characteristics of the dwelling and confirms that the house is in very poor condition having been left vacant for some time. In relation to the acceptability of the proposal to remove the dwelling the report contains the following commentary:

> *Retention of the house was considered and rejected for the following reasons:*
>
> 1. *The house is in very poor condition, extensive restoration would need to take place.*
> 2. *In the context of the development, there is no viable use for the house without considerable modification to allow for fire protection.*
> 3. *Its immediate environmental context would be destroyed to make it useable.*
>
> - *Condition of the House*
>
> > *The house is dilapidated and has been extensively vandalised. From its period of construction, considerable asbestos contamination is anticipated. Given the level of dilapidation, in conjunction with the restraints outlined below, restoration of the house is not considered viable or desirable.*
>
> - *Fire Protection*
>
> > *Anderson Environment and Planning have provided expert advice in the form of a letter dated 7 August, 2020 with regard to fire protection, particularly with regard to bushfires. Figure 1 of this report shows the large area of native forest that would need to be removed in order to create an Asset Protection Zone (APZ) around the house. In addition, a further area of ground clearance would be required meaning the removal of the native ground layer.*
> >
> > *In addition, considerable modification of the house would be required to meet Level 3 construction in accordance with AS 3959.*
>
> - *Environmental Protection*
>
> *Anderson Environment and Planning have also provided expert advice in the form of a letter dated August 2020 with regard to ecological advice. It notes:*
>
> > *The removal of the native vegetation above will have significant impacts to both the flora and fauna. The LGA has limited native vegetation as a result of urbanisation. This vegetation provides foraging, roosting and nesting habitat for native fauna, whilst providing connectivity to the vegetation in north, south and west of the site. Given the developed nature of the LGA preserving such wildlife corridors is essential in maintaining existing flora and fauna populations.*

*The vegetation also assists in the overall catchment health by reducing surface runoff, increasing water quality for both surface and groundwater.*

*Loss of this vegetation also would result in a significant impact on the visual amenity of the site.*

*The proposed development has limited vegetation removal to preserve this unique landscape in an urban environment.*

*In these circumstances the ecological impacts will outweigh any heritage value of the house.*

In this regard, the heritage statement recommends the following mitigating measures:

1. *An archival recording of the house and its surroundings should be undertaken to Heritage Office Standards.*

2. *An interpretation strategy and plan should be undertaken to provide an historic context for the removed house and the surrounding area.*

3. *Where possible sandstone walls and footings should be retained and reused as part of the landscaping of the area surrounding the site of the house. This material may also be used to illustrate the general size and layout of the house on its site.*

No objection is raised to these mitigating measures forming appropriately worded conditions of development consent.

### 4.2.6 Acid sulfate soils

Pursuant to clause 7.1 of PLEP 2014 the site is identified as Class 5 on the Acid Sulfate Map. Having regard to the applicable considerations and the findings of the geotechnical report prepared by JK Geotechnics we have formed the considered opinion that the additional excavation proposed will not lower the watertable table on any adjoining Class 1, 2, 3 or 4 land below 1m AHD and accordingly no further investigation is required.

### 4.2.7 Flood planning

Clause 7.3 of PLEP 2014 applies to land at or below the flood planning level. The site is identified as being subject to Flood Risk Category 1/ High Hazard Flooding and an Overland Flow Path. Pursuant to clause 7.3(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.*

In this regard the application is accompanied by a Flood Assessment and Flood Emergency Response Plan (FERP) prepared by Martens & Associates P/L which confirms the following:

**Summary and Recommendations**

A detailed hydraulic model has been developed for the site using Council's accepted MA 2017 TUFLOW model and using detailed site survey and proposed design elements to assess local flood characteristics. The model accurately replicates Council adopted flood characteristics.

The model was used to determine the existing and proposed flood conditions in the 1% AEP flood (with and without climate change) and PMF events. Modelling concluded that:

1. The proposed trunk drainage line effectively render the site development area flood free in the 1% AEP flood (with and without climate change).
2. The proposed development would have acceptable offsite flood impacts.
3. Compliance with Council flood planning level requirements for building and car park levels are achieved.

Whilst the proposed development is affected by flood hazards during the PMF event, the site specific FERP has been prepared to ensure that the site can operate safely in the floodplain environment. In summary:

1. Subscription to a number of warning systems will significantly reduce the likelihood of persons on site during a major flood event.
2. In the unlikely scenario that persons are on-site during an unanticipated rare events greater than the 1% AEP flood event, risk to persons is managed through site evacuation and shelter-in-place.
3. The proposed backup flood warning device ensures that effective warning time and reliable flood-safe egress can occur in the unlikely event that there are no other prior emergency services flood warnings.
4. With the implementation of the FERP procedures the risk to life is reduced to acceptable levels.
5. Having procedures prior to floods occurring will significantly reduce the likelihood of persons on site during a major flood event.

6. The backup flood warning device ensure people on the site have sufficient time to safely evacuate the site or to shelter-in-place based on the critical duration PMF event.

7. The flood warning device would ensure sufficient warning time and reliable flood-safe access in the unlikely event that prior flood warnings are unavailable.

The following recommendations are made:

1. Piers are to be designed by a suitably qualified engineer to withstand the forces of floodwater, debris and buoyancy.

2. A flood risk management plan should be prepared at DA stage to outline shelter-in-place and evacuation requirements to minimise flood risk to life and property associated with the use of land.

The proposed development has been designed to ensure compatibility with the existing floodplain environment. As the proposed development has been designed to achieve Council requirements, no further recommendations are considered necessary.

The clause 7.3(3) considerations are satisfied.

### 4.2.8 Biodiversity

Pursuant to clause 7.6 of PLEP 2014 the site is identified on Council's Biodiversity Map an extract of which is at Figure 14 below.

**Figure 14** – Extract from PLEP 2014 Biodiversity Mapping

Pursuant to clauses 7.6(3) and (4) and (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.*

Further, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact*

As previously indicated, the accompanying arboricultural impact assessment prepared by Redgum Horticultural has considered the 42 substantial and prominent tree groups within and adjacent to the development area of which 39 are proposed to be removed. This trees loss takes into account the tree loss associated with the required bushfire Asset Protection Zone (APZ) clearing as identified within the accompanying bushfire threat assessment prepared by Anderson Environment & Planning. We note that the remainder of these trees together with the several thousand trees located on the southern portion of the site will be preserved.

The application proposes rehabilitation works to Narrabeen Creek and its riparian zone it being noted that this creek line has been significantly degraded and impacted by past vegetation clearing, rubbish dumping, filling, weed invasion and erosion. It is proposed to rehabilitate this riparian zone in accordance with the Bushfire and Riparian Management Plan prepared by Anderson Environment & Planning and as detailed on the accompanying Landscape Master Plan prepared by Site Image. Such works incorporate “Rainforest” vegetation as defined under the Planning for Bushfire Protection 2019 (PBP) given such landscaping will form part of the APZ with plant species also providing supplementary roosting, foraging and / or dispersal

habitat for threatened species recorded in the immediate area and as detailed in the accompanying Ecological Assessment Report prepared by Anderson Environment & Planning.

The development also involves the implementation of an integrated site landscape regime across the development footprint as detailed on the accompanying Landscape Master Plan prepared by Site Image. Such landscaping incorporates the required public access along Narrabeen Creek, appropriately offsets the required tree loss and will ensure that the development sits within a landscape setting comprising canopy of trees of a height and density which will soften and screen the future buildings as viewed from the public domain.

Such outcomes satisfy the applicable biodiversity considerations.

### 4.2.9 Geotechnical hazards

Pursuant to clause 7.7 of PLEP 2014 the south western edge of the site is identified on Council's Geotechnical Hazard Map an extract of which is at Figure 15 below.

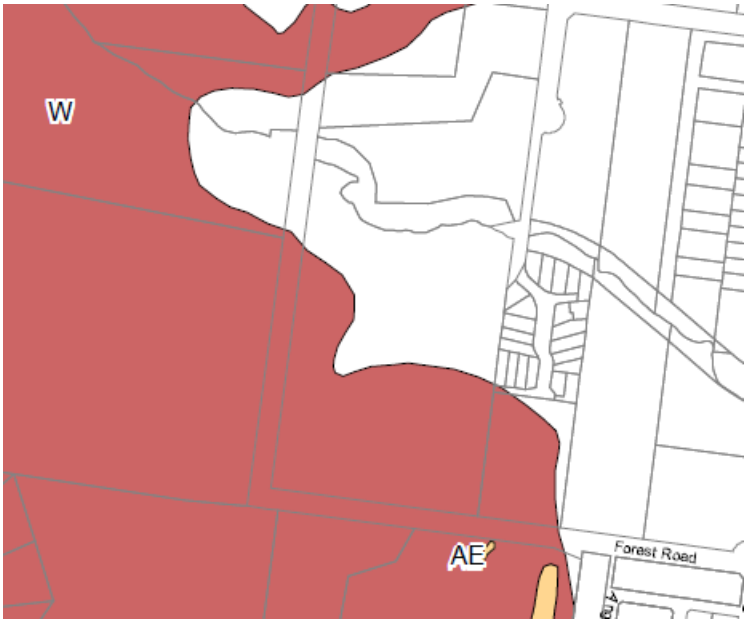


**Figure 15** - Extract from PLEP 2014 Geotechnical Hazard Map

We note that the majority of works are located outside the mapped area however as the property is captured by the control the application is accompanied by a geotechnical risk management statement prepared by JK Geotechnics which confirms that the development complies with Council's Geotechnical Risk Management Policy and is suitable for the development proposed.

### 4.2.10 Essential services

In accordance with the clause 7.10 PLEP 2014 considerations the proposed subdivision will be fully serviced as detailed on the plans prepared by Northrop. As such, Council can be satisfied the proposed subdivision, including the future dwelling house and residential flat development, will be appropriately serviced and accordingly these provisions are satisfied.

## 4.3 Pittwater 21 Development Control Plan

This policy document came into effect on 1st February 2004 and has been amended on numerous occasions since. Pittwater 21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of Pittwater 21 DCP as outlined in the following sections of this report.

### 4.3.1 Overview

The following sections of this statement provide a detailed assessment of the residential development against the applicable DCP provisions. The land is located within Sector 5 of the Warriewood Valley Release Area.

### 4.3.2 Locality Statement - Warriewood Valley Land Release Area

The Locality Statement for the Warriewood Valley Land Release Area is as follows:

> *Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map).*
>
> *First identified as a Release Area in 1997, the Warriewood Valley Release Area previously consisted of 110 hectares including 32.68 hectares of industrial/commercial land and associated community facilities and infrastructure. Two recent reviews have been undertaken firstly the Warriewood Valley Strategic Review 2012 and secondly the Warriewood Valley Strategic Review Addendum Report 2014. The Release Area now includes Buffer Areas 1, 2 and 3, resulting in an area of approximately 190 hectares.*
>
> *Warriewood Valley is primarily a residential area expected to provide a total of 2,451 new dwellings (this figure includes the dwellings approved under the former Part 3A legislation). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).*
>
> *The Warriewood Valley Land Release Area is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.*
>
> *Warriewood Valley continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area, and will include a mix of low to medium density housing, industrial/commercial development and open space and community services.*
>
> *The creeklines, roads and open space areas will form the backbone of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.*
>
> *The Warriewood Valley Area is affected by various hazards. identified on various maps within Pittwater LEP 2014.*

*The Warriewood Release Area includes vegetation areas, threatened species, or areas of natural environmental significance.*

*A number of identified heritage items are located in Warriewood Valley.*

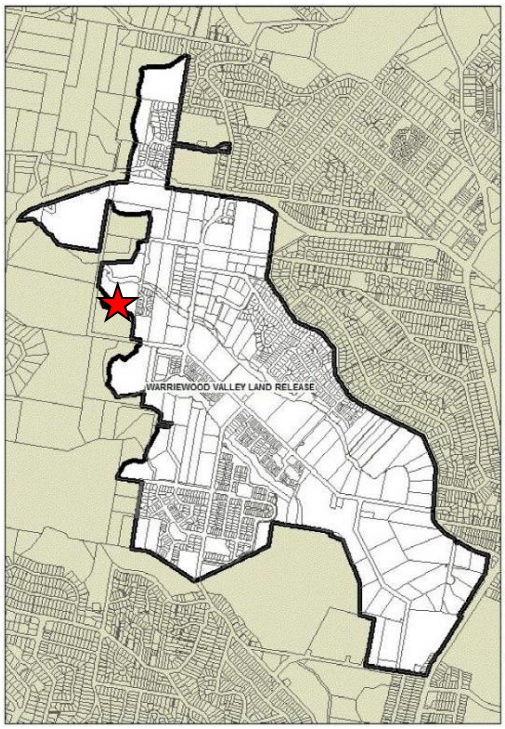


**Figure 16** - Warriewood Valley Land Release Area map

### 4.3.3 General Controls

| Control | Response |
|---|---|
| **B1.4 Aboriginal Heritage Significance** | |
| ▪ If a property, the subject of a development application is identified as possibly meeting any of the criteria for being a potential Aboriginal place or containing an Aboriginal object then additional independent information on the potential heritage significance may be requested.<br>▪ If a property, the subject of a development application, is in the vicinity of an identified or potential Aboriginal place of heritage significance or Aboriginal object then additional independent information on the potential heritage significance may be requested.<br>▪ The additional information requested may take the form of a report prepared by a suitably qualified archaeologist, as well as consultation with the NSW Office of Environment and Heritage and appropriate Aboriginal groups.<br>▪ If an Aboriginal site or relic is discovered, it must be reported to the NSW Office of Environment and Heritage and all works stopped.<br>▪ Development must conserve the significance of any Aboriginal place of heritage | The application is accompanied by an Aboriginal Heritage Due Diligence Report prepared by Futurepast Pty Limited. This report concludes:<br>*This due diligence assessment concludes that, based on physical inspection, review of previous archaeological investigations in the surrounding area, the location of known sites, ground disturbance and discussions with Metropolitan LALC, the study area has a low potential for Aboriginal heritage sites or objects.*<br>*As a result, the proposal is assessed as being unlikely to have an adverse impact upon the Aboriginal archaeological cultural heritage values of the place.*<br>The report contains a number of recommendations which will be complied with subject to suitable conditions. |

| Provision | Response |
|---|---|
| **B2.8 Bushfire Hazard** | |
| **Controls**<br><br>All development is to be designed and constructed so as to manage risk due to the effects of bushfire throughout the life of the development.<br><br>**Response**: The application is accompanied by bushfire threat assessment prepared by AEP with such assessment confirming that the residential subdivision will be safe from bushfire hazard subject to the implementation of the required bushfire management measures including required APZ's. These provisions are satisfied. | |
| **B6.6 Off-Street Vehicle Parking Requirements – All Development other than Low Density Residential** | |
| **Uses to which this control applies**<br><br>Uses to which this control applies<br><br>Attached dwelling Boarding house Business Development Child care centre Development/subdivision of a sector, buffer area or development site in a Release Area Group home Hospital Hostel Industrial Development Multi dwelling housing Occupation/change of use of an existing premises Other Development Residential flat building Rural industry Semi-detached dwelling Seniors housing Shop top housing Subdivision Tourist and visitor accommodation. | |
| **Outcomes**<br><br>An adequate number of parking and service spaces that meets the demands | |

| Control | Response |
|---|---|
| generated by the development.(S) Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. (En, S) | |
| **Controls**<br><br>**On-site Car Parking Requirements**<br><br>The minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to comprise the total of the following:  The total number of spaces as set out in TABLE 1 below.  Plus the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements. | The application is accompanied by a Traffic and Transport Assessment prepared by MLA Transport Planning which confirms that the residential subdivision and roadway design is capable of providing appropriately for off-street parking |

### 4.3.4 Development Type Controls

| Provision | Response |
|---|---|
| **C6.1 Integrated water cycle management** | |
| **Outcomes**<br>▪ Development is designed with an integrated approach to water management, addressing water quality and quantity, watercourse and riparian corridor, stormwater and groundwater, and likely impacts from flooding. (Ec, En) Development is designed to minimise the risk posed by flooding and adapt to climate change impacts. (En, Ec, S) Establish a network of multi-functional living creekline corridors particularly Narrabeen Creek, Fern Creek and Mullet Creek for flood conveyance, environmental flows, flora and fauna habitat, water quality improvement, cyclist and pedestrian access, and drainage, linking the Warriewood escarpment with Warriewood Wetlands and Narrabeen Lagoon. (Ec, En, S) Remnant native vegetation along creeklines, escarpment vegetation, and the Warriewood Wetlands, including stands of Swamp Mahogany, Forest and Swamp Oaks, and Angophora woodlands are conserved and restored to provide linkages and stepping stones for wildlife movement. (En) Natural creeklines are wildlife corridors with riparian vegetation, providing a functioning habitat for birds and diverse native flora. (En) A range of aquatic habitats within the creeks are protected and restored (En) Long-term environmental protection of the receiving waters including the Warriewood Wetlands and Narrabeen Lagoon. (En) Various functions are integrated into the multiple use creekline corridor systems of the Warriewood Valley to achieve aesthetic, recreational, environmental and economic benefits. (Ec, En, S) Landscaping enhances the required functions of the creekline corridor and reduces the impact of utilitarian drainage structures on the open space. (Ec, En, S)<br>**Controls**<br>▪ Water Management Report and Accompanying Plans<br>▪ A Water Management Report to be submitted with the application must demonstrate how the water cycle will be managed and integrated within the development.<br>▪ The Water Management Report is to be prepared by appropriately qualified professionals and certified by an experienced and qualified engineer specialising in hydraulics. It is to be in accordance with Council's Warriewood Valley Urban Land Release Water Management Specification (February 2001) and relevant legislation taking into account the Narrabeen Lagoon Flood Study (September 2013 or as amended) and the Pittwater Overland Flow Flood Study (2013 or as amended).<br>Elements for consideration include, but are not limited to:<br>▪ □ Water sensitive urban design □ Flooding implications including mainstream flooding and overland flow and flood emergency | The application is accompanied by a Water Cycle Management Report and accompanying plans. These documents have been prepared in strict accordance with Council's Warriewood Valley Urban Land Release Water Management Specification (February 2001).<br>The report makes a number of recommendations compliance with which should form conditions of development consent. |

| Provision | Response |
|---|---|
| response  Climate change impacts on flooding and designs of stormwater management infrastructure  Demonstration that any new allotments to be created are above the Flood Planning Area  Where a creek passes through/aligns or abuts a sector, buffer area or development site, the development has integrated the creekline corridor requirements into the design of the development  The Inner Creekline Corridor is designed and constructed to contain the 1% Annual Exceedence Probability (AEP) flow  With the exception of the Inner Creekline Corridor, the water management facilities will remain in private ownership. The maintenance responsibility for this infrastructure remains with the owners of the land/development.  The integrated water cycle management scheme must, where relevant, be supplementary to the BASIX requirement to reduce potable water consumption.  Stormwater quantity management, including inter-allotment drainage systems and public (existing and/or proposed) stormwater drainage systems<br>▪  Groundwater impacts and mitigation measures  Alterations and additions to a development must consider the existing approved water cycle management already established for the development.<br>▪ Plans detailing the integrated water cycle management system recommended by the Water Management Report, including a plan detailing the quantum of pervious and impervious areas are to accompany the Water Management Report.<br>Flooding<br>The flood levels are to be determined as part of the Water Management Report. The information to be obtained includes:<br>▪  50% Aannual eExceedence pProbability (AEP) flood levels and with climate change impacts;  20% AEP flood levels and with climate change impacts;  1% AEP flood levels and with climate change impacts;  Flood Planning Level (FPL) - equal to the 1% AEP flood level plus 500mm freeboard (as defined within Council's Flood Risk Management Policy Appendix 8 of DCP) and with climate change impacts;  Probable Maximum Flood (PMF) level and with climate change impacts;  Flow velocities for the 1% AEP flood and Probable Maximum Flood and with climate change impacts; and  Flood Category and Flood Hazard Classification as defined in Council's Flood Risk Management Policy (Appendix 8) and with climate change impacts.<br>▪ Likely flood impacts from the development must also be assessed and where required, mitigated.<br>▪ The filling of land will only be permitted where it can be demonstrated within the Water Management Report that:<br>▪  There is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event; and the PMF event -including climate change considerations for both design events; and/or  There is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the Probable Maximum Flood (PMF) event (including climate | All floor levels for future residential development within the subdivision will be above the FPL as detailed in the accompanying Flood Assessment prepared by Martens. |

| Provision | Response |
|---|---|
| change impacts).<br>▪ The Water Management Report must identify the minimum floor level requirements for development in accordance with the Flood Hazard and Flood Category applicable to the proposed land use specified in Appendix 8 of this DCP.<br>▪ The subdivision of land requires the building of platforms for each additional allotment created to be at or above the Flood Planning Level (plus climate change). The Plan of Subdivision is to include the Flood Planning Level (plus climate change) for each new allotment created.<br>Creekline Corridor<br>▪ Where a creek passes through/aligns or abuts a sector, buffer area or development site, the creekline corridor is to generally comprise a total width of 100 metres, comprising of a 50 metre wide Inner Creekline Corridor (being 25 metres either side of the centreline of the creek) and an Outer Creekline Corridor 25 metres wide each side of the Inner Creekline Corridor.<br>▪ The 50 metre wide Inner Creekline Corridor (25m either side of the creekline corridor), to be brought into public ownership, is a corridor that contains the creek, floodway and flora and fauna habitat. The Inner Creekline Corridor is to be designed and constructed to contain the 1% Annual Exceedence Probability (AEP) flow plus climate change. Detailed engineered plans are to be submitted with the application depicting the creek construction.<br>▪ The 25 metre Outer Creekline Corridor (commonly known as the 'private buffer strip') to be provided on each side of the Inner Creekline Corridor is to be retained in private ownership. The private buffer strip is to be a multifunctional corridor and may contain:<br>▪ - The pedestrian path/cycleway is to be sited above the 20% AEP flood level to reduce the incidence of flood damage to a manageable level and achieve a satisfactory safety level for regular use. The location of the pedestrian path/cycleway is variable to ensure connectivity with existing sections of the path can be provided and retention of vegetation. The alignment of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists. - Water quality control ponds. - Other water quality treatment measures. - Roads and impervious areas may intrude into part of the outer Creekline Corridor but will be subject to merit assessment.<br>▪ Dwellings, garages and other vertical built structures must not be located within the private buffer strip.<br>▪ A landscape plan for the Inner and Outer Creekline Corridors is to be prepared and submitted with the application. Extensive stands of Casuarina glauca, groves of Eucalyptus robusta with other native feature trees, an indigenous understorey and ground covers are to comprise a minimum of 75 % of the total creekline corridor area. In areas of low use, native groundcovers should be used as an alternative to lawn. | The proposal incorporates a 25 metre wide Inner Creekline Corridor which is to be brought into public ownership following completion of the rehabilitation works. This inner Corridor has been designed to contain the 1% Annual Exceedence Probability (AEP) flow plus clime change as detailed in the accompanying flood report. The required rehabilitation works are depicted on the accompanying landscape plan and detailed in the Bushfire and Riparian Management Plan prepared by Anderson Environment & Planning.<br>The 25 metre Outer Creekline Corridor "Private Buffer Strip" is provided to the south of the Inner Creekline Corridor and is to be retained in private ownership.<br>We note that roads and impervious areas may intrude into part of the outer Creekline Corridor on merit and to that extent the new private roadway and small sections of private open space do intrude. We confirm that the area of intrusion is offset by a greater setback being maintained in the north western corner of the site to the creekline and identified Endangered Littoral Rainforest in this area of the site.<br>We confirm that intrusions are limited to private roadways when the offsetting is taken into account with no dwellings, garages or other vertical built structures within this outer creekline corridor. Such offsetting succeeds on merit having regard to the detail site and |

| Provision | Response |
|---|---|
| Stormwater Drainage Quantity Management<br>▪ A piped stormwater drainage system network is to be designed for a 5% AEP flood event (including climate change impacts). A failsafe flood overflow system for flood events greater than a 5% AEP flood is to be provided and managed. Appropriate system blockages are to be included in the stormwater drainage system design.<br>▪ The stormwater pipe drainage system network is to include private inter-allotment drainage systems to be connected to the public drainage system. Stormwater drainage easements will be required over all inter-allotment drainage systems and where a public stormwater drainage system traverses private property. The required easements are to be shown on the Plan of Subdivision.<br>▪ Stormwater quantity management design details are to be submitted and taken into account in the integrated water cycle management for the development. | environmental/ ecological analysis undertaken.<br>Both the inner and outer riparian areas are to be extensively landscaped in accordance with the accompanying landscape plan. |
| Groundwater<br>▪ The Water Management Report must identify the depth of the groundwater table. If groundwater is to be managed as a result of excavation/basements/stormwater or flood mitigation measures on the proposed development, the groundwater management measures are to be detailed in the report. | The application is accompanied by a detailed geotechnical report prepared by JK Geotechnics which confirm that there will no ground water encountered as a consequence of the excavation proposed. |
| Alterations and Additions to Existing Development<br>▪ Alterations and additions to a development must consider the existing approved water cycle management already established for the development particularly water quality, water balance and stormwater detention.<br>▪ For water management requirements for residential allotments, please refer to Control D6.4. | N/A |
| **Variations**<br>The width of this the Outer Creekline Corridor (known as the 'private buffer strip') may be less than 25 metres provided the outcomes of this control are met and subject to this buffer strip having an average 25 metres width. | An average 25 metre width is achieved. The variation better achieves the outcomes of the control and to that extent satisfies the variation criteria as outlined. |
| **Advisory Notes**<br>Warriewood Valley Urban Land Release Water Management Specification (February 2001), Narrabeen Lagoon Flood Study (September 2013), and Pittwater Overland Flow Flood Study (2013) are available on Council's website, www.pittwater.nsw.gov.au/flooding.<br>▪ NSW Office of Water is the approval authority with regards to groundwater. If groundwater impacts are likely as a result of the proposal, the development application will require concurrence from the NSW Office of Water and application will be considered as Integrated Development. | |

| Provision | Response |
|---|---|
| ▪ The creek centreline may, as a result of the design, vary within the 50m wide public Inner Creekline Corridor. See Appendix 3 - Warriewood Valley Urban Land Release Planning Context & | |
| **C6.2 Natural Environment and Landscape Principles** | |
| **Outcomes**<br><br>▪ Landscaping enhances and complements the natural environment and surrounding landscape character, reinstates elements of the natural environment, reduces the visual bulk and scale of development, and complements the design of the proposed development. Remnant bushland and wetland areas are conserved, local indigenous trees, shrubs and groundcover are retained, regenerated and promoted wherever possible. The canopy cover and the habitat value are increased. The natural landscape character of the area is improved. Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing visual and environmental qualities, biological diversity and ecological<br><br>▪ processes. A pleasant and safe living environment that is environmentally responsive, resulting in a unified, high quality landscape character and high level of visual amenity that in turn contributes to the sense of place. New development is blended into the streetscape and neighbourhood.<br><br>**Controls**<br><br>Landscaping Principles<br><br>▪  Promote landscape design and planning as part of a fully integrated approach to site development;  Be sensitive to the site attributes and context, such as streetscape character, natural landform, soils, existing vegetation, views, land capability, and drainage;  Protect and, where possible, incorporate existing significant trees, remnant vegetation and natural features;  Protect and enhance wildlife corridors and fauna habitats;  Provide planting schemes that reinforce the framework of endemic canopy trees with supplementary plantings of other suitable understorey and groundcover species. These may include species that have high ornamental qualities and/or provide food and habitat for native fauna and/or have aromatic flowers and foliage. In areas of high sensitivity only locally indigenous tree species should be used for the canopy;  Visually integrate the built form of the development into the natural and cultural landscapes of the Warriewood Valley;  Manage the micro-climate, through the provision of canopy trees for shade;  Maximise landscaped areas for on-site infiltration of stormwater;  Integrate and form linkages with parks, reserves and transport corridors;  Complement the functions of the street e.g. reinforcing desired traffic speed and behaviour; considering lines of sight for pedestrians, cyclists and vehicles; promoting safety and casual | The accompanying arboricultural impact assessment prepared by Redgum Horticultural has considered the 42 substantial and prominent tree groups within and adjacent to the development area of which 39 are proposed to be removed. This trees loss takes into account the tree loss associated with the required bushfire Asset Protection Zone (APZ) clearing as identified within the accompanying bushfire threat assessment prepared by Anderson Environment & Planning. We note that the remainder of these trees together with the several thousand |

| Provision | Response |
|---|---|
| street surveillance;  Satisfy maintenance and utility requirements and minimise their visual impact. For example, undesirable visual elements such as blank walls, service areas, loading docks, and electrical sub-stations are adequately screened with shrub and tree plantings of suitable species at appropriate spacings;  Paving, structures, fencing and wall materials complement the architectural style and finishes of the buildings on the site.<br>▪ Development must be designed to maximise the restoration, retention and preservation of indigenous trees, shrubs and groundcovers, as well as natural features, including rock features and watercourses.<br>▪ Integration with Creekline Corridor and Public Open Space<br>▪ For land adjoining creekline corridors, buffer strips and reserves, preference should be given to local species identified as food sources for native fauna. Refer to species lists contained in the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).<br>▪ If the development site contains a section of Creekline Corridor, a landscape plan for the Creekline Corridor must be prepared. Details are to include:  The creek and floodway particularly where the Inner Creekline Corridor is designed and is to be constructed to contain the 1% Annual Exceedence Probability (AEP) flow,  Any revegetation to facilitate flora and fauna habitat,  Pedestrian path/cycleway located above the 20% AEP flood level.  The location of the pedestrian path/cycleway within the Outer Creekline Corridor where practicable, and  If relevant, the location of any water quality control ponds and other water quality treatment measures.  Extensive stands of Casuarina glauca, and groves of Eucalyptus robusta with other native feature trees and indigenous understorey and ground covers are to comprise a minimum of 75 % of the total creekline corridor area. In areas of low use, native groundcovers should be used as an alternative to lawn.<br>▪ The alignments of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists.<br>▪ Dwellings, garages and other vertical built structures must not be located within the private buffer strip (being the 25 metre wide Outer Creekline Corridor beyond the 25 metre wide Inner Creekline Corridor). Roads and impervious areas comprising of a maximum of 25% of the Outer Creekline Corridor area may be permitted subject to a merit assessment.<br>▪ Landscaping of existing and proposed Public Road Reserves<br>▪ Planting within the existing or proposed public road reserve is to be in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain) and the following:  Street trees are to be planted within the road verge to be placed at 6 metre intervals;  Species are to comply with the species list in the Warriewood Valley Landscape Masterplan;  Species selected must not interfere with existing power lines.  Plantings are to be 35 litre in size with 1 metre x 1 metre hole and backfilled with planting medium.  Trees are to be staked with 2/50mm x 50mm stakes with hessian tie.  Street trees are to be | trees located on the southern portion of the site will be preserved.<br><br>The application proposes rehabilitation works to Narrabeen Creek and its riparian zone it being noted that this creek line has been significantly degraded and impacted by past vegetation clearing, rubbish dumping, filling, weed invasion and erosion. It is proposed to rehabilitate this riparian zone in accordance with the Bushfire and Riparian Management Plan prepared by Anderson Environment & Planning and as detailed on the accompanying Landscape Master Plan prepared by Site Image. Such works incorporate “Rainforest” vegetation as defined under the Planning for Bushfire Protection 2019 (PBP) given such landscaping will form part of the APZ with plant species also providing supplementary roosting, foraging and / or dispersal habitat for threatened species recorded in the immediate area and as detailed in the accompanying Ecological Assessment Report prepared by Anderson Environment & Planning.<br><br>The development also involves the implementation of an integrated site landscape regime across the development footprint as detailed on the accompanying Landscape Master Plan prepared by Site Image. Such landscaping incorporates the required public access along Narrabeen Creek, appropriately offsets the required tree loss and will ensure that the |

| Provision | Response |
|---|---|
| planted so as not to obstruct the free passage of pedestrians along the road verge or the future construction of a 1.5 metre footpath where none exists.  Where possible all existing trees over 3 metres in height are to be retained within the road reserve areas. Such trees are to be protected through perimeter 1.8 metre high temporary fencing during the construction of works.  Grassed areas are to be turfed with Couch species (weed free) to a maximum 4% grade<br><br>Landscaped Area<br><br>▪ Due to the smaller lot sizes in Warriewood Valley and the resultant smaller dimensions of landscaped area, areas intended for landscaping should be predominately areas of deep soil.<br><br>▪ Deep soil areas are areas of soil unobstructed by buildings or structures above or below the ground. Areas above the ground level do not contribute towards the deep soil area quantum.<br><br>▪ Deep soil zones have important environmental benefits, such as allowing infiltration of rain water to the water table and reduction of stormwater runoff, promoting healthy growth of large trees with large canopies and protecting existing mature trees.<br><br>In designing and siting dwellings, the following principles should be adhered to:<br><br>▪  Areas intended for landscaping should be predominately areas of deep soil,  The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation.  Basement car parking should be contained within the building footprint to maximise areas for deep soil planting,  Deep soils areas should be co-located with areas of private open space or communal open space in the case of residential flat buildings and multi dwelling housing to provide shade and amenity for residents.<br><br>Communal Open Space Area<br><br>▪ Areas of communal open space are required to be provided within residential flat buildings and multi dwelling housing developments.<br><br>▪ Areas of communal open space should be co-located with deep soils areas to provide shade and amenity for residents.<br><br>▪ A landscape plan of communal open space areas is to be prepared, showing connection and utility of this communal open space area for future residents of the development.<br><br>**Variations** Nil.<br><br>**Advisory Notes** This control is to complement the related provisions under Pittwater LEP 2014 and Control B4.22 of this DCP.<br><br>For landscape guidelines associated with creekline or road reserve interface, refer to the Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain) 2014 as amended. | development sits within a landscape setting comprising canopy of trees of a height and density which will soften and screen the future buildings as viewed from the public domain.<br><br>These provisions are satisfied. |

| Provision | Response |
|---|---|
| **C6.3 Ecologically Sustainable Development, Safety and Social Inclusion** | |
| **Outcomes**<br><br>▪ An ecologically sustainable environment is developed and/or maintained. Ensure that development is designed on a 'whole of development/site' approach by applying the principles and processes that contribute to Ecological Sustainable Development (ESD). Ensure that the development (including the public domain) has incorporated the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and space management control into its design. Maximise access and adaptability of the development including the public domain for all members of the community. The land release development results in a liveable community fostering a strong sense of community and facilitates social interaction among residents.<br><br>**Controls**<br><br>Designing for ESD<br><br>▪ Development should be designed and located with consideration to orientation, topography, vegetation, microclimate, adjoining development and landscape; aimed at: □ Encouraging passive solar building design □ Minimising greenhouse gas emissions □ Promoting opportunities to monitor consumption performance, such as installation of SMART metering □ Providing safe connections to existing pedestrian/cycleway networks and public transport routes □ Integrating principles of Universal Design.<br><br>▪ The selection of building materials should be based on renewable sources, safety and amount of processing, waste output of production, emission of toxic substance or gases into the interior. Timber should be reused or come from sustainable forestry practices.<br><br>▪ Improve the indoor environmental quality of occupants by: □ Optimising the thermal comfort of occupants through the zoning of sections that enables individual control of heating and cooling, □ Installing lighting systems and fittings appropriate for the use/activity located in that part of the building(s), resulting in reduced energy consumption, □ Selecting materials and furniture from renewable sources/ minimal emission of toxic substance. □ Sub-metering of building services to enable individual tenancies to facilitate individual monitoring of consumption performance.<br><br>Integration of CPTED<br><br>Development is designed to incorporate the following CPTED principles:<br><br>▪ Principle 1 – Natural Surveillance Provide opportunities for effective surveillance (natural and technical) to reduce the | The development incorporates ESD principles with subdivision layout maximising northern orientation of building forms for passive solar access and prevailing breeze efficiencies. |

| Provision | Response |
|---|---|
| attractiveness of crime targets. Good surveillance means that people can see what others are doing thereby deterring 'would be offenders' from committing crime in areas with high levels of surveillance. From a design perspective, deterrence can be achieved by (but not limited to):  Locating public services in areas of high activity.  Providing clear sightlines between public and private spaces.  Providing natural surveillance into communal and public areas.  Locating entries that are clearly visible from the street.  Avoiding blind corners in pathways, stairwells, hallways and carparks.  Installation of effective lighting in public spaces that does not produce glare or dark shadows.<br>▪ Principle 2 – Access Control Physical and symbolic barriers can be used to attract, channel or restrict the movement of people and in turn, minimise opportunities for crime. Effective access control can be achieved by (but not limited to):  Creating landscapes/ setting that channel and group pedestrians into target areas or conversely, use vegetation as barriers to deter unauthorised access.  Designing public spaces that attract rather than discourage people from gathering.  Providing clear entry points and ensuring buildings (or tenancies in buildings) are clearly identified by the street number (in regard to tenancies, unit number).<br>▪ Solid roller shutters are not permitted as security devices to buildings or tenancies.<br>▪ Principle 3 – Territorial Reinforcement This principle relies on the users of the spaces or areas feeling that they have some ownership of the public space and are therefore more likely to gather and enjoy that space. Territorial reinforcement can be achieved in the design of the development by:  Having distinct transitions and boundaries between the public and private areas.  Clearly defining spaces to express a sense of ownership and reduce illegitimate use/entry. Principle 4 – Space Management Public space that is attractive and well maintained is inviting to users and becomes a well-used space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for. It may include:  Creating a cared for image through proper and regular maintenance regimes.  Rapid repair of vandalism and graffiti, replacement of furniture and lighting.  Encourage design that promotes pride and sense of place for community.<br>Social Environment<br>▪ New developments and the urban spaces surrounding it should be accessible and useable for all people.<br>▪ The siting and design of a building to which the general public has access shall comply with Australian Standard AS 14282009.1:Design for access and mobility – General requirements for access – New building work<br>▪ Developments should be designed and constructed beyond its initial/first use to ensure that building stock is durable and capable of adaptability in the future. The 'whole of development' approach needs to consider the design, construction and materials selection at the outset to encourage adaptability and accessibility and, in | |

| Provision | Response |
|---|---|
| turn, maximise the longevity of building stock.<br>▪ Dwellings should be flexible in their design to facilitate 'ageing in place' and change in lifecycle/circumstance.<br>▪ Certain residential developments will require provision of adequate communal open spaces to facilitate:  Opportunities for residents to meet informally,  Opportunities for casual/passive surveillance onto these spaces as well as considering acoustic effects on adjacent dwellings.<br>**Variations** Nil<br>**Advisory Notes**<br>▪ Certain developments (refer to control 5.2 under Pittwater 21 Development Control Plan Preliminary (Part A)) will require referral to NSW Police where a crime risk assessment will be undertaken, having considered how the design has integrated the CPTED principles within the development.<br>▪ Control C1.9 prescribes the circumstances when dwellings are to be designed to facilitate adaptable housing in accordance with Australian Standard AS4299-1995: Adaptable Housing.<br>▪ Control C5.22 prescribes additional sustainability requirements for non-residential development of a particular size.<br>▪ Control D16.9 prescribes the circumstances when communal open space areas are required as part of a development. | |
| **C6.4 The Road System and Pedestrian and Cyclist Network** | |
| **Outcomes**<br>▪ Sustainable transport and travel to, from and within Warriewood Valley together with less use of private motor vehicles.<br>▪ To facilitate a hierarchy of interconnected streets that give, safe, convenient and clear access within and beyond Warriewood Valley.<br>▪ To ensure sufficient carriageway and verge widths are provided to allow streets to perform their designated functions within the street network To accommodate public utilities, drainage systems and substantial street tree planting.<br>▪ To facilitate the alignment of roads fronting areas of public open space. Safety for all road users, particularly pedestrians, cyclists, children and older people. Safe, convenient and direct access by non-motorised means from residences to public transport, employment areas, adjoining sectors, open space, community facilities and other services. Provision of a range of traffic and transport routes throughout the Valley. | |

| Provision | Response |
|---|---|
| **Controls**<br><br>The Road System<br><br>▪ A traffic analysis report and road plans for the sector, buffer area or development sites demonstrating that the objectives within this control will be achieved must be prepared by a suitably qualified professional. The road plans must comply with the relevant specifications and cross sections in Council's Warriewood Valley Roads Masterplan.<br><br>**Design Requirements**<br><br>▪ All roads in Warriewood Valley must be designed with traffic calming devices to lower the vehicle speeds. Options to achieve this may include variation in width and alignment, pavement treatment, enhanced landscaping. The provision of safe crossing areas is required.<br><br>▪ The street pattern must provide direct, safe, and convenient pedestrian and cyclist access from housing and employment areas to public transport stops and to areas of open space, services and other facilities. Connectivity within the sector, buffer area or development site is required to ensure the majority of dwellings are within 400 metres walking distance to bus stops.<br><br>▪ The street layout and design is to consider opportunities for the retention of existing significant trees with the road reserve where possible. Trees may be incorporated with small, informal spaces that provide opportunities for 'greening of the street'.<br><br>▪ Roads and any traffic calming devices in Macpherson Street, Warriewood Road, Ponderosa Parade, Garden Street and Boondah Road must be able to cater for ultra-low floor articulated buses.<br><br>In order to address these objectives and controls, the Warriewood Valley Roads Masterplan, adopts the following road hierarchy:  Sub-arterial Streets - Ponderosa Parade, Macpherson Street, Warriewood Road (east of Macpherson Street), Garden Street and Boondah Road.  Collector Streets - Foley Street, Jubilee Avenue, Vineyard Street, Warriewood Road (west of Macpherson Street), Orchard Street, Daydream Street and any new road with traffic volumes 2000 to 5000 vehicles per day.  Local Streets - Fern Creek Road and new roads within the sectors servicing up to 2000 vehicles per day.  Access Streets – New roads located within sectors servicing less than 300 vehicles per day.  Laneways – New roads located within sectors which are not primary street frontages servicing up to less than 300 vehicles per day.  Sector Entry Streets - **Primary entrance street to a Sector, Buffer Area or development site.**<br><br>▪ Refer to Warriewood Valley Roads Masterplan for the specifications and cross section for each road classification.<br><br>▪ Driveway locations on Local Streets and Access Streets are to consider the impact on street trees and on street parking | The application is accompanied by a Traffic and Transport Assessment prepared by MLA Transport Planning which confirms that the private roads comply with the applicable design requirements as outlined. |

| Provision | Response |
|---|---|
| opportunities. | |
| **Laneways** | N/A |
| ▪ For small lot housing, laneways should be used to provide rear loaded access. Design, dimensions and materials of the laneway should promote a slow speed driving environment distinctively different from a street.<br>▪ Laneways are to be provided with a suitable level of passive surveillance.<br>▪ Garbage collection areas are to be incorporated into the design of laneways to ensure access along the laneway is not hindered during garbage collection periods. Garbage bins are to be located in these collection areas only during the collection period. The garbage collection area(s) are not to be used for parking or storage | |
| **Temporary Roads** | N/A |
| ▪ Where access arrangements have not been constructed in a timely manner, the construction of temporary roads may be permitted to enable an isolated property to develop ahead of the surrounding roads being constructed.<br>▪ In these circumstances temporary roads are permitted subject to the following criterial being satisfied:  The road is to cater for no greater than 300 vehicles per day;  A minimum carriageway width of 6m is provided to cater for two-way traffic;  The safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the temporary road;  The final road configuration is consistent with the applicable specifications and cross section within the Warriewood Valley Roads Masterplan.<br>▪ The following information must be submitted in support of a development application proposing a temporary road construction:  Engineering design for the road, including details of any necessary water management, drainage and service utility provision requirements; and  Traffic report prepared by an appropriately qualified professional demonstrating how the temporary road provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists. | |
| **Half Width Road Construction** | N/A |
| ▪ Due to the narrow width of some sectors, buffer areas or development sites in Warriewood Valley, it may be necessary for roads to be constructed across the boundary of two adjoining properties.<br>▪ Where a road is to be constructed along the boundary of two properties, the partial/half width construction of the road is permitted subject to the following criteria being satisfied:  A minimum carriageway width of 6m is provided to cater for two-way traffic;  The development potential of all adjoining allotments is maintained. The proposed development shall not, render any allotment adjoining or opposite the site of the proposed | |

| Provision | Response |
|---|---|
| development incapable of residential development because the allotment would not meet the development standards set out in Pittwater LEP 2014 or the controls set out in this DCP;  The safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the partial road construction;  Where the road classification requires a footpath be provided, this is to be provided along the first completed side of the road;  The final road configuration is consistent with the applicable specifications and cross section within the Warriewood Valley Roads Masterplan, as amended.<br>▪ The following information must be submitted in support of a development application proposing partial road construction:  Engineering drawings for the partial and full width of the road, including details of any necessary water management, drainage and service utility provision requirements; and  A traffic report prepared by an appropriately qualified professional demonstrating how the partial road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists. | |
| **Subdivision adjoining an existing public road**<br>▪ Where the subdivision adjoins an existing public road reserve, plans are to be submitted for the intersection treatment to the public road reserve and any works within the public road reserve including, road pavement, vertical kerb and gutter, footpaths and cycleways (minimum 1.5m width footpath or a minimum 2.1m width where a cycleway is required). All works associated with the intersection treatment (except those identified under the Warriewood Valley Section 94 Development Contributions Plan as amended) and within the public road reserve are to be carried out at full cost to the developer. | N/A |
| **Roads within a Community Title subdivision**<br>▪ Where a subdivision is to be created under community title, the design and construction of the road and pedestrian network shall provide for full pedestrian and vehicular access and on-road parking shall comply with the relevant specifications and cross section under the Warriewood Valley Roads Masterplan. | Noted and satisfied as detailed in the accompanying Traffic and Transport Assessment prepared by MLA Transport Planning. |
| **Pedestrian and Cyclist Network**<br>▪ A pedestrian and cyclist network is to be provided in accordance with the Warriewood Valley Landscape Masterplan & Design Guidelines (Public Domain).<br>▪ The pedestrian/cycleway link should be located off road, where practical. Where a pedestrian/cycleway link is located in:  a public reserve, the minimum width is 2.5 metres,  the road verge adjacent to the road carriageway, the minimum width is 2.1m.<br>▪ Within the creekline corridor the pedestrian/cycleway network is be sited above the 20% AEP flood level to reduce the incidence of flood damage to a manageable level and achieve a satisfactory safety level for regular use. The location of the pedestrian path/cycleway is variable to ensure connectivity with existing sections of the path can be provided and to ensure retention of | The proposal incorporates the required Pedestrian and Cyclist Network which extends from Jubillee avenue along the private road alignment to the north western corner of the site. These pathways are of compliant width and construction typology. |

| Provision | Response |
|---|---|
| vegetation. The alignment of the pedestrian/cycleway network must provide adequate sightlines for cyclists.<br>▪ The pedestrian/cycleway network must be accompanied by appropriate landscaping and vegetation. Details of the proposed landscaping and vegetation must accompany any development application.<br>▪ Where a pedestrian/cyclist link is identified within or adjoining a sector, buffer area or development site, the applicant is to identify on their development drawings the preferred location for this infrastructure.<br>▪ Reference should be made to Warriewood Valley Landscape Masterplan & Design Guidelines (Public Domain) for further information.<br>**Variations** Nil.<br>**Advisory Notes** Reference should be made to Council's Warriewood Valley Roads Masterplan, AMCORD Part 2, Design Elements: Physical Infrastructure, and to the Traffic Authority of NSW Guidelines for Traffic Facilities, Part 7.3: Shared Traffic Zones.<br>▪ In addition to the requirements under the Warriewood Valley Landscape Masterplan & Design Guidelines, the Warriewood Valley Roads Masterplan specifies a requirement for footpaths to be provided along roads of a certain classification.<br>▪ The pedestrian and cyclist network is funded through developer contributions levied for under the Warriewood Valley Section 94 Plan. | |
| **C6.5 Utilities Services and infrastructure Provision** | |
| **Outcomes**<br>▪ Development does not have an adverse impact upon adjoining residential properties. Any adverse impact on environmentally sensitive areas or impacts of differing land uses are mitigated. Landscaped zones provide amenity buffers between incompatible land uses, such as the Warriewood Wetlands and residential areas, non-residential land uses in residential areas, and between light industrial and residential areas. A reasonable level of solar access and visual privacy to residential properties is maintained. Minimise acoustic impacts<br>**Controls**<br>Development adjoining Warriewood Wetlands<br>▪ A minimum setback of 15 metres is to be provided between any development and the Warriewood Wetlands. | N/A |

| Provision | Response |
|---|---|
| ▪ Landscaping is to be in accordance with the requirements specified in this control.<br>▪ Non-residential development within residential areas or commercial/industrial development adjoining residential areas A minimum setback of 10 metres is to be provided between the proposed development and existing development.<br>The following principles are to be considered:- | |
| ▪ Solar access to adjoining residences should be maintained, namely: □ Principal private open space of each dwelling and the principal private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st. □ Windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows), or if already impacted then the cumulative effect is not worsened. | Noted and are able to be satisfied with future residential dwelling design. |
| ▪ Ensuring that opportunities for direct overlooking into the private open space, recreation areas and living rooms of existing adjoining dwellings are mitigated by: □ Building layout, landscaping, screening devices or increased spatial separation, □ Appropriate siting of windows including dimensions and glazed material, □ Responsive design and siting of elevated decks and verandahs. | Noted and are able to be satisfied with future residential dwelling design. |
| ▪ Direct views of private open space or any habitable room window within 9m may be restricted (see diagram below) by: □ Vegetation/landscaping □ A window sill height 1.7m above floor level, or □ Offset windows □ Fixed translucent glazing in any part below 1.7m above floor level, or □ Solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are: - Permanent and fixed; - Made of durable materials; and - Designed and painted or coloured to blend in with the house. | Noted and are able to be satisfied with future residential dwelling design. |
| **Treatment of the Landscape Buffer** | |
| ▪ The buffer strips are to be extensively landscaped and where possible should incorporate: | Noted and satisfied as previously detailed. |
| ▪ □ Landscaped mounds with mass plantings of native trees and shrubs in suitable locations. □ Planting should consist of a framework of locally indigenous canopy trees with native shrubs and groundcovers. □ In areas of low use, native groundcovers should be used as an alternative to lawn. □ The buffer strips are to contain pedestrian/cycleway paths, with vandalresistant solar lighting, and allow casual surveillance of the path from adjacent buildings. | Noted and satisfied as previously detailed. |
| ▪ A landscape plan documenting the proposed landscape treatment and planting species as selected from the Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain) as amended, is to be submitted with the Development Application. | Refer to accompanying landscape plan. |
| **Variations** Nil. | |

| Provision | Response |
|---|---|
| **C6.6 interface Warriewood wetlands or non-residential and commercial/industrial development** | |
| **Outcomes**<br>▪ Development does not have an adverse impact upon adjoining residential properties. Any adverse impact on environmentally sensitive areas or impacts of differing land uses are mitigated. Landscaped zones provide amenity buffers between incompatible land uses, such as the Warriewood Wetlands and residential areas, non-residential land uses in residential areas, and between light industrial and residential areas. A reasonable level of solar access and visual privacy to residential properties is maintained. Minimise acoustic impacts<br>**Controls**<br>Development adjoining Warriewood Wetlands:<br>▪ A minimum setback of 15 metres is to be provided between any development and the Warriewood Wetlands.<br>▪ Landscaping is to be in accordance with the requirements specified in this control.<br>Non-residential development within residential areas or commercial/industrial development adjoining residential areas:<br>▪ A minimum setback of 10 metres is to be provided between the proposed development and existing development. | N/A<br>Noted and achieved to northern boundary and associated industrial uses.<br>N/A |
| **C6.7 Landscape Area (Sector, Buffer Area or Development Site)** | |
| **Outcomes**<br>Achieve the desired future character of the Locality.<br>The bulk and scale of the built form is minimised. (En, S)<br>A reasonable level of amenity and solar access is provided and maintained. (En, S)<br>Vegetation is retained and enhanced to visually reduce the built form. (En)<br>Conservation of natural vegetation and biodiversity. (En)<br>Water cycle management, water quality management, watercourse and corridor management, and floodplain management requirements are addressed by the development.<br>Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. (En) | |

| Provision | Response |
|---|---|
| The rural and bushland character of the escarpment is conserved and enhanced. (En, S)<br>The footprint of development on the site is minimised. (En, S)<br><br>**Controls**<br>Where a sector, buffer area or development site has a frontage to a creek, the total landscaped area within the sector, buffer area or development is to be 35%.<br>Where the sector, buffer area or development site has no frontage to a creek, the total landscaped area within the sector, buffer area or development site is to be 25%.<br>Landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table and reduce stormwater runoff, promote the healthy growth of large trees with large canopies and protect existing mature trees.<br>The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation.<br><br>**Variations**: Nil.<br><br>**Advisory Notes**<br>Refer to the Warriewood Valley Water Management Specification, as amended.<br>The Water Management Report needs to include the quantum of built upon area.<br>Note: The site storage requirements specified in the Water Management Specification 2001 are based on an assumption of a total of 50% impervious area within a sector, buffer area or development site. Where a sector, buffer area or development site's impervious area exceeds 50%, a reassessment of the site storage requirements is required to be undertaken and measures to address the difference must be clearly outlined.<br><br>**Response:**<br><br>The residential subdivision will satisfy these controls with the outcomes of the control readily achieved. | |
| **C6.8 Residential Development Subdivision Principles** | |
| **Outcomes**<br><br>▪ A range of lot sizes and dwelling types are provided to foster a diverse community and interesting streetscape. To efficiently utilise land to achieve the target dwelling yield. Proposed residential lots achieve a high level of amenity. Development occurs in an efficient and orderly manner. Solar access and microclimatic benefits to residential lots are maximised. Surveillance of public open spaces is facilitated. Active modes of transport and accessibility are encouraged through design. An ecologically sustainable environment, reduced use of fossil fuels and use of renewable energy is developed and maintained. | |

| Provision | Response |
|---|---|
| **Controls**<br><br>Subdivision Principles<br><br>▪ The design of the subdivision should be generally consistent with the following key principles:  Sectors, buffer areas or development sites with widths less than 60 metres should not be developed in isolation and should pursue opportunities for amalgamation;  Roads should adjoin creekline corridors and open space areas to facilitate surveillance, provide access and prevent isolation and degradation of these spaces;  Where it is not possible to locate a road along creekline corridors and open space areas, residential flat buildings or multi-unit housing products which facilitate casual surveillance should be proposed adjoining these areas;  Lots must have the appropriate area, dimensions and shape to accommodate the housing product as well as canopy trees and other vegetation, private outdoor open space, rainwater tanks, and vehicular access and onsite parking.  Lot size and subdivision layout must respond to the physical characteristics particular to each sector, such as slope and existing significant vegetation, and site constraints including bushfire risk.  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.  Orientating the lots to optimise solar access for dwellings and areas of private open space being sited on the proposed lots;  Widest or deepest lots are to be oriented with north to the front and narrowest lots should be orientated with north to the rear;  Larger lots should be located on corners;  Minimise the use of battle-axe lots;  Small lot housing areas are to avoid continuous runs of garages fronting laneways (i.e. break up through pairing, setback variation etc.).<br><br>▪ Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and orientated appropriately to enable a future dwelling to meet the controls in this DCP.<br><br>▪ The retention of existing dwellings on large lots greater than 500 square metres, particularly along Warriewood Road, is not desired.<br><br>▪ Lots less than 225sqm or less than 9 metres wide are to be rear loaded, except where it can be demonstrated that rear access is not practical due to the shallow depth of the lots or where it is demonstrated that there will be no adverse impact to streetscape amenity and on-street parking. The minimum width of a rear loaded lot is 4.5 metres.<br><br>▪ Lots suitable for detached housing should be located fronting Warriewood Road in order to reflect the streetscape character of existing housing on the opposite side of the road.<br><br>▪ 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 Road is to be minimised. A single access point to each sector, buffer area or development site serviced by a roundabout or other on-street traffic management facilities (if necessary) with access to individual lots within the subdivision | The subdivision layout satisfies these controls in that the roadway is proposed adjacent to the creekline, the development incorporates an extension of the existing cycle way, the subdivision layout facilitates northern sunlight access with extensive deep soil landscape opportunity around all future building forms and throughout the public domain. All proposed residential lots will be safe from flooding and bushfire risk.<br><br>Lots have the appropriate area, dimensions and shape to accommodate the housing product as well as canopy trees and other vegetation, private outdoor open space, rainwater tanks, and vehicular access and onsite parking<br><br>The Lot size and subdivision layout responds to the physical characteristics of the site and existing significant vegetation.<br><br>The subdivision layout incorporates adequate pedestrian, cycle and vehicle links to the road network, public transport nodes, pedestrian/cyclist network, and public open space areas.<br><br>Lots have been orientating the lots to optimise solar access for dwellings and areas of private open space being sited on the proposed lots.<br><br>All Lots are greater than 225sqm and 8 metres in width.<br><br>The plans provide for all future access to be from Forest Road through No. 4 Forest road when developed. |

| Provision | Response |
|---|---|
| being from internal roads within that subdivision is required.<br><br>**Street Network**<br><br>▪ The design of the local street network should:  Establish a traditional grid street network pattern to facilitate walking and cycling and enable direct local vehicle trips,  Encourage a low speed traffic environment,  Optimise solar access opportunities for dwellings, and  Respond to the natural site topography to minimise cut and fill,  Seek to retain significant trees or areas of bushland, and  Provide frontage to and maximise surveillance of open space and riparian corridors. Cul-de-sacs may be included only in limited circumstances such as for access denied roads or shallow lots caused by irregular shaped areas, where the applicant can demonstrate that the objectives can be satisfied.<br><br>**Subdivision of existing small and narrow lots**<br><br>▪ Due to the dimensions and size of some sectors, buffer areas and development sites in Warriewood Valley, it may be difficult to achieve quality urban design outcomes and a mix of dwelling types. Narrow lots with single street frontages, in particular, are also likely to have difficulty in achieving access without compromising lot depth.<br><br>▪ Through site amalgamations however there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.<br><br>▪ Sites with a width less than 60 metres are strongly encouraged to pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.<br><br>**Lot Diversity Requirements**<br><br>▪ A range of residential lot types (varying in area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes.<br><br>▪ With the exception of development applications for an Integrated Housing development (refer to control C6.11 Residential Subdivision Approval Requirements), not more than 40% of the lots created through a subdivision proposal may be of the same lot type. Every development application for subdivision must be accompanied by a Lot Mix table showing the lot types, number and percentage of the overall total.<br><br>▪ Lot type is determined by lot width. Lot width is measured at the primary street facing building line. Lot width categories are determined by a range of +/- 1 metre, i.e. lots in different lot types have to have a difference in their lot widths of at least 2metres.<br><br>▪ Not more than 20% of any block length is to be of front loaded lots less than 9 metres wide to avoid the streetscape being predominately garages and on street parking impacts.<br><br>▪<br><br>**Titling arrangements** | Noted and satisfied.<br><br>N/A<br><br>Noted and satisfied given dwelling house and apartment style housing provided for |

| Provision | Response |
|---|---|
| ▪ The design of the subdivision must consider the future ownership, access and management of the internal road network and water management facilities associated with the development that, in turn, informs the form/type of subdivision proposed. Details of proposed requirements for services and infrastructure, access and maintenance necessary for the subdivision are to accompany the development application. | These matters have been considered and will be incorporated into the final plans of Community Title and Strata subdivision. |
| **Additional requirements for specific development types** | |
| Allotments proposed to incorporate a zero lot line (zero lot line dwellings and attached/abutting dwellings) | |
| ▪ The location of a zero lot line dwelling is to be determined with regard to the allotment orientation and ability to achieve the solar access provisions within this DCP. The location of a zero lot line dwelling should only occur on the southern side boundary of east-west allotments and on either side boundary of north-south allotments. | Noted and satisfied |
| ▪ The location of all nominated zero lot lines must be identified on Plan of Subdivision (refer to control C6.11 Residential Subdivision Approval Requirements). | Noted and satisfied |
| ▪ Where a zero lot line is nominated, the following is to be ensured:  A Section 88B instrument is to be applied to both the benefited lot and the burdened lot and shall include a notation identifying the potential for a building to have a zero lot line,  The burdened lot is to include an easement for access and maintenance on the burdened boundary in accordance with the following:  - 900mm for single storey zero lot walls, or  - 1200mm for two storey zero lot walls.  The easement is to enable servicing, construction and maintenance of the adjoining dwelling.  The Section 88B instrument is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.  No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. | Noted. To be conditioned. |
| ▪ Where buildings are to be located on boundaries, retaining walls (as required) are to be built as part of the subdivision works. | Noted. To be conditioned. |
| **C6.9 Residential land Subdivision Approval Requirements** | |
| **Outcomes** | |
| ▪ Development that reflects the desired future character of the area. Identification of the environmental impacts of a proposal. Superior design is achieved. Facilitate housing diversity and choice. | |

<table>
<tr><th>Provision</th><th>Response</th></tr>
<tr><td>Controls<br><br>▪ The land subdivision approval process is to be consistent with the requirements of the table below:</td><td></td></tr>
<tr><td>
<table>
<tr><th>Approval Pathway</th><th>Pathway 1:<br>DA for subdivision</th><th>Pathway 2a:<br>DA for subdivision and detached or abutting dwellings (integrated housing)</th><th>Pathway 2b:<br>DA for subdivision and attached dwellings (integrated housing)</th></tr>
<tr><td>Application</td><td>Proposed lots equal to or greater than 225 square metres in area, and with a lot width equal to or greater than 9 metres.</td><td>Subdivision and dwelling construction involving detached or abutting dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres.</td><td>Subdivision and dwelling construction involving attached dwellings on lots less than 225 square metres or on lots with a lot width less than 9 metres.</td></tr>
<tr><td>Plans required</td><td>Plan of Subdivision showing the building envelope for each lot is required. Plans of each dwellings are not required, as these will be included as part of any future Development Application or Complying Development Certificate.</td><td>Dwelling plans (floor plans, sections and elevations etc.) are required as part of an integrated proposal.</td><td>Dwelling plans (floor plans, sections and elevations etc.) are required as part of an integrated proposal.</td></tr>
<tr><td>Section 88B restriction on dwelling design</td><td>No</td><td>Yes – only approved dwelling can be built.</td><td>Yes – only approved dwelling can be built.</td></tr>
<tr><td>Timing of subdivision</td><td>Prior to approval of development application for dwellings.</td><td>Prior to the issue of Construction Certificate for dwellings.</td><td>Post construction of dwellings.</td></tr>
</table>
</td><td></td></tr>
<tr><td>Pathway 1 – Application for subdivision only<br><br>▪ If a Plan of Subdivision incorporating a Building Envelope Plan is provided with the Development Application, it must be in accordance with the following:<br><br>▪ □ The Building Envelope, shown on the Plan of Subdivision, should be at a legible scale and include the following elements: - Maximum permissible building envelope (including site coverage for a Complying Development Certificate), specifying setbacks, storeys and articulation zones; - Landscaped areas and deep soil areas; - Preferred location of private open space; - Driveway location and location of any hardstand areas; - Garage size (single or double) and location; - Zero lot line boundaries.<br><br>▪ □ Other elements that may be relevant to include on the Building Envelope plan depending on the particular lot/development proposed include: - Extent of basement car parking; - Retaining walls; - Easements; - For corner lots, the preferred entry/frontage; - Frontage where vehicular access is not permitted; - Special fencing requirements</td><td>Noted and satisfied</td></tr>
</table>

| Provision | Response |
|---|---|
| **Pathway 2a and 2b – Application for subdivision and dwelling construction**<br><br>▪ Subdivision of land creating residential lots less than 225m² (lot size) or lots less than 9 metres wide, shall include dwelling plans (floor plans, sections and elevations etc.) as part of the development application for subdivision, i.e. Integrated Housing approval for the subdivision and construction of the dwellings on each lot.<br><br>▪ Upon approval of the subdivision a Section 88B instrument will be attached to the lot restricting the built form to the approved dwelling plans.<br><br>**Variations** Nil.<br><br>**Advisory Notes**<br><br>▪ For the purpose of this control, lot width is measured from one side boundary to the other at the building line which faces the primary street. Lot width categories are determined by a range of plus or minus 1 metre. | N/A |

### 4.3.5 Locality Specific Development Controls

| Provision | Response |
|---|---|
| **D16.1 Character as viewed from a public space** | |
| ▪ Achieve the desired future character of the Locality.<br>▪ To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)<br>▪ To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)<br>▪ High quality buildings designed and built for the natural context and any natural hazards. (En, S)<br>▪ Buildings do not dominate the streetscape and are at 'human scale'. Within residential and rural residential areas, buildings fronting Macpherson Street, Warriewood Road, Garden Street and Orchard Street are to give the appearance of being two storey maximum. Buildings fronting all other streets are to give the appearance of being three storey maximum. (S)<br>▪ To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.<br>▪ To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component. Access to public places and spaces is clear and defined. (S)<br>▪ To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)<br>**Controls**<br>▪ Buildings which front the street or creekline corridors must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.<br>▪ Blank street frontage facades without windows shall not be permitted.<br>▪ Walls without articulation shall not have a length greater than 8 metres to any street frontage.<br>▪ Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; ii. | ▪ As previously detailed within this report the subdivision satisfies the desired future character of the Warriewood Valley Land Release Area Locality<br>▪ Future residential development will be capable of contributing positively to the proposed future streetscape. The buildings will sit within a landscape setting and blend into the vegetated escarpment which forms a backdrop to the site.<br>▪ The development will be free from hazards as detailed with the supporting documentation and will relate appropriately to the adjacent public domain<br>▪ All future buildings will appropriately address the proposed street frontages and be able to incorporate visual stimulating and high quality faced treatments.<br>▪ Future development will be capable of satisfying the balance of the controls.<br>▪ General services will be located below ground with ancillary communication structures not attached to front building facades or street facing roof elements (to be conditioned). |

| Provision | Response |
|---|---|
| awnings or other features over windows;<br>▪ The bulk and scale of buildings must be minimised.<br>▪ Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.<br>▪ Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.<br>▪ Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.<br>▪ General service facilities must be located underground.<br>▪ Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.<br>▪ Within the following Sectors and Buffer areas, development directly fronting onto Garden Street, Macpherson Street, Orchard Street, or Warriewood Road, shall appear a maximum of 2 storeys:<br>▪ Sector 101<br>▪ Sector 301, 302, 303<br>▪ Sector 501<br>▪ Sector 801<br>▪ Sector 901A, 901B, 901C, 901F, 901G<br>▪ Sector 10B<br>▪ Buffer Area 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l<br>▪ Buffer Area 2a<br>▪ Buffer Area 3b<br>▪ Development that does not directly front onto Garden Street, Macpherson Street, Orchard Street, or Warriewood Road in the above Sectors and Buffer Areas may appear a maximum of 3 storeys.<br>**Variations –** Nil | |

## 4.4 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land.

We note that in October 2015, Warriewood Vale Pty Ltd lodged a development application (N0440/15) seeking approval for the subdivision of land within the subject site and the construction of a residential development incorporating 81 dwellings and associated civil and landscape works. The proposal comprises 66 apartments within 4 residential flat buildings, 14 dwellings in multi dwelling housing and the retention of the existing dwelling house.

Following a deemed refusal, Warriewood Vale Pty Ltd lodged an appeal (16/151186) with the Land and Environment Court (LEC). With consideration of expert advice, the LEC proceedings resulted in the appeal being upheld. This consent has been taken up and physically commenced.

This previously approved development application relied on a Preliminary Contamination and Geotechnical Assessment Report, dated 12th October 2015, prepared by Cardno Geotechnical Solutions. At the time of granting consent, the Court was satisfied that the site was suitable for the proposed residential uses. We rely on the findings of this report.

## 4.5 Matters for consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

### 4.5.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This document confirms that the proposed development is permissible with consent and consistent with the statutory planning considerations applicable to this form of development on this particular site. This submission will demonstrate that the built form outcome and associated dwelling yield is appropriately described as complimentary and compatible with the identified environmental sensitivities of the site and the desired future character of the Warriewood Urban Land Release Locality.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

### 4.5.2 The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

*Context and Setting*

*i. What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been addressed in detail within the report.

*ii. What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*

- *edge conditions such as boundary treatments and fencing*

This report demonstrates that the proposed development will have no discernible impact on the adjacent properties.

*Access, transport and traffic:*

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

These issues have been addressed in detail within this report.

*Public Domain*

The proposed development will have no adverse impact on the public domain.

*Utilities*

Existing utility services will adequately service the development.

*Flora and Fauna*

The development will have no adverse flora or fauna impacts as detailed within the body of this report.

*Waste Collection*

The development provides appropriately for future waste collection.

*Natural hazards*

The identified hazards have been comprehensively addressed in the body of this report.

*Economic Impact in the locality*

Significant employment opportunity will be generated through the construction and future strata management processes.

*Site Design and Internal Design*

*i) Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been addressed in detail in the body of this report.

*ii) How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

These matters have been addressed in detail in the body of this report.

*Construction*

*i) What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

### 4.5.3 The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*

- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed subdivision.

### 4.5.4 Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

### 4.5.5 The public interest

The proposed residential subdivision is permissible and consistent with the land use and environmental planning outcomes anticipated for Sector 5 of the WURA. The proposal will not give rise to any adverse residential amenity or environmental consequences and will provide an appropriate dwelling yield consistent with the identified capability of the site. Under such circumstances approval of the development is in the public interest.

## 5 CONCLUSION

This submission demonstrates that the residential subdivision is permissible with consent and that the land use and subdivision layout proposed are appropriately described as complimentary to, and compatible with, the identified environmental sensitivities of the site and the desired future character of the Warriewood Urban Land Release Locality.

We have formed the considered opinion that the density and dwelling yield proposed reflects the environmental capability of the site without adverse residential amenity or environmental planning consequences with the removal of the existing dwelling facilitating a better environmental planning outcome for the site than were it retained. The proposed allotments are of adequate size and geometry to accommodate compliant dwelling house and residential apartment building forms.

The proposed rehabilitation works to Narrabeen Creek/ riparian zone and its acquisition by Council will afford significant public and environmental benefit.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

**Director**

**ANNEXURE 1**

**Consolidation offer to owner of No. 4 Forest Road, Warriewood**

17 September 2020

Peter Grant
Director
Domain Residential Northern Beaches
Suite 3, 54 Darley Street
Mona Vale NSW 2103
***By email:*** *peter@domainres.com.au*

***Private and Confidential***

Dear Sir,

**OFFER SUBJECT TO FORMAL AGREEMENT AND DUE DILIGENCE**
**Property: 4 Forest Road, Warriewood NSW**

We refer to our recent conversations in relation to the Property.

We kindly request you to approach the owners of the Property and present the following offer to acquire the Property.

| Subject | Particulars |
|---|---|
| Purchaser | Warriewood Vale Pty Ltd or its nominee |
| Purchase Price subject to due diligence | $3.5 million exclusive of GST |
| Deposit | An amount equal to 5% of the Purchase Price, payable on exchange of contracts. |
| Timeline for Transaction | The Purchaser confirms the following timeline from acceptance:<br>• Execution of Heads of Agreement (**HOA**) and commencement of exclusive due diligence period: 30 October 2020<br>• Conclusion of due diligence period and exchange of unconditional sale contract: 15 December 2020<br>• Settlement period to be 6 months form date of exchange of sale contract |
| **Exclusivity** | Up until midnight of the date of 90 days from the Vendor accepting our terms (“**Exclusivity Period**”), the Vendor nor any of their respective affiliates, principals, equity-holders, directors, officers or representatives shall, directly or indirectly:<br>- solicit, encourage or respond to any inquiries, discussions or proposals regarding,<br>- continue, propose or enter into negotiations or discussions with respect to, or<br>- enter into any agreement or other understanding providing for, any Alternative Transaction (as defined below);<br>- nor shall any of such persons or entities provide any information to any other person or entity for the purpose of making, evaluating or determining whether to make or pursue, any inquiries or proposals with respect to, any Alternative Transaction. |

| Subject | Particulars |
|---|---|
| | For the purposes hereof, "**Alternative Transaction**" means any substitution of another party other than Inmark for the sale or any investment into the Property. If any of the restrictions set forth in this Section are breached or violated, immediately upon demand by the Purchaser, it shall be entitled, as its exclusive remedy, to obtain full reimbursement from the Vendor for all of its costs and expenses incurred in connection with the transactions contemplated in this document. |
| **Confidentiality** | All parties and all their respective related parties must agree that this offer and any subsequent agreement are and shall remain confidential to the parties involved. |

The Exclusivity and Confidentiality terms will be binding on the parties and the remaining terms will be subject to the parties entering into a formal HOA and other legal documentation.

We look forward to hearing from you on whether our offer has been accepted or they are willing to engage us.

If you have any questions, please contact the undersigned.

Yours faithfully,

**Seil Kim**
**Director**
**Warriewood Vale Pty Ltd**

**From:** Peter Grant <peter@domainres.com.au>
**Sent:** 30 October 2020 10:42
**To:** Peter Gualtieri <petergualtieri@gmaim.com>; spagano@pb-law.com.au
**Subject:** 4 Forest Road Warriewood

Peter and Simone

Re 4 Forest Road Warriewood

Last month I sent you both separately via email a letter of offer regarding 4 Forest Road Warriewood

I followed this up with unanswered and unreturned phone calls

Can I take from the fact that I got no response that you you do not wish to sell to my clients under the terms set out in the offer

I am happy discuss and or present any reasonable and commercial counter offer to my client

I await your response

Peter Grant
Director & Licensed Real Estate Agent

M 0412 527 071 | E peter@domainres.com.au
Domain Residential Northern Beaches
Suite 3, 54 Darley Street, Mona Vale NSW 2103