

URBIS

STATEMENT OF ENVIRONMENTAL EFFECTS

**AMENDED DEVELOPMENT
APPLICATION (DA2023/0129)**

4 FOREST ROAD, WARRIEWOOD

Prepared for
BMN PROPERTIES PTY LTD
July 2024

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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared on behalf of BMN Properties Pty Ltd (**the Applicant**) in support of a Development Application DA2023/0129 (**the DA**) for a 13-lot land subdivision (**the proposal**) at 4 Forest Road, Warriewood (**the site**).

The SEE provides a description of the proposed development assesses the proposal pursuant to the relevant considerations of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) and the *Environmental Planning and Assessment Regulations 2021* (**the Regulations**).

The following documentation accompanies this Development Application – refer **Table 1**.

Table 1 - Accompanying Documents

Documents/Plans	Consultants	Version Date	Appendix
Plan of Proposed Subdivision	Acor Consultants	July 2024	Appendix A
Demolition Plans	In Focus Surveyors	June 2021	Appendix B
Civil Engineering Plans and Stormwater Management Plan	Acor Consultants	July 2024	Appendix C
MUSIC Modelling	Acor Consultants	July 2024	Appendix D
Landscaping Plans	A Total Concept	July 2024	Appendix E
Arboricultural Impact Appraisal	Naturally Trees	July 2024	Appendix F
Indicative Dwelling Plans	MHDP Architects	July 2024	Appendix G
Flora and Fauna Impact Report	Kingfisher Ecology	July 2024	Appendix H
Bushfire Impact Assessment	Travers Ecology	July 2024	Appendix I
Transport Impact Assessment	JMT Consulting	July 2024	Appendix J
Geotechnical Assessment	Alliance Geotech	July 2024	Appendix K
Waste Management Plan	BMN Properties Pty Ltd	July 2024	Appendix L
Quantity Surveyor Report	Newton Fisher Group	January 2023	Appendix M

This SEE is structured as follows:

- **Section 2 - Site Context:** provides a description of the site, existing development and the local and regional context.
- **Section 3 – Statutory Planning context:** provides a description of the principle planning controls applying to the proposal.
- **Section 4 - Project Background:** describes the pre and post-lodgement context of the application.
- **Section 5 - Development Description:** describes the proposal, including the proposed works and operational criteria.
- **Sections 6 to 12 - Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in section 4.15 of the EP&A Act.
- **Section 13 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

The proposed development has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- The proposal satisfies applicable planning controls and policies.
- The proposal will not result in unacceptable environmental impacts.
- The proposal will not contribute to achievement of positive social and economic impacts.
- The proposal is suitable having regard to the characteristics of the site.
- The proposal is in the public interest.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended subject to appropriate conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

The **site** is known as 4 Forest Road, Warriewood and is legally described as Lot B in Deposited Plan (DP) 370222, refer to **Figure 1**. The site is regular in shape with a width of 80.24m and a length of 121.01m. The total area of the site is 9,709m².

The site benefits from legal street access via Forest Rd. The site contains a dilapidated dwelling and associated ancillary structures. The site is mostly cleared of vegetation, however, does comprise some mature trees.

Forest Road to the south-east of the site is a two-lane local road with footpaths, grassed verges and parking along the northern and southern kerbs. Immediately adjacent to the southern boundary of the site, Forest Road is an unmade road reserve containing natural vegetation

The topography of the site exhibits a fall towards the north-eastern portion. The site is bounded by medium density residential land uses to the north and east, proximate to Mater Maria Catholic College to the south and bounded by vegetation and canopy cover to the west. The adjoining land to the north west at 8 Forest Road is currently being constructed for medium density development in accordance with NSWLEC Determination (N0440/15).

Figure 1 Aerial Image – The Site



Source: Nearmap (2022)

Photographs of the site and surrounding development are shown in **Figure 2** below:

Figure 2 Site Photographs



Source: Forest Rd Roundabout Facing the Site Entrance (North) (Google Maps, 2020).



Source: Forest Rd Roundabout Facing Proximate Streetscape (South) (Google Maps, 2020).



Source: Streetscape Adjoining Development Entrance (East) (Google Maps, 2020).

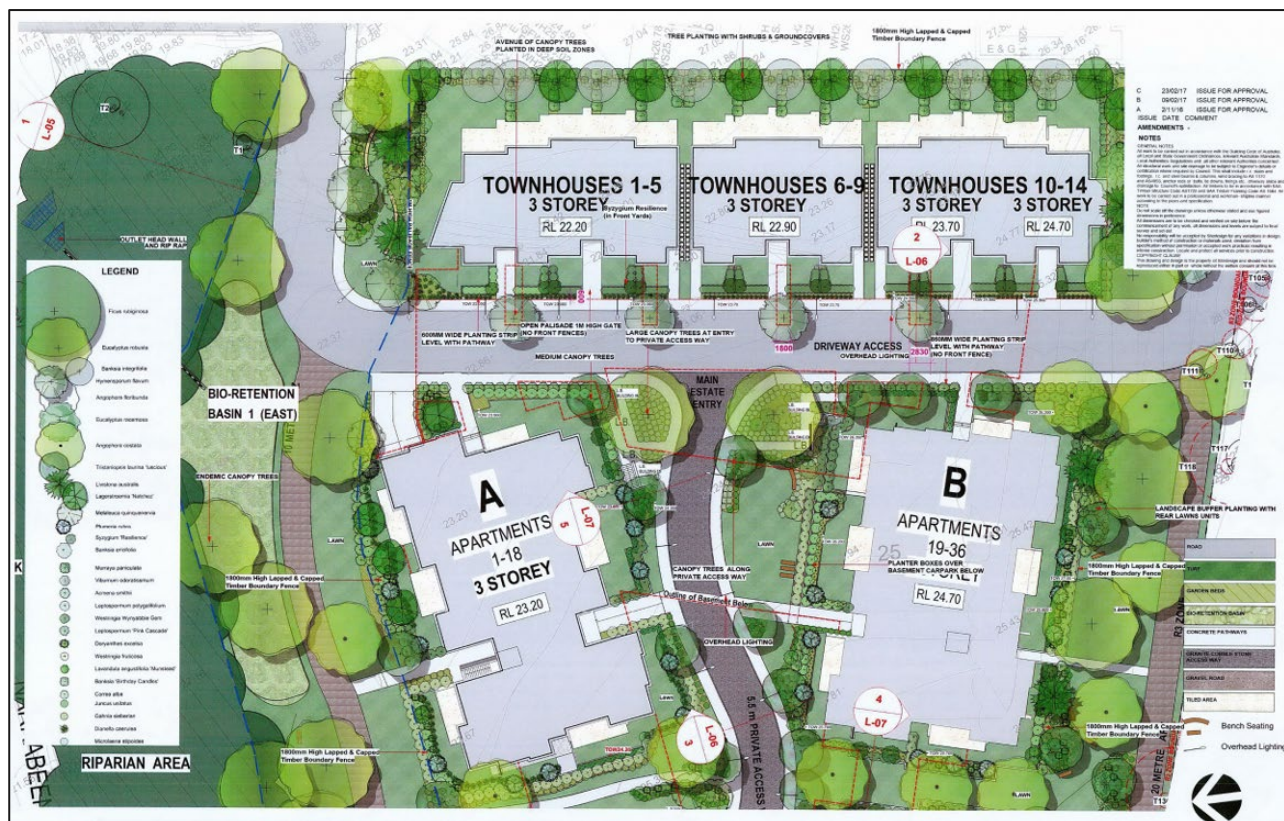


Source: Streetscape Nearby Development (South) (Google Maps, 2020)

The site is situated within the Northern Beaches Council Local Government Area (**Council**). Arcadia Pittwater Private Hospital is located approximately 500m north of the site and is bounded by light industrial land uses. The site is currently afforded access to public transportation (bus stops) within a comfortable 5-minute walk (less than 400m).

The site is also afforded open green space within 250m (Lynne Czinner Park) located to the southeast. The typology of existing built form proximate to the site is shown in the above photographs. The form of urban development being constructed at Forest Rd is illustrated below in an extract of the approval documents (N0440/15) – refer **Figure 3**.

Figure 3 Extract of Approved Plans (8 Forest Rd, Warriewood – N0440/15)



Source: Northern Beaches Council; SiteDesign + Studios (2017).

The approval of the increased density, intensity and land use transformation of the adjoining site to the west, solidifies that the proposed development the subject of this development application complements the desired character for the locality.

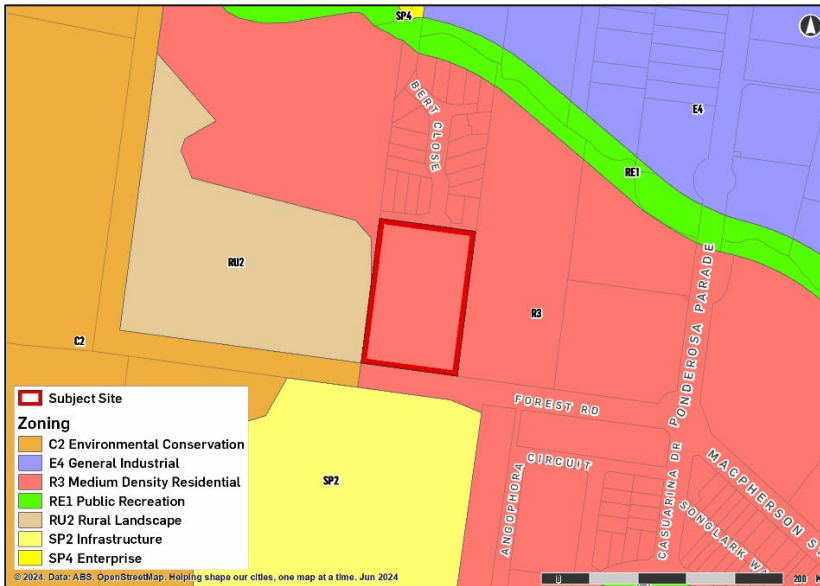
3. STATUTORY PLANNING CONTEXT

Pittwater Local Environmental Plan 2014 (the PLEP) is the primary environmental planning instrument applying to the site and the proposed development. The key provisions of the PLEP relevant to the proposal are summarised as follows:

3.1. ZONING

The site and adjoining land to the north, east and south zoned R3 Medium Density Residential. The adjoining land to the west is zoned RU2 Rural Landscape – refer **Figure 4** below.

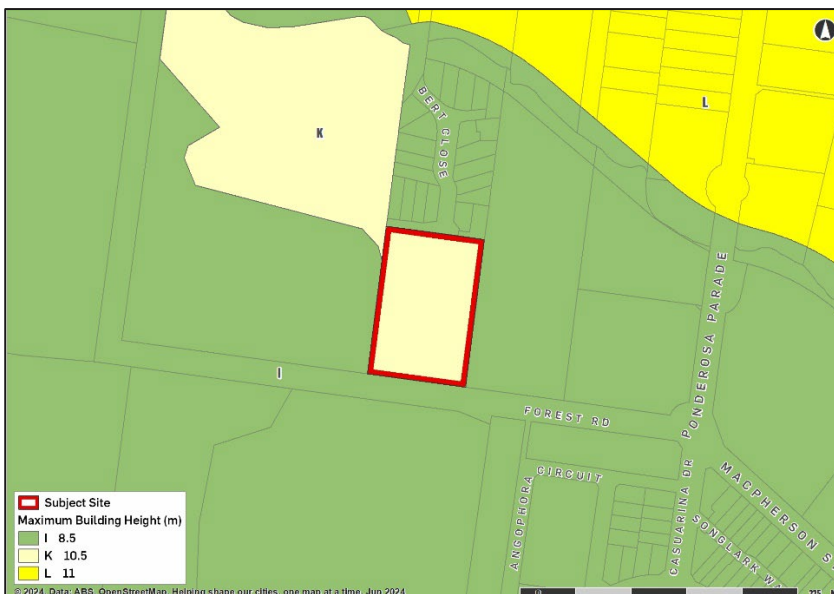
Figure 4 Land zoning



3.2. HEIGHT OF BUILDINGS

The site and adjoining land are subject to a maximum height of building control of 8.5 metres – refer **Figure 5** below:

Figure 5 Maximum height of buildings



3.3. FSR

The site is not subject to an FSR control.

3.4. HERITAGE

The site is not a listed heritage item and is not in a Heritage Conservation Area.

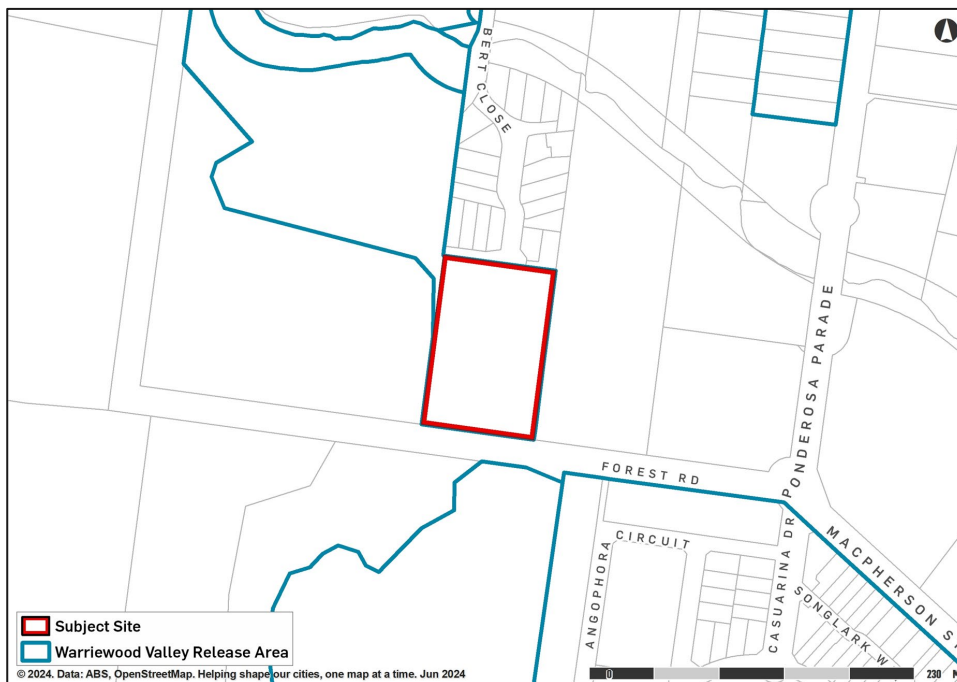
3.5. LOT SIZE

The site is not subject to a minimum subdivision lot size.

3.6. WARRIEWOOD VALLEY RELEASE AREA

The site is located within Sector 5 of the Warriewood Valley Release Area. Pursuant to clause 6.1(3) of PLEP 2014, development consent must not be granted for development in Sector 5 unless the consent authority is satisfied the total number of dwellings that will be erected will be not more than 94 dwellings or less than 75 dwellings.

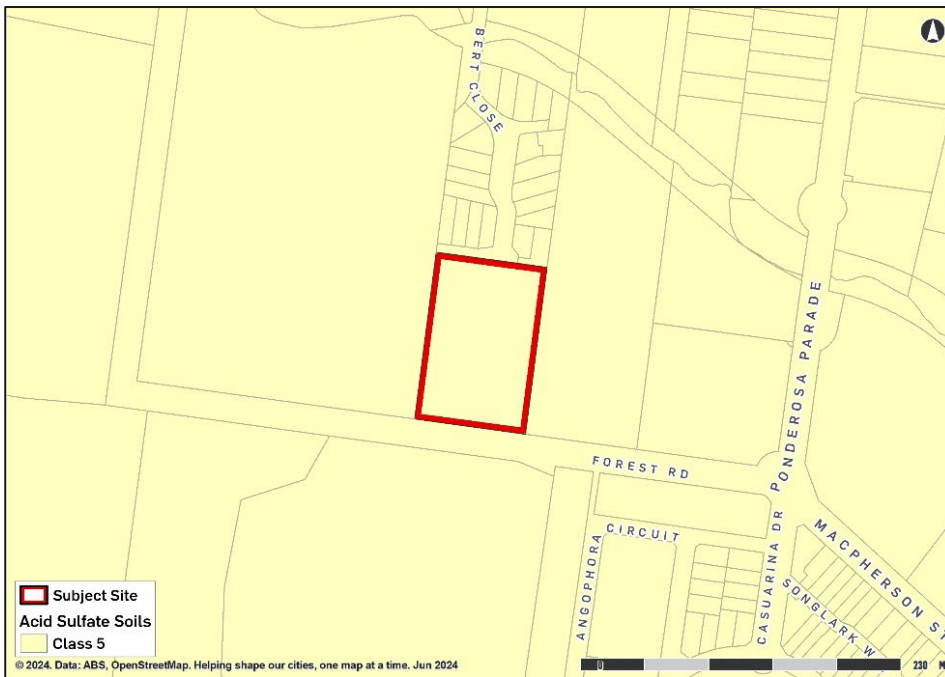
Figure 6 Warriewood Valley Release Area



3.7. ACID SULFATE SOIL

The site is identified on the Acid Sulfate Soils Map referred to in clause 7.1 of PLEP 2014 as containing Class 5 Acid Sulfate Soils – refer **Figure 6** below:

Figure 7 Acid sulphate soil



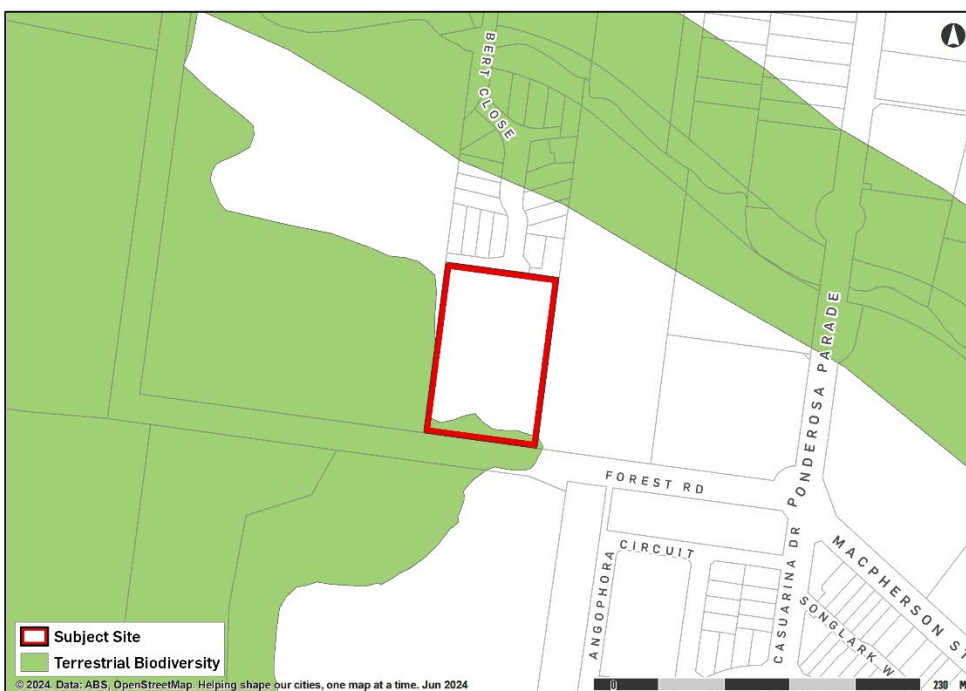
3.8. EARTHWORKS

Clause 7.2 of PLEP 2014 applies in circumstances where earthworks are proposed to facilitate the development.

3.9. BIODIVERSITY

A portion of the site is identified as “Biodiversity” on the Biodiversity Map referred to in clause 7.6 of PLEP 2014 – refer **Figure 7** below:

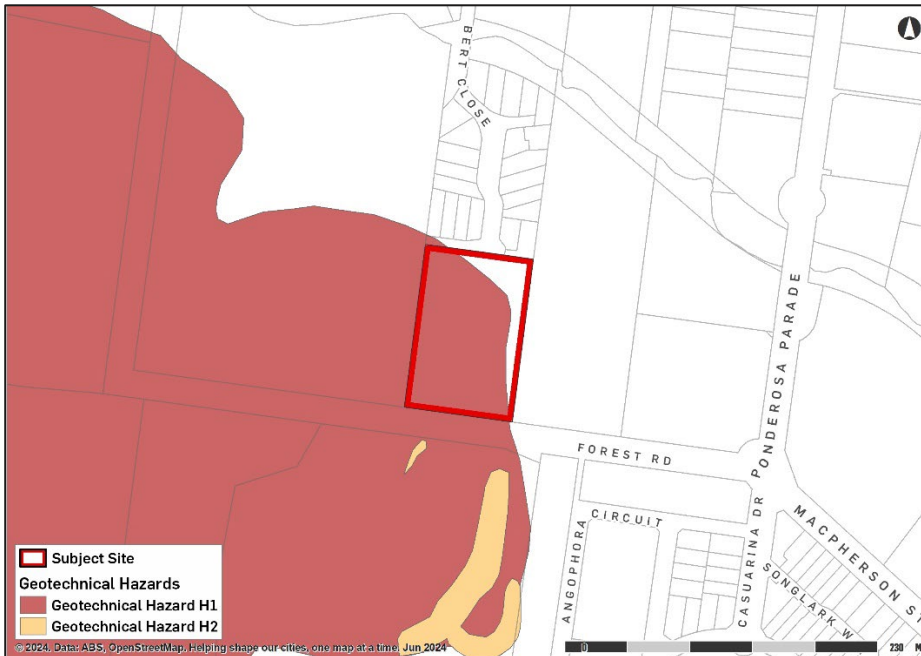
Figure 8 Biodiversity



3.10. GEOTECHNICAL HAZARDS

Much of the site is identified as containing 'Geotechnical Hazard H1' on the Geotechnical Hazard Map referred to in clause 7.7 of PLEP 2014 – refer **Figure 8** below:

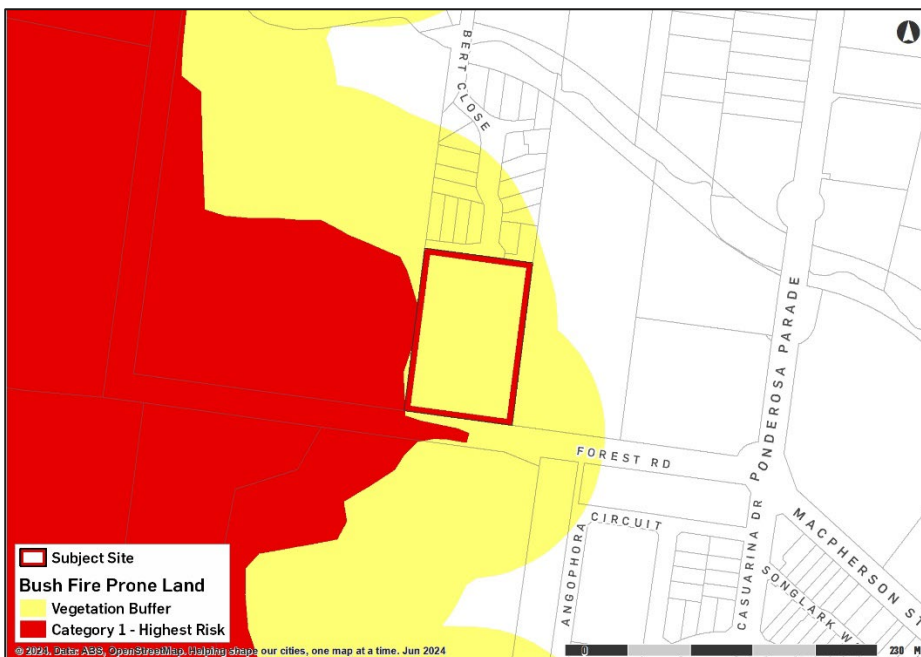
Figure 9 Geotechnical Hazard



3.11. BUSHFIRE

The site is identified as 'Vegetation Buffer' on the Northern Beaches Bush Fire Prone Land Map (7 August 2020) – refer Figure (below:

Figure 9 Bush Fire Prone Land



4. PROJECT BACKGROUND

4.1. PRE-LODGEEMENT MEETING

On 10 February 2022 a Pre-lodgement Meeting (PLM2021/0345) was held with Officers from Northern Beaches Council. The purpose of the meeting was for the applicant to provide an overview of the proposal and discuss key matters for consideration in the preparation and determination of the proposal. The matters discussed at the meeting were addressed in the preparation of the DA.

4.2. DA LODGEMENT

The DA lodged on 22 February 2023 (DA2023/0129). Key actions associated with the DA are summarised as follows:

- The DA was notified and advertised to the public during March-April 2023. 9 submissions were received, all of which were raised objections to the proposal.
- The DA was referred to external referral authorities in March 2023 with the following responses:
 - The NSW Rural Fire Service (RFS) advised that it *'cannot support the development in its current form. The documentation submitted with the referral do not provide sufficient detail for a bush fire assessment.'*
 - Ausgrid advised that confirming that underground cables are in the vicinity of the development and advising that Ausgrid does not object to the proposal.
 - The Aboriginal Heritage Office advised that there are known Aboriginal sites in the area. No sites are recorded in the current development area however the area of the proposed development is considered as having high potential for unrecorded Aboriginal sites. Given the high potential, the AHO recommended an Aboriginal Heritage Assessment be carried out.
- In May 2023 Northern Beaches Council issued a Request for Information (**RFI**) and advised that the DA was not supported for a range of reasons.
- On 16 October 2023 the applicant submitted a response to the RFI providing proposed amended plans of the proposal with additional information and technical reports addressing issues raised by Council.
- In October 2023 Council provided details of the applicants response to the RFI to submitters to the DA.
- On 12 December 2023 the Applicant filed a Class 1 Appeal with the NSW Land and Environment Court against Council's refusal of the DA.
- On 13 December 2023, the DA was reported to Councils Development Determination Panel with a recommendation for refusal and was subsequently refused by the Panel.

4.3. AMENDED DA

This SEE is prepared in support of an amendment to DA2023/0129. Changes made to the original proposal are described as follows:

- Realignment of Road MC01 – proposed road MC01 (being the continuation of Forest Road) is realigned to provide increased setback to the north western site boundaries. The realignment enables reduced excavation in this part of the site and retains a number of high value trees.
- Design of Road MC01 – the design of proposed road MC01 is refined to integrate with the approved location and design of the road where it connects at 8 Forest Road,
- Reduced site excavation - the extent of cut and fill required is reduced with proposed lots and future dwelling building area refined through detailed design reflecting the natural topography and which reduces the scale of retaining walls required in the development.
- On site detention – the design of the proposed On Site Detention Basin (OSD) has been refined to reduce its scale and with the application proposing to include the OSD in a Community Title lot to facilitate its ongoing operation and management.

- Bushfire management – refinement of the approach to ensuring bushfire mitigation including clarification of details of Asset Protection Zones (APZ's) and standards for the design of future dwellings.
- Site landscaping – refinement of proposed landscaping plans reflecting refinement to site design, bushfire and ecological management, and including boundary screen planting to reduce visibility of the proposal to neighbouring properties.
- Indicative building design – building envelopes and indicative plans of potential future dwellings on the lots (subject to separate approval) have been prepared to illustrate the ability for future development to proceed conforming with relevant Council controls and causing no unreasonable impacts on neighbouring properties.
- Community title – confirmation that the proposed lots will be managed by way of a combination of Torrens and Community Title arrangements.

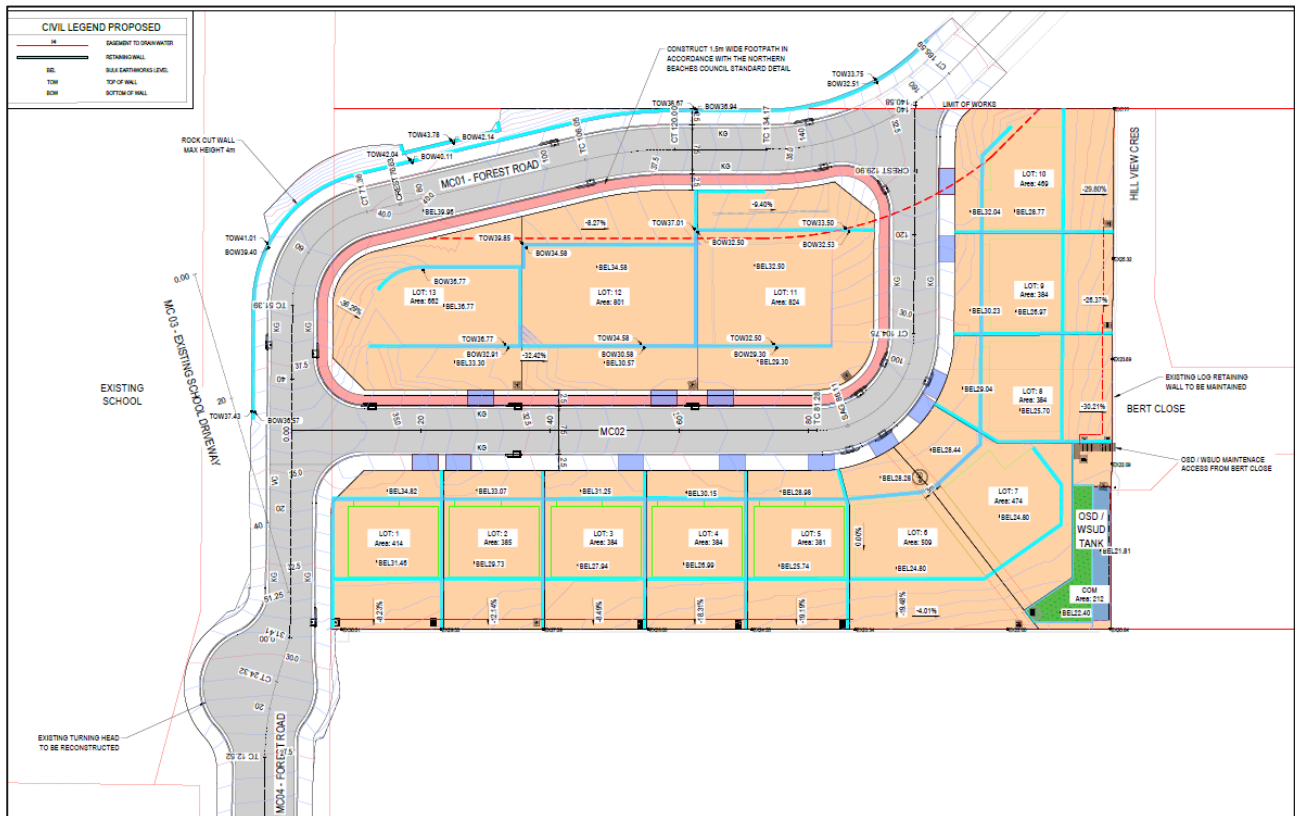
5. DEVELOPMENT DESCRIPTION

The proposed development is described as:

- The subdivision of land described as Lot B in DP 370222 into 13 lots.

The layout of the proposed subdivision is shown in the draft Plan of Proposed Subdivision submitted with the application – refer **Appendix A**. The proposed subdivision is illustrated in **Figure 10** below:

Figure 10 Plan of Proposed Subdivision



Source: ACOR

The proposed development involves the following works:

- Demolition of the existing dwelling and associated ancillary structures on the site.
- Construction of roads including a connection to the approved road through to 8 Forest Road, and associated guttering and footpaths.
- Earthworks associated with the construction of proposed roads and create the associated road hierarchy and to facilitate the future construction of dwelling houses (with houses to be approved by way of separate development applications).
- Civil drainage works to support the proposed subdivision and facilitate future residential use, including stormwater drains and an On-Site Detention Tank.
- Tree removal – to facilitate the proposed development and future residential land uses on the resultant lots, the proposed development necessitates the removal of 19 high category trees and 14 low category trees. Twelve of the low category trees are exempt from Northern Beaches Council's Tree Preservation Order.
- The proposal includes proposed road works within the existing unmade road reserve located along the southern boundary of the site. These works include the construction of road pavement, guttering, verges and associated earthworks.

The following documents are submitted in support of the application:

- Demolition plan – refer **Appendix B**.
- Proposed plans of civil engineering works (ie earthworks (cut and fill), retaining walls, road design, stormwater management and on site detention, and soil erosion and sediment control) associated with the proposal and Stormwater Management Plan – refer **Appendix C**.
- MUSIC Modelling – refer **Appendix D**.
- Proposed development landscaping plans – refer **Appendix E**.
- Arboricultural Impact Appraisal and Method Statement – refer **Appendix F**.
- Indicative plans of potential future dwellings on the lots created in the subdivision – refer **Appendix G**.
- Biodiversity assessment – refer **Appendix H**.
- Bushfire Assessment – refer **Appendix I**.
- Traffic Impact Assessment – refer **Appendix J**.
- Geotechnical assessment – refer **Appendix K**.
- Waste Management Plan – refer **Appendix L**.

The estimated cost of the proposed subdivision is \$1,515,000 – refer QS Statement at **Appendix M**.

The proposed lots will be managed by way of a combination of Torrens and Community Title arrangements described as follows:

- Lots 1 – 10: Community Title Plan including provisions relating to the operation and management of the On Site Detention system.
- Lots 12 and 13: Torrens Title with easement provisions relating to the management of the APZ in the remnant vegetated area located in the south west corner of the site.
- Lot 11: Torrens Title.

The proposed development is categorised as ‘*integrated development*’ as defined in Section 4.46 of the Environmental Planning and Assessment Act, for the following reasons:

- The proposed development seeks consent under s 138 of the *Roads Act 1993* for works that include relevant activities listed under Division 4.8 (Integrated Development) of the *Environmental Planning and Assessment Act 1979*.
- The proposed development comprises the subdivision of bushfire prone land and therefore requires authorisation under Section 100B in respect of bush fire safety in accordance with the *Rural Fires Act 1997*.

6. EVALUATION OF THE PROPOSAL

Determination of the proposal is subject to consideration of the matters described in s4.15(1) of the Environmental Planning and Assessment Act 1979 (**the Act**), being:

The provisions of any:

- Environmental planning instrument or proposed instrument that has been the subject of public consultation.
- Development control plan.
- Relevant planning agreement.
- The likely impacts of the proposed development.
- The suitability of the site for the development.
- Any submissions made about the proposal.
- The public interest.

These matters are addressed in the following sections of the SEE.

7. STATE ENVIRONMENTAL PLANNING INSTRUMENTS

7.1. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 of the Resilience and Hazards SEPP aims to provide a State-wide planning approach to the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The site is zoned and currently used for residential purposes. The proposal does not alter the established residential use of the site and there is no history indicating that the previous use of the site would create the potential for contamination. Therefore, the proposed development is consistent with the provisions of the Resilience and Hazards SEPP and there is considered no risk from contamination to future residents.

8. LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

8.1. PITTWATER LEP 2014

8.1.1. Land Zoning

The site is zoned R3 Medium Density in accordance with the LEP. The proposed subdivision of land is permissible in the zone subject to the granting of development consent.

The proposed development is consistent with the zone objectives as outlined below – refer **Table 2**.

Table 2 - R3 Medium Density Zone Objectives Compliance

Objective	Comments	Meets objective?
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	The Proposal increases housing supply in the locality meeting the needs of the local community.	Yes
<i>To provide a variety of housing types within a medium density residential environment.</i>	The Proposal will assist in facilitating the desired number of dwellings in Sector 5 of the Warriewood Valley Release Area. The proposal provides a variety of lot sizes suitable to accommodate a range of future dwelling forms.	Yes
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	The proposal provides for residential land use only.	Yes – not applicable
<i>To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.</i>	The proposal provides for residential land use only.	Yes – not applicable

8.1.2. PLEP Provisions

The compliance of the proposal against other relevant provisions of the PLEP is summarised in **Table 3** below.

Table 3 Compliance with PLEP Provisions

Section	Assessment	Compliance
Section 2.6 (Subdivision – consent requirements) <i>Land to which the LEP applies may be subdivided, but only with development consent.</i>	This Proposal seeks consent for the subdivision of land.	Yes
Section 2.7 (Demolition requires development consent) <i>The demolition of a building or work may be carried out only with development consent.</i>	The Proposal seeks Council approval for the demolition of the existing dilapidated dwelling and associated ancillary structures situated on the site. The demolition will be carried out in accordance with the relevant Australian Standards, conditions of Development Consent and the mitigation measures contained in the accompanying documents of this Development Application	Yes
Section 4.3 (Height of buildings)	No buildings are proposed in the application.	N/A
Section 6.1 (Warriewood Valley Release Area)	As a result of the previous approval of 81 dwellings at 8 Forest Road (NO440/15), which comprises the remainder of Sector 5, the proposed development comprising 13 Lots (for future dwelling development) satisfies Clause 6.1(3) because the total resultant dwelling density in Sector 5 will be 94 dwellings.	Yes
Section 7.1 (Acid Sulfate Soils) <i>Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</i>	The site is identified as containing Class 5 Acid Sulfate Soils and is within 500m of land identified as containing Class 4 Acid Sulfate Soils. However, the site is not below 5m AHD and the water table will not be lowered by more than 1m. No further investigation is required.	Yes
Section 7.2 (Earthworks) <i>This clause ensures that earthworks will not have a detrimental impact on the surrounding natural and built environment.</i>	The proposed earthworks necessary to facilitate the proposed development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land – refer Geotechnical Assessment at Appendix K .	

Section	Assessment	Compliance
<p>Section 7.6 (Biodiversity)</p> <p>This clause applies to land identified as “Biodiversity” on the <i>Biodiversity Map</i>. The consent authority must consider whether the Proposal is likely to have –</p> <ul style="list-style-type: none"> Any adverse impact on the condition, ecological value and significance of the fauna and flora on the land. Any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna. Any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land. Any adverse impact on the habitat elements providing connectivity on the land. Any appropriate measures proposed to avoid, minimise or mitigate the impacts on the development. <p>Consent cannot be granted unless –</p> <ul style="list-style-type: none"> The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or If that impact cannot be reasonably avoided by adopting feasible alternatives – the development is designed, sited and will be managed to minimise the impact, or If that impact cannot be minimised – the development will be managed to mitigate that impact. 	<p>The site is not identified as containing high biodiversity values on the Biodiversity Values Map and Threshold Tool. A small portion of land within the southern quadrant of the site is identified as “Biodiversity” pursuant to Clause 7.6(2) of the PLEP. A Flora and Fauna impact Assessment has been prepared (Appendix H) which recommends measures to minimise and mitigate the likelihood of any adverse impacts on the natural environment proximate to the site.</p>	Yes
<p>Section 7.7 (Geotechnical Hazards)</p> <p>The objectives of this Section are that development:</p>	<p>A Geotechnical Report has been prepared (Appendix K) and which concludes that the, ‘the <i>geotechnical hazards on the site and surrounding land can be managed to maintain a low or very low level of risk to property by following the recommendations in this report</i>’. The recommendations contained within</p>	Yes

Section	Assessment	Compliance
<ul style="list-style-type: none"> ▪ <i>Matches the underlying geotechnical conditions of the land.</i> ▪ <i>is restricted on unsuitable land.</i> ▪ <i>Does not endanger life or property.</i> 	that report will be implemented in the proposed development.	

8.2. DRAFT LOCAL ENVIRONMENTAL PLANS

No draft environmental planning instruments are relevant to the Proposal.

8.3. PITTWATER 21 DEVELOPMENT CONTROL PLAN

Pittwater 21 Development Control Plan (the DCP) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Table 4** below.

Table 4 DCP Compliance Table

Section	Clause	Comments	Compliance (Y/N)
A4.16 – Warriewood Valley Locality	-	The proposal provides for residential land use consistent with the objectives and desired outcomes for the Warriewood Valley area.	Yes
B2 – Density Controls	B2.5 – Dwelling Density and Subdivision	The creation of 13 lots enable the construction of the required number of dwellings envisaged for Sector 5 pursuant to clause 6.1 of the PLEP.	Yes
B3 – Hazard Controls	B3.1 – Landslip	All development on the site will comply with the requirements of the Geotechnical Risk Management Policy for Pittwater and other relevant standards.	Yes
	B3.2 – Bushfire	Comprehensive assessment of bushfire risk and associated risk minimisation and mitigation has been prepared and incorporated in the proposal – refer Bushfire Impact Assessment at Appendix I.	Yes
	B3.6 – Contaminated Land and Potentially Contaminated Land	The site is not considered to have any risk of contamination given its zoning and historic use for residential land uses.	Yes
B4 – Controls relating to the natural environment	B4.1 – B4.22	Comprehensive assessment of biodiversity considerations and associated impact minimisation and mitigation actions has been prepared and incorporated in the proposal – refer Flora and Fauna Impact Assessment at Appendix H.	Yes

Section	Clause	Comments	Compliance (Y/N)
B5 – Water Management	B5.15	The proposal is provided with stormwater management infrastructure appropriate for the nature of the development and consistent with Council or other design standards.	Yes
B6 – Access and Parking	B6.1 and B6.5 - Access driveways and works on the public road reserve	The proposal provides for the construction of roads and access driveways to future dwellings appropriate for the nature of the development and consistent with Council or other design standards.	Yes
	B6.2 – Internal driveways	The proposal provides access driveways to future dwellings appropriate for the nature of the development and consistent with Council or other relevant design standards.	Yes
	B6.3 – Off street parking	Off street parking will be provided with dwellings as part of future, separate approvals.	Yes
	B6.7 – Traffic Management	Comprehensive assessment of transport and traffic considerations, including the design of proposed roads, has been carried out – refer Transport Impact Assessment at Appendix J . This assessment confirms that the design and operation of proposed roads is consistent with Council or other relevant design objectives.	Yes
B8 – Site Works Management	B8.1 Excavation and Landfill;	Excavation works will be carried out to comply with the requirements of the Geotechnical Risk Management Policy for Pittwater.	Yes
	B8.3 – Waste minimisation	Reduction and management of demolition, excavation and construction works will be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Yes
	B8. 4 Site fencing and safety	The site will be protected by site fencing for the duration of the works.	Yes

Section	Clause	Comments	Compliance (Y/N)
	B8.5 – Works in the public domain	All works undertaken within the public road reserve will: be protected in a manner to ensure pedestrian and vehicular safety at all times; make provision for pedestrian and traffic flow and not adverse nuisance; and will make good any damage or disruption to the public infrastructure.	Yes
	B8.6 – Traffic Management Plan	A Construction Management Plan indicating truck movements and truck routes during construction will be provided and approved by Council prior to the commencement of work.	Yes
C4 – Design criteria for subdivision	C4.1 – Protection from hazards	All lots in the proposal are designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards – refer Geotechnical Report at Appendix K.	Yes
	C4.2 – Access driveways and off street parking	Each lot created within the subdivision is provided with access to off street parking associated with future development on the lot.	Yes
	C4.3 – Transport and traffic management	Comprehensive assessment of transport and traffic considerations, including the design of proposed roads, has been carried out – refer Transport Impact Assessment at Appendix J. This assessment confirms that the design and operation of proposed roads is consistent with Council or other relevant design objectives.	Yes
	C4.4 – Public roads, footpath and streetscape	The design and construction of the road pavement, vertical kerb and gutter, footpaths, street lighting and landscaping to service the lots conforms with relevant Council and other standards.	Yes
	C4.5 – Utility services	All lots created within the subdivision are fully serviced with electricity, water, gas, communications and sewer. All utility services to the site are located	Yes

Section	Clause	Comments	Compliance (Y/N)
		underground within the proposed road reserve.	
	C4.6 – Service and delivery vehicles	Roads and accessways within the subdivision are designed and constructed to accommodate access for waste, recycling, service, emergency and delivery vehicles.	Yes
	C4.7 – Amenity and design	<p>A comprehensive site analysis has been carried out and the proposed subdivision is designed to ensure that, (i) all properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area, and (ii) the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment – refer Indicative Dwelling Plans at Appendix G.</p> <p>A building envelope area is to be nominated on each proposed lot within which any future building is to be contained – refer Plan of Proposed Subdivision at Appendix A.</p>	Yes
	C4.8 – Landscaping and road reserves	A plan of proposed landscaping including the road reserve and lots has been prepared – refer Landscape Plans at Appendix E.	Yes
C6 – Design criteria for Warriewood Valley Release Area	C6.1 - Integrated water cycle	The proposal is designed with an integrated approach to water management and conservation, addressing water quality and quantity, watercourse and creekline corridors, stormwater and groundwater, and minimises the risk posed by flooding and adapts to climate change impacts – refer Civil Engineering Plans at Appendix C.	Yes
	C6.2 – Natural environment and landscape principles	Biodiversity and landscape considerations have informed the design of the proposed development.	Yes

Section	Clause	Comments	Compliance (Y/N)
	C6.3 - ESD	The proposal is designed on a 'whole of development/site' approach by applying the principles and processes that contribute to Ecological Sustainable Development.	Yes
	C6.4 – The road system and pedestrian/cycle network	Comprehensive assessment of transport and traffic considerations, including the design of proposed roads, has been carried out – refer Transport Impact Assessment at Appendix J .	Yes
	C6.5 – Utilities, services and infrastructure	All lots created within the subdivision are fully serviced with electricity, water, gas, communications and sewer. All utility services to the site are located underground within the proposed road reserve.	Yes
	C6.8 – Residential development subdivision principles	The proposal has been designed to conform with the relevant requirement contained in the PLEP and PCDP.	Yes
D16 – Warriewood Valley Release Area Specific Development Controls	D16.1 to D16.14	To be addressed under separate development applications relating to dwellings on lots.	N/A

Based on the above, it is considered that the proposal complies with the relevant provisions within the DCP.

8.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

8.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

9. IMPACTS OF THE PROPOSAL AND SITE SUITABILITY

The proposal has been assessed considering the suitability of the site to accommodate the proposed development and associated potential environmental, economic and social impacts as outlined below:

9.1. TREE REMOVAL

An **Arboricultural Impact Appraisal and Method Statement** has been prepared by Naturally Trees – refer **Appendix F**. The summary of this assessment is as follows:

‘Nineteen high category trees and fourteen low category trees will be lost because of the proposal. However, twelve of the low category trees are exempt from Northern Beaches Councils Tree Preservation Order and a comprehensive landscaping scheme to mitigate these losses is proposed that will include the planting of new trees.

The proposed changes may adversely affect a further seven high category trees if appropriate protection measures are not taken. However if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in the report, the development proposal is expected to have a moderate impact on the contribution of trees to local amenity or character’.

The measures contained in this assessment to minimise and mitigate impact of tree loss have been incorporated into the proposed development and are accepted as conditions of consent to any approval issued.

9.2. BIODIVERSITY

A Flora and Fauna Impact Assessment has been prepared by Kingfisher – refer **Appendix H**. Key conclusions from this assessment are as follows:

Results

- No threatened flora or fauna species were recorded on-site during survey or previously recorded via BioNet.
- Trees on site are a mix of Eucalyptus, Corymbia, Angophora, Syncarpia and Allocasuarina species.
- No significant habitat features will be impacted by the proposed development. The land at the rear of the site is part of the escarpment wide landscape corridor.
- The proposal does not trigger entry into the BOS (not on BV map, below area clearing threshold and no significant impact likely on threatened species).
- Tree protection will be consistent with the Arboricultural Impact Appraisal and Method Statement (Naturally Trees 14/12/22).
- Test of significance has been conducted for microbats, Grey Headed flying Fox and Large Forest Owls. – while these resulted in a ‘not significant’ impact for this community recommendations have been made to assist the long-term sustainability of species.

Mitigation Measures

If the development is approved mitigation works will be required. Refer to VMP for specifications.

Before works:

- Tree Protection
- Removal of weeds to prevent spread of seed
- Effective site management to minimise sediment runoff
- Translocation of some Kangaroo Grass to off-site locations

During works:

- Tree Protection and seed collection from any trees approved to be removed.
- Effective site management to minimise sediment runoff.
- Bush hygiene protocols are to be followed to prevent the spread of pathogens including Phytophthora.

- *Retention of top-soil moved as part of earth works for re-spreading on 'new' top surfaces that are to be vegetated.*

After completion of works:

- *Vegetation Management Plan implemented to maximise the restoration of habitat and to replace native species removed as part of the development. The ecosystem can be in better condition due to the revegetation and on-going maintenance than it currently is.*
- *Tree and vegetation maintenance and on-going native vegetation and habitat renewal (planting).*
- *Native species landscaping.*

The measures contained in this assessment to minimise and mitigate impact the proposal incorporated into the proposed development and are accepted as conditions of consent to any approval issued.

9.3. BUSHFIRE

A **Bushfire Impact Assessment** has been prepared by Travers Ecology – refer **Appendix I**. The conclusion of this assessment is summarised as follows:

'Travers bushfire & ecology (TBE) previously prepared a bushfire protection assessment for BMN Properties Pty Ltd for a thirteen-lot residential subdivision located at Lot B DP370222, 4 Forest Road, Northern Beaches ref. 21BMN02 dated: 20 December 2022. BMN Properties Pty Ltd has now engaged TBE to provide a bushfire letter for the Northern Beaches Council. The letter aims to confirm whether there is an existing Asset Protection Zone (APZ) on the adjoining-land to the south and southwest, and whether this area can be considered managed-land, thereby excluding it as a potential bushfire threat to the residential development at 4 Forest Road.

Based on the above information, BMN Properties Pty Ltd's proposed thirteen-lot subdivision development at Lot B DP370222, 4 Forest Road, Warriewood, can rely on a distance of 30m for the adjoining-land to its south and southwest being considered to be managed-land and excluded as a potential bushfire threat to the development'.

The measures contained in this assessment to minimise and mitigate impact bushfire risk, including the provision of an appropriate APZ, have been incorporated into the proposed development and are accepted as conditions of consent to any approval issued.

9.4. EARTHWORKS

The amended proposal has been designed to minimise and mitigate the extent of earthworks and cut/fill required on the site.

The site is steep (the highest and lowest levels differ by >25m), and the proposed Forest Rd extension (Road MC01) must link to existing and approved development to the North and South as well as complying with Auspec, various referral responses, and the need to provide safe escape from fire and access for emergency vehicles. The amended plans show a realignment of Road MC01, which delivers a reduction in total excavation. It significantly lowers the main retaining wall to a mean height of 2m with only a short section at the maximum height of 3m.

The alignment of MC01 also retains a number of high value trees (including trees 20 - 26, 33, 34 and 36) and provides safe bushfire and flood egress for the neighbouring site.

The adjustment of levels has permitted the deletion of more than 40% (by length) of the internal lot retaining walls reducing the reliance on retaining walls on boundaries shared between lots and the adjacent roadways. Indicative plans of future dwellings illustrate the relationship of eventual housing development when compared to natural ground levels and "sub-divided" ground levels.

9.5. TRAFFIC IMPACTS

A **Transport Impact Assessment** prepared by JMT Consulting is enclosed in **Appendix J**. This report confirms that the design and operation of proposed roads is consistent with Council or other design standards and will not result in unreasonable impacts. Key points identified in this assessment include the following:

- All roads have been designed with a 12.5m wide cross section including a 7.5m wide road carriageway – consistent with the roadway coming from 8 Forest Road and consistent with the recommendations contained in the Warriewood Valley Roads Masterplan document for a local street.
- The adoption of the main road (MC01) as a local street is considered suitable given:
 - The Warriewood Valley Roads Masterplan does not nominate the extension of Forest Road as a Collector Street.
 - The approval for the adjacent 8 Forest Road development under N0440/15 (as modified 9 April 2018) requires the construction of a local road through the site rather than a collector road.
 - The volume of traffic predicted to use MC01 will be in the order of 1,000- 1,500 vehicles per day – well within the thresholds of a local street as defined in the Warriewood Valley Roads Masterplan document. This is based on the predicted traffic movements from the approved 8 Forest Road development, proposed 4 Forest Road development and other nearby sites.
- Vehicle sight lines have been addressed by amending the road geometry to:
 - Allow for improved sight lines for vehicles travelling around the bend in the road MC01 to sight vehicles leaving road MC02. This has been achieved by setting back the building line of Lot 13.
 - Provide lines of sight for vehicles approaching the existing roundabout at the school adjoining the site. The vertical curve for road MC01 has been adjusted such that there is a constant downward slope from the bend in the road MC01 all the way through to the roundabout – providing for suitable lines of sight to nearby vehicles.
- The traffic modelling demonstrates that the minor increase in traffic flows associated with the proposal will not result in adverse impacts on the surrounding road network – taking into consideration development from surrounding areas and the future extension of Forest Road.

9.6. SOCIAL AND ECONOMIC IMPACTS

The proposed development of the site generates social and economic benefits through supporting the provision of much needed new housing in a high amenity environment meeting the growing demands of the local community.

9.7. SUMMARY

Comprehensive technical assessment has confirmed that:

- There are no environmental, physical or other characteristics of the site that make it unsuitable to accommodate the proposed development; and
- The proposal is designed to minimise and mitigate impacts on the environment and surrounding properties and will not result in unreasonable effects.

10. SUBMISSIONS

The original DA was notified to the public in March-April 2023 with 9 submissions received. The following **Table 5** provides a summary of how the amended proposal responds to the major issues raised in the submissions.

Table 3 Response to submission

Issue raised in submission	Response in the proposal
<i>The unreasonable traffic and safety issues arising from the increased density on the Site</i>	The proposed density of the development is consistent with the planned outcomes for this area as defined in the PLEP and PDCP. Detailed traffic analysis is provided demonstrating the proposal is designed to satisfy all relevant standards and will not result in unreasonable traffic or safety impacts.
<i>The amenity impacts likely to result from the future residential development of the Site</i>	The proposal has been designed to ensure that future dwellings can be constructed on the lots in a manner conforming with specified building height, setback and controls in the PLEP and PDCP. This ensures that the proposal will not unreasonably impact on the amenity of neighbouring development.
<i>The impacts of the development on stormwater flows in the vicinity of the Site;</i>	The proposal is provided with stormwater management infrastructure appropriate for the nature of the development and consistent with Council or other design standards
<i>Biodiversity impacts resulting from the proposed tree removal</i>	The site is not identified as containing high biodiversity values on the Biodiversity Values Map and Threshold Tool. A small portion of land within the southern quadrant of the site is identified as "Biodiversity" pursuant to Clause 7.6(2) of the PLEP. A Flora and Fauna Assessment contains mitigation measures which will be implemented to reduce the likelihood of any adverse impacts on the natural environment proximate to the site.
<i>Disturbance of surrounding residential amenity caused by future construction works</i>	Appropriate conditions will be included on any consent issued to ensure impacts on the amenity of neighbours during construction is minimised and mitigated.

11. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal is consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.
- The proposal will assist Council and the State Government in achieving the housing and planning objectives for the Warriewood Valley Land Release Area by providing a means of completing the development of this Sector in accordance with the Warriewood Valley Land Release Area Strategy. The proposed road link to 8 Forest Road is also considered to be firmly in the public interest, particularly given likely traffic issues which may arise in the event of a bushfire evacuation where egress is only presently available to the north via Jubilee Avenue.

12. CONCLUSION

The proposed development has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- The proposal satisfies applicable planning controls and policies.
- The proposal will not result in unacceptable environmental impacts.
- The proposal will not contribute to achievement of positive social and economic impacts.
- The proposal is suitable having regard to the characteristics of the site.
- The proposal is in the public interest.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended subject to appropriate conditions of consent.

13. DISCLAIMER

This report is dated July 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of BMN Properties Pty Ltd (**Instructing Party**) for the purpose of Support a Development Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A PLAN OF PROPOSED SUBDIVISION

APPENDIX B DEMOLITION PLANS

APPENDIX C CIVIL ENGINEERING PLANS AND STORMWATER MANAGEMENT PLAN

APPENDIX D MUSIC MODELLING

APPENDIX E LANDSCAPING PLANS

APPENDIX F ARBORICULTURAL REPORT

APPENDIX G INDICATIVE DWELLING PLANS

APPENDIX H FLORA AND FAUNA REPORT

APPENDIX I BUSHFIRE IMPACT ASSESSMENT

APPENDIX J TRANSPORT AND TRAFFIC REPORT

APPENDIX K GEOTECHNICAL REPORT

APPENDIX L WASTE MANAGEMENT PLAN

APPENDIX M QS REPORT

