

## Environmental Impact Statement

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Twelve (12) lot residential subdivision, civil and creek line works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments.



43 Warriewood Road Warriewood – Lot 2, DP 972209

45 Warriewood Road Warriewood – Lot 2, DP 349085

49 Warriewood Road Warriewood – Lot 1, DP 349085

Prepared for: Warriewood Developers Pty Ltd

Project No: D221

Date: August 2021

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Creative Planning Solutions is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties

# Signed Declaration

This Environmental Impact Statement (EIS) has been prepared in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

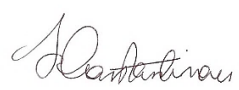
## Applicant Details

<b>Applicant:</b>	Creative Planning Solutions Pty Ltd
<b>Address:</b>	Level 3, 397 Riley Street, Surry Hills NSW 2010
<b>Land to be developed:</b>	43 Warriewood Road Warriewood – Lot 2, DP 972209 45 Warriewood Road Warriewood – Lot 2, DP 349085 49 Warriewood Road Warriewood – Lot 1, DP 349085
<b>Proposed development:</b>	Development of the land, including a twelve (12) lot residential subdivision, civil, landscaping and creek line works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments and basement parking


We, the undersigned, certify that the contents of the Environmental Impact Statement to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Regulations 2000*;
- The statement contains all available information that is relevant to the environmental assessment of the proposed development; and
- To the best of our knowledge the information contained in this report is neither false nor misleading.

## Prepared By

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## Consultant Reports and Supporting Documentation

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- Secretary's Environmental Assessment Requirements
- Capital Investment Value and Cost Breakdown Summary
- Architectural Drawing Package
- Site Survey
- Traffic and Parking Impacts Report
- Bushfire Assessment Report
- Preliminary Stage 1 Site Investigation
- Geotechnical Investigation
- Groundwater Study Progress Report No.1
- Groundwater Study Report
- Preliminary Groundwater Assessment & Monitoring Program
- Biodiversity Development Assessment Report (BDAR)
- Biodiversity Management Plan (BMP)
- Stormwater and Civil Drawings
- Sedimentation and Erosion Control Plan
- Subdivision Plan
- AHIMS Search
- Ausgrid Electrical Infrastructure Report
- Engineering Report
- Flood Management Report
- Arborist Report
- Preliminary Acid Sulfate Soils Assessment
- Waste Management Plan
- Landscape Strategy
- BASIX Report and Plans
- SEPP 65 Design Verification Statement
- Acoustic Report for Garbage Collection

## 1.0 Executive Summary

This Environmental Impact Statement (EIS) has been prepared by Creative Planning Solutions Pty Ltd (CPS) on the behalf of Warriewood Developers Pty Ltd, development of 43, 45 and 49 Warriewood Road, Warriewood NSW 2102. The EIS forms part of a Development Application (DA) that is being lodged with Northern Beaches Council (Council).

Pursuant to Section 3.17 of the *Environmental Planning & Assessment Act 1979* (the Act) and clause 10(2) of *State Environmental Planning Policy (Coastal Management) 2018* (Coastal Management SEPP), the development will be categorised as designated development, as development identified by clause 10(1) of Coastal Management SEPP is proposed on land that is identified as containing coastal wetlands.

The proposal is also integrated development pursuant to Section 100B of the *Rural fires Act 1997* (Rural Fires Act) and Section 91 of the *Water Management Act 2000* (WM Act).

This EIS has been prepared in accordance with the Secretary's Environmental Assessment Requirements issued by the NSW Department of Planning Industry and Environment, Part 4 of the Act and Schedule 2 of the *Environmental Planning and Assessment Regulations 2000* (the Regulations).

The proposed development includes a residential subdivision that includes twelve (12) residential allotments, creek line works, civil works (including an extension of Lorikeet Grove), landscaping tree removal and the construction of residential development including two (2) residential flat buildings containing thirty-four (34) apartments with basement parking and associated services on one of those lots. The eleven remaining residential allotments will not be developed as part of the subject DA, and will be developed later as part of a separate DA(s).

Consultation with relevant stakeholders was undertaken throughout the design process in accordance with the Planning Secretary's Environmental Assessment Requirements (SEARs); such stakeholders included Council, relevant utility providers, Transport for NSW and the NSW Rural Fire Service. Advice received from these bodies has been incorporated into the proposal. Consultation was also undertaken with the owners of sites both adjoining and within the immediate vicinity of the site.

Any environmental risks associated with the project are able to be mitigated, consistent with the recommendations of submitted specialist reports. Due to the level of earthworks that are necessitated on the site to account for both flooding hazards and surrounding development, a variation to the 10.5 metre building height development standard prescribed within *Pittwater Local Environmental Plan 2011* (LEP 2014) is proposed. A written variation request with



reasons as to why the departure from the standard should be supported is provided as part of the DA.

The redevelopment aims to provide a variety of housing on the site that is consistent with development within the surrounding area, in addition to providing infrastructure and utilities that are well integrated with similar such developments within the Warriewood Valley locality. The development has been well designed to provide excellent amenity for future residents, protect the residential amenity of surrounding sites, minimise risks from surrounding hazards and protect ecologically sensitive areas both on the subject site and within the surrounding area.

Accordingly, it is recommended that Council grant approval to the proposed application.

## 2.0 Introduction

### 2.1 Objectives and Overview of Proposed Development

The owner of the preponderance of the site (Warriewood Developers Pty Ltd) seeks to redevelop the land, which consists of three (3) allotments that are known as 43, 45 and 49 Warriewood Road Warriewood, and are legally identified as Lot 2, DP 972209, Lot 2, DP 349085 and Lot 1, DP 349085 respectively.

The proposed development includes subdivision of the site, which will comprise of twelve (12) residential allotments. One (1) of these allotments will feature an 'integrated' residential development including two (2) x three-storey residential flat buildings containing thirty-four (34) apartments; both the flat buildings and centralised communal facilities between them will be located above a basement that will provide parking and services for residents of the residential flat buildings. The remaining eleven (11) residential allotments will remain undeveloped and will be the subject of a future DA(s)<sup>1</sup>.

Other works on the site will include tree removal, landscaping works, civil works including water management facilities, utilities and an extension of Lorikeet Grove and creek line works.

The development will be categorised as regional development, as one of the allotments (43 Warriewood Road) is owned by Council, and the Capital Investment Value (CIV) of the proposed works exceeds \$5 million. The estimated CIV of the project is \$19,852,573.00.

Warriewood Developers Pty Ltd are currently in correspondence with Councils Land Dealings Officer, Cherry Varde to acquire the allotment at 43 Warriewood Road. Nevertheless, should this parcel be acquired during the assessment of the DA, the land is still considered to be council-related development pursuant to clause 3(d) within Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*. The application must therefore be determined by the Sydney North Planning Panel (SNPP).

The primary objectives of the development are outlined below.

- To provide an alternative form of high-quality housing for future residents of the locality, noting that there are few developments within the Warriewood Valley that offer terrace-style dwellings,
- Provide high levels of amenity to internal living, private open space and communal open space areas,

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<sup>1</sup> While development on those other allotments will be the subject of a future DA(s), as a result of dwelling density standards under PLEP 2014 such future development will likely consist of an individual dwelling house on each lot.

- To avoid unreasonable and adverse impacts on the amenity of surrounding residential sites,
- To avoid adverse impacts on the surrounding environment, and
- Enable the stimulation of regional labour markets and investment during the construction phase of the project and facilitate increased economic activities at adjacent commercial centres.

## 2.2 Analysis of Alternatives

In consultation with Northern Beaches Council, a number of schemes have been investigated for the site. The options have been discussed below:

### Option 1 – 44 residential lot subdivision

A Pre-Lodgement meeting (PLM2019/0109) was held with Northern Beaches Council on 6 June 2019 for subdivision of the site into forty-four (44) residential lots. The scheme proposed that all residential allotments would be occupied by a dwelling; the dwellings to be proposed would constitute a variety of detached, semi-attached and attached designs of two-to-three storeys (illustrated in **Figure 1** below).



**Figure 1** - An extract of the montage for the original 44 residential subdivision scheme, as presented to Council in 2019.  
Source: Archidrome, 2019

In their minutes from this meeting, Council raised a number of issues with the development and the concerns have been summarised as follows:

- *Duplication of internal roads and inconsistency with the Warriewood Valley Roads Masterplan with regard to the width of the road pavement and the road verges,*
- *Unsuitable dwelling design, and*
- *Insufficient landscaped treatment.*

*Generally, the proposal presents as an overdevelopment of the site, hitting the maximum dwelling yield without the incorporation of a residential flat building, being the housing typology anticipated with the higher yield.*

*Council also maintains concerns regarding the lack of information regarding the water management solution for the site, and the potential impacts upon the EEC. The size and design of the water management infrastructure will dictate the development potential/capacity of the site, and as such, the water management solution should be resolved as soon as possible.*

#### **Option 2 – twelve lot residential subdivision and 2 residential flat buildings**

The concerns raised within the Pre-Lodgement meeting (PLM2019/0109) held on 6 June 2019 were thoroughly reviewed and a new scheme was sought for the development as a result. The proposal included the following:

- A thirteen (13) lot subdivision of the site to create one (1) super-allotment that would contain a residential flat building, eleven (11) allotments that would become Torrens-Title residential allotments, and one (1) allotment containing the creek line corridor.
- Construction of two (2) three-storey residential flat buildings; each of the RFBs would contain seventeen (17) dwellings for a total of thirty-four (34) residential apartments. Basement parking and facilities would be located beneath this development.
- Removal of forty-seven (47) trees (including one (1) dead tree and thirty-two (32) 'exempt' trees) from within the site boundaries.

**Table 1 - Qualitative advantages and disadvantages for Option 2**

Qualitative advantages and disadvantages for Option 2	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Address the future residential demand within the locality and provide 12 new residential lots and two residential flat buildings to accommodate 34 dwellings, in addition to 11 future dwellings (subject to separate consent).</li> <li>Achieve an aesthetically pleasing building form that will contribute to the architecture and urban landscape of the Warriewood locality.</li> <li>Enable the stimulation of regional labour markets and investment during the construction phase of the project and facilitate increased economic activities at adjacent commercial centres.</li> <li>Achieve the objectives of the Warriewood Valley release area to provide residential dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal would be classified as 'designated development' pursuant to Section 3.17 of the Act and clause 10(2) the Coastal Management SEPP.</li> <li>The proposal is integrated development pursuant to Section 100B of the Rural fires Act 1997 and Section 91 of the Water Management Act 2000.</li> </ul>

### **Selected Option**

The disadvantages associated with Option 2 are considered to cause less environmental impact than Option 1, as they are primarily limited to environmental constraints which are specific to the subject site's location. As such, it has been pursued by the applicant.

## **2.3 Secretary's Requirements**

A written application was made to obtain the Secretary's Environmental Assessment Requirements (SEARs). The SEARs were used to inform notification procedures, relevant referrals and the structure of this EIS. The SEARs were issued on 13 May 2020 and are provided within **Appendix D**. Details of how the SEARs have been addressed within the EIS and supporting documentation, are detailed within **Table 2** below.

**Table 2 - Secretary's Environmental Assessment Requirements**

Secretary's Environmental Assessment Requirements (SEARs)	Reference in Report	Consultant Report
<b>General Requirements</b>		
The Environmental Impact Statement (EIS) must meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.	Complies	
<b>1. Statutory and Strategic Context</b>		
Address the statutory provisions contained in all relevant environmental planning instruments, including:		
<ul style="list-style-type: none"> <li>a detailed justification for the proposal and suitability of the site for the development</li> </ul>	Section 2.2, and 7	

Secretary's Environmental Assessment Requirements (SEARs)	Reference in Report	Consultant Report
<ul style="list-style-type: none"> <li>a demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs), or justification for any inconsistencies</li> </ul>	Sections 6.8 and 6.10	-
<ul style="list-style-type: none"> <li>a list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.</li> </ul>	Section 8	-
<b>2. Hazards and risk</b>		
<ul style="list-style-type: none"> <li>an assessment of the risk of bushfire, including addressing the requirements of Planning for Bush Fire Protection 2006 (RFS). Any proposed Asset Protection Zones must not adversely affect environmental objectives (e.g. buffers)</li> </ul>	Section 7.5	Bushfire Assessment Report
<ul style="list-style-type: none"> <li>any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations to address this</li> </ul>	Section 7.8	Geotechnical Investigation
<ul style="list-style-type: none"> <li>an assessment of flood risk on the site. The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposed development, and the development's impact (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event</li> </ul>	Section 7.7	Flood Management Report
<b>3. Soil and Water</b>		
<ul style="list-style-type: none"> <li>a description of local soils, topography, drainage and landscapes</li> </ul>	Section 7.7	
<ul style="list-style-type: none"> <li>details of water usage for the proposal including existing and proposed water licencing requirements in accordance with the <i>Water Act 1912</i> and/or the <i>Water Management Act 2000</i></li> </ul>	Section 5.11	
<ul style="list-style-type: none"> <li>an assessment of potential impacts on floodplain and stormwater management and any impact to flooding in the catchment</li> </ul>	Section 7.7	Flood Management Report
<ul style="list-style-type: none"> <li>details of sediment and erosion controls to avoid impacts to water quality in Narrabeen Creek</li> </ul>	Section 7.7	Sediment and Erosion Control Plan
<ul style="list-style-type: none"> <li>a detailed site water balance</li> </ul>		Ground Water Report And Preliminary Groundwater Assessment & Monitoring Program
<ul style="list-style-type: none"> <li>an assessment in accordance with ASSMAC Guidelines for the presence and extent of acid sulfate soils (ASS) and potential acid sulfate soils (PASS) on the site and, where relevant, appropriate mitigation measures</li> </ul>	Sections 7.8 and 6.8.10	Preliminary Acid Sulfate Soils Assessment
<ul style="list-style-type: none"> <li>an assessment of potential impacts on the quality and quantity of surface and groundwater resources</li> </ul>	Section 7.8	Ground Water Report And Preliminary Groundwater Assessment & Monitoring Program
<ul style="list-style-type: none"> <li>details of the proposed stormwater and wastewater management systems (including sewage)</li> </ul>		Engineering plans and report

Secretary's Environmental Assessment Requirements (SEARs)	Reference in Report	Consultant Report
<ul style="list-style-type: none"> <li>characterisation of the nature and extent of any contamination on the site and surrounding area</li> </ul>	Section 7.8	Preliminary Stage 1 Site Investigation
<ul style="list-style-type: none"> <li>a description and appraisal of impact mitigation and monitoring measures</li> </ul>	Section 7.8	
<b>4. Traffic and Transport</b>		
<ul style="list-style-type: none"> <li>details of road transport routes and access to the site</li> </ul>	Section 7.3	Traffic and Parking Impact Report
<ul style="list-style-type: none"> <li>road traffic predictions for the development during construction and operation, including the impact on the nearby intersection of Warriewood and Pittwater roads</li> </ul>	Section 7.3	Traffic and Parking Impact Report
<ul style="list-style-type: none"> <li>swept path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site</li> </ul>		Traffic and Parking Impacts Report
<ul style="list-style-type: none"> <li>details of the proposed site access and the parking provisions associated with the proposed development including compliance with the requirements of the relevant Australian Standards</li> </ul>	Section 4.4	Traffic and Parking Impact Report
<ul style="list-style-type: none"> <li>an assessment of impacts to the safety and function of the road network and the details of any road upgrades required for the development.</li> </ul>	Appendix C	Traffic and Parking Impact Report
<b>5. Biodiversity</b>		
<ul style="list-style-type: none"> <li>accurate predictions of any vegetation clearing on site or for any road upgrades</li> </ul>	Section 6.6, 7.4 and 8.2	BDAR & BMP
<ul style="list-style-type: none"> <li>a detailed assessment of the potential impacts on any threatened species, populations, marine vegetation, endangered ecological communities or their habitats, groundwater dependent ecosystems and any potential for offset requirements</li> </ul>	Section 6.6, 7.4 and 8.2	BDAR & BMP
<ul style="list-style-type: none"> <li>the hydrology of the wetland in relation to the ecological and hydrological function of the wetland, including drainage through the wetland, particularly changes to the depth of standing water and any effects on survival of the wetland plants</li> </ul>		BDAR & BMP
<ul style="list-style-type: none"> <li>an outline of how a vegetated riparian buffer will be maintained and improved where the subject property interfaces with Narrabeen Creek (refer to the NRAR Guidelines for Controlled Activities on Waterfront Land)</li> </ul>	Section 6.6, 7.4 and 8.2	BDAR & BMP
<b>6. Visual</b>		
<ul style="list-style-type: none"> <li>including an impact assessment at private receptors and public vantage points.</li> </ul>	Section 5.5 and 7.13	
<b>7. Heritage</b>		
<ul style="list-style-type: none"> <li>including Aboriginal and non-Aboriginal cultural heritage</li> </ul>	Section 7.10 and Appendix C	AHIMS Search
<b>Environmental Planning Instruments and Other Policies</b>		
The EIS must assess the proposal against the relevant environmental planning instruments, including but not limited to:	Section 6.8.1	N/A
<ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (Infrastructure) 2007</i></li> </ul>		
<ul style="list-style-type: none"> <li><i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i></li> </ul>	Section 6.8.2	

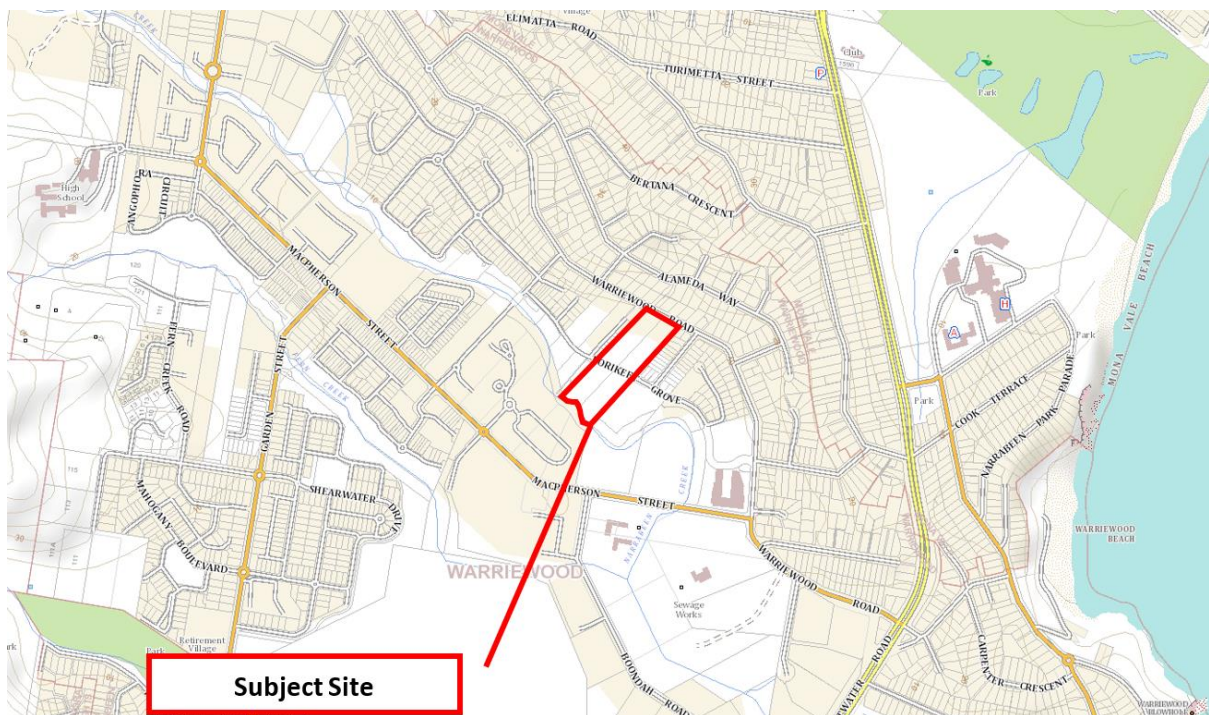
Secretary's Environmental Assessment Requirements (SEARs)	Reference in Report	Consultant Report
<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Coastal Management) 2018</li> </ul>	Section 6.8.3	BDAR & BMP
<ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</li> </ul>	Section 6.8.4	
<ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> </ul>	Section 6.8.5	
<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Koala Habitat Protection) 2021</li> </ul>	Section 6.8.6	BDAR & BMP
<ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> </ul>	Section 6.8.7	Preliminary Stage 1 Site Investigation
<ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> </ul>	Section 6.8.8	Appendix B
<ul style="list-style-type: none"> <li>Pittwater Local Environmental Plan 2014</li> </ul>	Section 6.8.10	Appendix A & C
<ul style="list-style-type: none"> <li>relevant development control plans and section 7.11 plans.</li> </ul>	Section 7.12	N/A
<b>Guidelines</b>		
During the preparation of the EIS you should consult the Department's Register of Development Assessment Guidelines which is available on the Department's website. Whilst not exhaustive, this Register contains some of the guidelines, policies, and plans that must be taken into account in the environmental assessment of the proposed development.	Complies	
<b>Consultation</b>		
<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth government authorities, service providers and community groups, and address any issues they may raise in the EIS. In particular, you should consult with the:</p> <ul style="list-style-type: none"> <li>Department of Planning, Industry and Environment, specifically the: <ul style="list-style-type: none"> <li>Biodiversity and Conservation Division</li> <li>Water Group</li> <li>Department of Primary Industries</li> </ul> </li> <li>Transport for NSW</li> <li>Fire &amp; Rescue NSW</li> <li>NSW Rural Fire Service</li> <li>Sydney Water</li> <li>WaterNSW</li> <li>Metropolitan Local Aboriginal Land Council</li> <li>Northern Beaches Council</li> <li>the surrounding landowners and occupiers that are likely to be impacted by the proposal.</li> </ul> <p>Details of the consultation carried out and issues raised must be included in the EIS</p>	Section 5	



## 3.0 Site Analysis

### 3.1 Site Location and Description

The site which is the subject of this application consists of three (3) contiguous allotments that are described as 43, 45 and 49 Warriewood Road, Warriewood (legally identified as Lot 2, DP 972209, Lot 2, DP 349085 and Lot 1, DP 349085 respectively). 43 Warriewood Road is a narrow sliver of land that is owned by Council, the Title Certificate has identified that it is burdened by a proposed 5m wide easement for sewerage and the whole site is burdened by an easement to drain water. Whilst 45 and 49 Warriewood Road are semi-rural allotments.



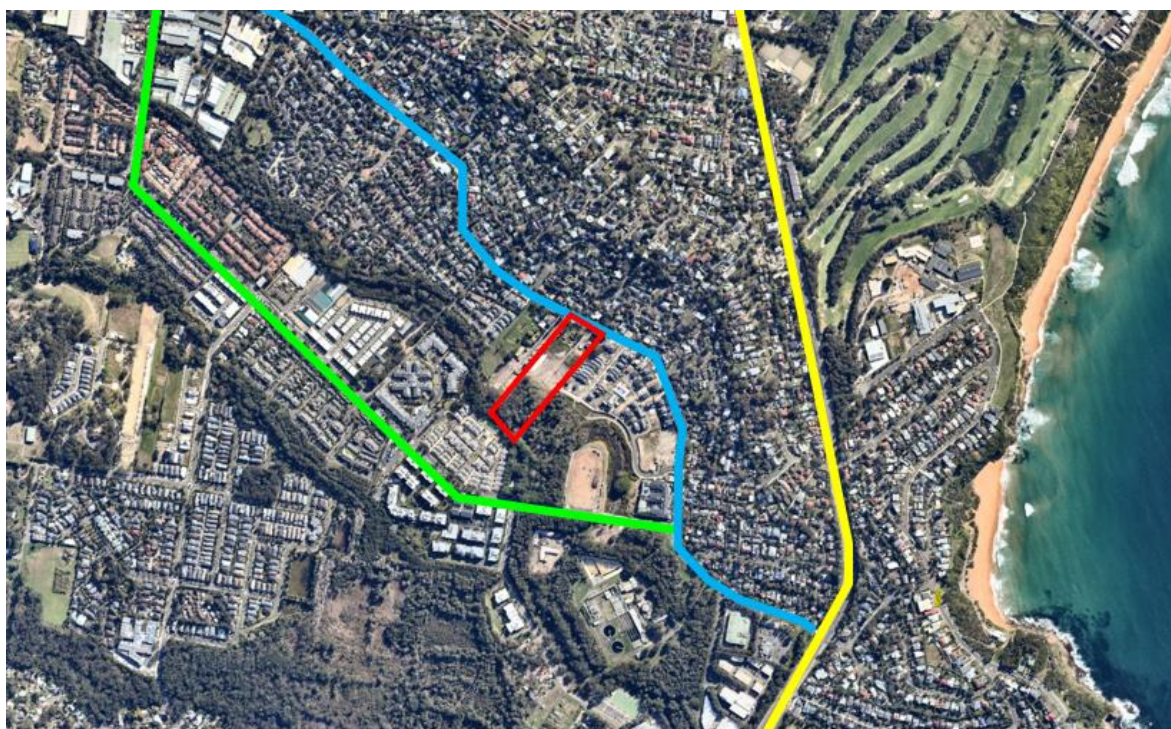
**Figure 2 -** Map of the locality, showing the location of the site in relation to the surrounding area. Note: The base map data which forms this image is incorrect, in that it shows Lorikeet Grove as bisecting the site. While the map information shows the approximate location of the proposed Lorikeet Grove Road corridor within the site, this road has not been constructed within the site boundaries, and forms part of this DA.

Source: Six Maps, 2021

Combined, the three allotments form an irregularly shaped site with an area of approximately 22,187m<sup>2</sup>. The site contains a progressive north-to-south (i.e. front-to-rear) slope of approximately 9.2 metres. The site has four boundaries that are detailed as follows:

- **Northern boundary:**
  - Adjoins Warriewood Road
  - Total length: 83.93 metres
- **Eastern boundary:**
  - Adjoins 41 Warriewood Road

- Total length 292.585 metres
- **Southern boundary:**
  - Adjoins Narrabeen Creek
  - Total length: Approximately 81.4 metres
- **Western boundary:**
  - Adjoins a number of residential allotments (formerly 85 Warriewood Road prior to subdivision of that site)
  - Total length: 262.18 metres



**Figure 3** - An aerial photo of the subject site (outlined by the red border) and the wider area. This image encompasses the Warriewood Valley to the south and east of the industrial precinct, the southeast part of which is visible within the top left of this image. For reference, the routing of Warriewood Road, Macpherson Street and Pittwater Road have been superimposed onto the image, and are denoted by the blue, green and yellow lines respectively.

Source: Nearmap, 11 August 2021

43 Warriewood Road contains an open drainage channel and is undeveloped except for existing wire boundary fences. The front halves of 45 and 49 Warriewood Road each contain a detached dwelling house, associated outbuildings and structures (i.e. sheds, paved areas/driveways, etc.); the rear halves of these sites are largely undeveloped and are characterised by heavily vegetated areas within the Narrabeen Creek creekline corridor.

Sydney Water has been undertaking substantial works through central sections of the site since early 2021; such works have been occurring in areas where development is proposed to occur (noting that these works have extended into adjoining sites both east and west of the site) as



part of providing upgraded water infrastructure to the locality. Such works have resulted in the degradation of land identified as containing high biodiversity significance, in addition to stockpiling earthworks and other materials on the site.



**Figure 4** - A closer aerial photo of the subject site and surrounding allotments. Note recent subdivision works and associated residential development which have been undertaken immediately to the east and west of the subject site.

Source: Nearmap, 11 August 2021

The subject site is located within the suburb of Warriewood, which is located within the Northern Beaches (formerly Pittwater) Local Government Area (LGA). The site is approximately 850 metres south of the Mona Vale town centre and 21 kilometres northeast of the Sydney Central Business District (CBD).

The subject site is located within an R3 Medium Density Residential zone; the rear boundary adjoins an RE1 Public Recreation zone however all other boundaries adjoin R3-zoned areas (refer to **Figure 1**). Sites within older residential areas on the northern (i.e. opposite) side of Warriewood road are within an R2 Low Density Residential zone, while residential sites further to the north are located within an E4 Environmental Living zone.

PLEP 2014 maps the site as being within an Urban Release Area, with 43, 45 and 49 Warriewood Road identified as forming Buffer Zones 1h, 1g and 1f respectively. The PLEP 2014 also maps the site as containing Class 3, 4 and 5 acid sulfate soils, while southern parts of the site are mapped as being of biodiversity significance.

Council's mapping also indicate that southern parts of the site are bushfire prone and flood affected; the front (i.e. northern) areas of the site are largely unaffected by flooding, however the level of flood risk increases towards the southern end of the site, due to Narrabeen Creek being located at the rear boundary.

The NSW Department of Planning Industry and Environment also maps areas at the rear of the site around Narrabeen Creek as containing Coastal Wetlands, with most the site mapped as being within a proximity area for Coastal Wetlands. The site is not identified as being affected by any other hazards or major constraints. The site does not contain a heritage item nor is it within a heritage conservation area; the site is also not in close proximity to another heritage item.



**Photograph 1** - 45 Warriewood Road, as viewed from Warriewood Road; 43 Warriewood Road is located at the far left of the image.

Source: CPS, 14 December 2019





**Photograph 2** - 49 Warriewood Road, as viewed from Warriewood Road.  
Source: CPS, 14 December 2019



**Photograph 3** - The dwelling house at 45 Warriewood Road, as viewed from the front boundary.  
Source: CPS, 14 December 2019





**Photograph 4** - The dwelling house at 45 Warriewood Road, as viewed from the front boundary.  
Source: CPS, 14 December 2019



**Photograph 5** - The northern (i.e. front) part of the site, as viewed from the common boundary separating 45 and 49 Warriewood Road, in front of the thick vegetation that is located within the creek line corridor.  
Source: CPS, 14 December 2019

### 3.2 Land Ownership and Current Use

43 Warriewood Road is owned by Northern Beaches Council, and as indicated above contains an open drainage channel. 45 and 49 Warriewood Road are owned by Warriewood Developers Pty Ltd. The site contains derelict buildings on the rural allotments which are currently unoccupied.

### 3.3 Surrounding Development

Development within the surrounding area is highly diversified, however it consists predominately of residential development. Sites adjoining both side boundaries and along the southern side of Warriewood Road more broadly consist of urban/rural allotments, most of which are subject to works related to the subdivision of those sites and associated civil works and residential development; such residential development contains a variety of one, two and three storey low-density residential development (i.e. dwelling houses) and two-three storey residential flat buildings (RFBs), with the site at the intersection of Warriewood Road and Macpherson Street also containing a large multi-storey aged care development (Arcare Warriewood). The following approvals for other residential flat buildings within the surrounding are also noted:

- Development Consent DA2018/0607 approved a three-storey residential flat building at 29-31 Warriewood Road in 2018 (refer to the lower right of *figure 4*); construction of this building is currently being finalised,
- Development Consent DA2018/1826 approved three-storey residential flat buildings above multi-level basement parking at 25-27 Warriewood Road in 2019, though it is understood that construction has yet to have substantially commenced.



**Photograph 6** - The Arcare seniors housing development at the corner of Warriewood Road and Macpherson Street, Warriewood.

Source: CPS, 14 December 2019

Sites on the northern side of Warriewood Road contain older and well-established residential areas, with development in these areas consisting predominantly of low-density residential development (i.e. predominantly one and two storey dwelling houses, dual-occupancies, etc.).





**Photograph 7** - The recently completed residential subdivision at 41 Warriewood Road, as viewed from the completed section of Lorikeet Grove within that site.

Source: Google, November 2020



**Photograph 8** - The recently completed residential subdivision at 85 Warriewood Road. The subdivision of this site separated the dwelling and associated structures at the front of the site (shown within the centre-left of this photo) from new allotments towards the rear (shown centre right). Development on the new allotments consist of three-storey semi-attached dwellings.

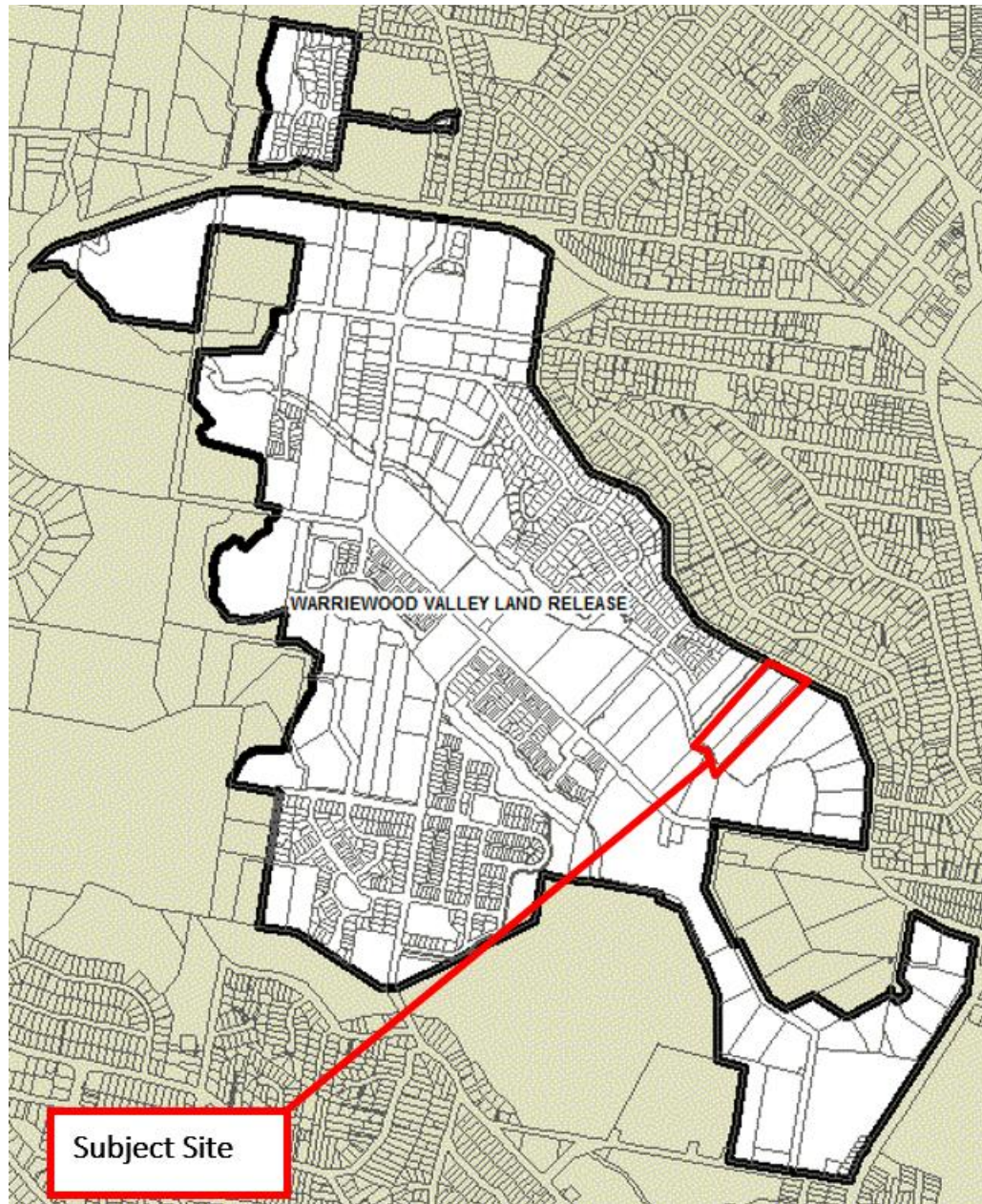
Source: CPS, 14 December 2019

Development to the south of Narrabeen Creek (i.e. along Macpherson Street) is part of the Warriewood Valley Urban Release area, and contains a wide variety of predominately residential development. Such development includes low, medium and high-density residential accommodation in addition to seniors housing developments.



### 3.4 Warriewood Valley locality

The subject site is located within the Warriewood Valley locality (refer to *Error! Reference source not found.*). The locality statement for this area under Section A4.16 of Pittwater 21 Development Control Plan (PDCP 2014) is as follows:



**Figure 5** - The Warriewood Valley locality, as shown by Section A4.16 of Pittwater 21 Development Control Plan.  
Source: Northern Beaches Council, 2019

*Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map). It comprises of land known as “Stage 1 Release” and land identified as the Warriewood Valley Release Area.*

*The Warriewood Valley Release Area, first identified in 1997 as a Release Area, comprises 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 land within 400m of the Warriewood Sewerage Treatment Plant (known as Buffer Areas 1, 2 and 3) encompassing an area of approximately 190 hectares.*

*Warriewood Valley Release Area 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 but does not include development in Stage 1 Release considered to be completed in 1997.). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).*

*Warriewood Valley Release Area 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, open space and community services. The creek line corridors, roads and open space areas 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.*

*Stage 1 Release, has a residential component and a business/industrial component. The residential area is characterised by two storey residential attached dwellings with the area fully developed. The industrial/business area is defined by up to three storey large complexes that generally contain smaller units. The majority of the business/industrial zoned land has been developed with some smaller parcels still to be developed in the northern industrial area.*

*The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.*

*Warriewood Valley is affected by various hazards and contains heavily vegetated areas, threatened species, or areas of natural environmental significance, which are identified on various maps within the Pittwater LEP 2014.*

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

### 3.5 Site History

Excluding planning proposals, Council's Development Application tracker indicates that the only development consent that affected any the allotments within the site was Development Consent No. N0081/98, which approved the construction of a shed on 22 March 2000.

A pre-lodgement meeting (PLM2019/0109) was held on 6 June 2019 to discuss a concept development proposal. The development which was the subject of that meeting took a substantially different form to the development being proposed as part of this development proposal. This was followed by Development Application DA2020/1517, which was lodged for the redevelopment of the site and is discussed in detail below. DA2020/1517 was later withdrawn on 25 June 2021, in order to address matters raised by Council.

#### ***Development Application DA2020/1517***

Prior to the lodgement of Development Application DA2020/1517 the proposal underwent an extensive consultation period in accordance with the SEARs requirements issued on 13 May 2020. The response to the SEARs has been provided at section 2.3 of this report. The consultant period for the SEARs has been used to inform this EIS and the proposed development.

Development Application DA2020/1517 was lodged with Council on 4 December 2020 for *"Subdivision of 3 lots into 13 lots to include 1 super lot, 11 Torrens Title residential lots and 1 lot containing the creekline corridor, civil works and the construction of two residential flat buildings containing 34 apartments including basement parking, swimming pool"*.

This application was notified for a period of 52 days from 11 December 2020 to 1 February 2021. In response, twenty-four (24) submissions were received (including multiple submissions received from single households). Concerns raised in the submissions related to traffic and parking congestion, potential privacy concerns, overdevelopment and density of the proposal, impact upon the streetscape amenity, overshadowing impacts, location of bin collection room, landscaping and creekline works. These items have been subsequently addressed within this DA and EIS.

DA2020/1517 was referred to external authorities including, Water NSW, Transport for NSW, NSW Rural Fire Service, Northern Beaches Police Area Command and Ausgrid. All referrals supported the proposal and did not raise any objections. RFS and Water NSW provided subsequent conditions to accompany the notice of determination.

DA2020/1517 was also referred to the Design and Sustainability Advisory Panel (DSAP) Meeting held on 25 March 2021. The recommendations and comments provided within this meeting



did not account of all site affectations or the development history of the site that resulted in the current development scheme. In their comments regarding dwelling density, the panel report excluded Buffer Zone 1h; Council is advised that inclusive of this allotment and pursuant to clause 6.1(3) of PLEP 2014, a maximum of forty-five (45) dwellings are permitted on the site.

On 7 May 2021, a request for additional information for DA2020/1517 was received. While these issues relate to the earlier DA, amendments have been made to address most issues. In order to highlight design changes and demonstrate how likely Council concerns are satisfied, a response to each of the issues raised is provided below:

### ***Bulk, Scale and Unit Mix***

*“The residential flat building (RFB) exceeds the 10.5m height limit by 17.5%. The proposed units exceed the minimum size requirement with a large internal floor area that combined with large lobbies results in a bulky and repetitious form that is unnecessarily large and would be significantly reduced if the proposal complied with the required unit mix prescribed in the DCP. Please refer to the tables and details contained in the report from the Design Advisory and Sustainability Panel (DSAP) that has previously been sent to you which provided details of the proposal being 140% larger than a compliant scheme.*

*The flow on effects include issues with building bulk, height, activation of the common area, possible setbacks and the extent of the footprint and landscaped area and car parking numbers. As such, it is recommended that the density of the proposal is reduced to address the flow on issues with the excess size of the unit and a lack of mix. Building separation and visual privacy. Refer to the recommendation from DSAP”.*

### **Height**

Council have highlighted that the development is non-compliant with the maximum building height of 10.5 metres under PLEP 2014. Reference is made to the Clause 4.6 variation request that has been submitted with this DA to support this variation to the development standard (see **Appendix A**). While a variation is proposed, such a variation is largely technical, as it is caused by the combined height of the residential flat buildings (RFBs) and the raised ground levels; the buildings themselves otherwise comply with the 10.5 metre height standard when measured from the modified ground levels associated with the subdivision works, which will mirror those of adjoining sites. If the subdivision and RFBs were separately approved (as has been done within other approved subdivisions and subsequent RFB proposals elsewhere within the Warriewood Valley), then the RFBs as proposed would otherwise comply with the building height standard.

### **Unit Size**

The Apartment Design Guide (ADG) provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within

Schedule 1 of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65). The ADG sets out a *minimum* that should be achieved for a proposed residential flat development. Best practice would be achieving the minimum and providing more where possible. In this instance, the development exceeds the minimum required internal floor areas and private open space areas, resulting in an enhanced amenity for the development and future residents.

Additionally, the proposed development is more closely aligned to attached dwellings (terraces) considering the bottom two storeys of each RFB contain ten (10) two-storey ‘terrace’ style apartments that are accessible both at ground level via the central communal area (which can be reached from the basement by both stairs and elevators) and stairways contained within individual garages for each of these dwellings within the basement level. Private open space areas for these dwellings are located both to the front and rear of each dwelling (i.e. private open space areas would address both the site’s side boundaries and the internal communal area). The third level of both RFBs contain seven (7) single-level apartments, which are accessed via lobbies with internal stair and lift access from both ground floor communal areas and the basement level; private open space areas for these apartments are provided as balconies. As such, the generous unit sizes have not been reduced.

### **Apartment Mix**

34 dwellings are proposed. Twenty (20) (i.e. 59%) apartments contain four (4) bedrooms and fourteen (14) (i.e. 41%) contain three (3) bedrooms. As discussed above, the proposed RFBs are not a ‘traditional’ RFB, in that two of the three storeys contain two-storey terrace style apartments (as opposed to a development containing a range of smaller apartments). It is intended that the overall subdivision (i.e. both the RFBs and future allotments on the Torrens lots) would provide family dwellings in a range of configurations as follows:

- Detached dwellings (i.e. on the Torrens lots),
- Terrace-style dwellings, and
- Apartments.

Such family living arrangements are reflected by the large size of the terrace dwellings and the oversized private open space areas. Such development is also unique within this area, noting that other subdivisions within the release area north of Narrabeen Creek contain development that consists predominately of attached/detached dwelling houses and RFBs.

The development would subsequently provide additional housing choice to families moving to the area. Noting that release areas south of Narrabeen Creek already contain a large number of apartments of varying sizes, it should be noted that other approved RFB developments within release areas north of Narrabeen Creek have already provided a substantial number of one and two-bedroom apartments as follows, examples include:

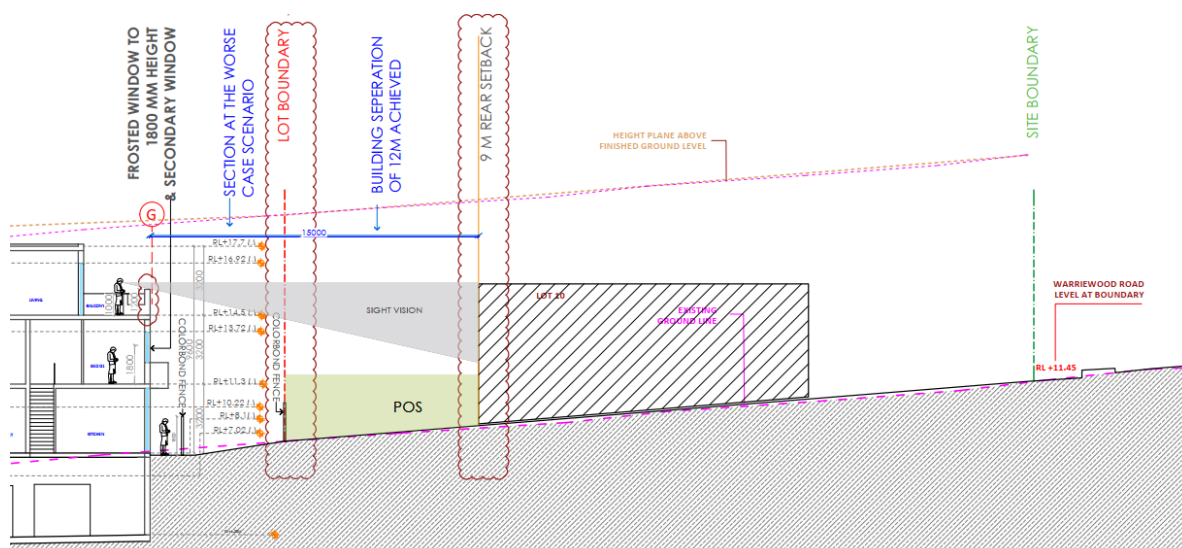
- DA2018/0607, which included 2 x 1-bedroom apartments and 8 x 2-bedroom apartments, and
- DA2018/1826, which included 4 x 1-bedroom apartments and 22 x 2-bedroom apartments.

There are subsequently a large number of smaller apartments which would cater to the demand of smaller households. Baring this in mind, the relevant outcomes of the controls would be satisfied, the variation is considered to have merit and is worthy of support.

### **Building Separation and Privacy**

*One of the significant issues that is linked to the scale of the development relates to the building separation between the apartment building and the proposed residential lots. The proposal fails to comply with the minimum 9m separation distances required in the ADG. As a result, habitable rooms and balconies will look down on the private open space of the proposed residential lots which front both Warriewood Road and Lorikeet Road. This separation is inadequate and relationship between the lots and apartments requires further consideration to address visual and acoustic privacy issues. As a minimum it is suggested that the triangulated apartments and terraces on the ends of the terrace/apartment rows have poor amenity due in part to the minimal setbacks and separation distances amenity and these units need to be deleted.*

Noting that the required distance between two (2) habitable rooms on the same site is 12m measured from windows/balconies of habitable rooms., the development has been amended to provide a 15-metre separation distance from habitable rooms of the proposed RFB and the rear setback of building envelopes to lots fronting Warriewood Road; refer to **Figure 6** below.



**Figure 6** - Separation distances and sight lines between the proposed RFB and proposed residential allotments at the Warriewood Road frontage  
Source: Archidrome, 2021

Nevertheless, CPS believe Council has misinterpreted the ADG control, which reads as follows:

*Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)*

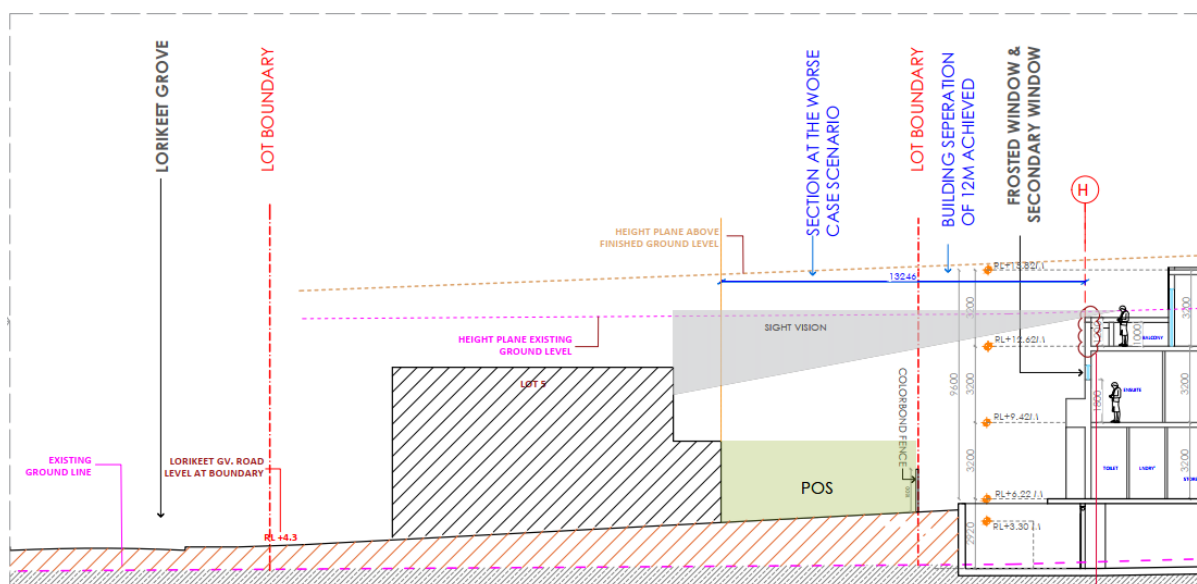
The *whole* site is zoned R3 Medium Density Residential under PLEP 2014, which permits RFB, multi dwelling housing, dwelling houses, dual occupancies and attached dwellings on the site. Therefore, various forms of development are permitted with consent on the same site, and only require separation distances consistent with Design Criteria 1 of Objective 3F-1 of the ADG (6m to habitable rooms and 3m for non-habitable rooms).

The proposal has been designed to situate low density residential development (i.e. dwelling houses) to the north of the site adjacent to the boundary with the adjacent R2 Low Density Residential zone. A separation distance of 15 meters is provided between the RFBs and the Warriewood Road residential lots, which considerably exceeds the minimum 12 metre separation distance, as required within Objective 3F-1 of the ADG.

The proposed separation distances also exceeds separation distances provided by nearby residential development (DA2018/0607) approved by Council.

The proposed separation distance proposed between the RFBs and the residential lots fronting Lorikeet Grove is 13 metres, which again exceeds minimum ADG requirements.

To further address Council's concern regarding overlooking, sight line diagrams have been provided to illustrate there are no privacy implications as a result of the proposed development; refer to **Figure 6** and **Figure 7** for extracts of such information.



**Figure 7** - Sightlines and separation distance between the proposed RFB and proposed residential allotments at the Lorikeet Grove frontage

Source: Archidrome, 2021

### Internal Unit Design

*“As noted above, the development proposes units which are far in excess of the minimum size requirements of the ADG. The room sizes are unnecessarily large without providing any additional amenity but contributing to the bulk of the building. Circulation spaces both in the common areas and within the units are excessively large without providing any additional amenity (including the stair, 27sqm is devoted to circulation on the upper level of the maisonette apartments). Despite the excessive floor area a number of units fail to meet the internal amenity requirements of the ADG and issues are raised in respect of the following:*

- *2 minimum sized bedrooms (including a main bedroom minimum dimension of 3.6m) within a 6m module when internal and common walls that will have to achieve a minimum acoustic performance is taken into account;*
- *solar access is poor for many of the apartments (on the eastern block living room face south-east, as do some of the top-level living areas that also then overlook the neighbouring properties.*
- *Non-compliance with habitable room depth.*

*It is also noted that there is a 9% non-compliance with universal design requirements of the ADG with only 4 units being adaptable. Refer to the detailed recommendation of DSAP.”*

The proposed unit layouts have been amended accordingly to create more unusable space within the proposed apartments. The Design Criteria outlined with Objective 4D-3 of the ADG requires the following dimensions and room sizes for bedrooms:



1. *Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)*
2. *Bedrooms have a minimum dimension of 3m (excluding wardrobe space)*

The proposed development ensures that all bedrooms within the development have a minimum dimension of 3m. The ADG controls as illustrated above requires master bedrooms to have a minimum area of 10m<sup>2</sup> and other bedrooms to have a minimum area of 9m<sup>2</sup>. The proposed bedrooms within the RFBs meet the minimum areas and dimensions requirements to create luxury dwellings with high levels of amenity; also refer to the discussion above regarding the overall size of the proposed terraces and apartments, which are compliant with the ADG and have enhanced levels of amenity for future residents.

With regard to the DSAP minutes above, there are no requirements within the ADG that require bedrooms to have a minimum dimension of 3.6 metres.

Further, ‘universal design’ is not the same as ‘adaptable housing’, which is governed by *Australian Standard AS 4299-1995 Adaptable Housing*. Universal Design refers to the allowance made for future adaptation of a dwelling to accommodate the occupant’s needs. The proposed development achieves compliance with the universal design requirements, as the proposal includes large units that provide for a variety of configurations and multi-purpose rooms including home offices, various living areas and bedrooms. The proposal will regardless satisfy the 20% requirement for the Liveable Housing Guideline’s silver level universal design features in accordance with the ADG.

### ***Façade and public domain***

*“The Panel raise concerns over the regimented, repetitious form that is not in keeping with the character of the area. The excessive bulk and scale as a result of the large units adds to the impacts on the character of the area. Improved planning and articulation of the terraces / apartments is required to reduce the regimented approach and redesign with something that is more in keeping with the character of the area”.*

The proposed RFBs are consistent in height and scale with other similarly-sized development elsewhere within the surrounding release area north of Narrabeen Creek. The RFBs are also proposed to be situated within a central portion of the northern side of the site; it is intended that once the remaining eleven residential allotments are developed along both Warriewood Road and Lorikeet Grove, the RFBs will be mostly (if not entirely) screened from the public domain.

The proposed development is therefore consistent with the existing and desired future character of the locality, in addition to associated requirements within the LEP, ADG and DCP. To be in keeping with the character of the locality, the planning principle of compatibility in the

urban environment refers to the development being capable of existing in harmony with the locality rather than being the same as existing development; this is achieved, as is demonstrated by the submitted plans and accompanying information.

### **Residential lots**

*“The sizing and layouts of the proposed lots needs redesign to realise their potential and provide improved amenity to future residents and lot diversity. Additional landscape buffers are required to help address amenity issues. In addition, the building envelopes show large two storey dwellings on the lots fronting Warriewood Road with noncompliant upper floor setbacks contrary to the PDCP sub-division controls”.*

The proposed residential lots comply with the controls outlined within Pittwater 21 Development Control Plan (P21 DCP), noting that the size, shape and orientation of the residential lots and the siting of dwelling footprints on those lots seek to accommodate future residential development that is consistent with subdivision controls within the locality. This proposal seeks approval only for the building envelopes on the eleven allotments that will not be developed, with approval(s) for the construction of future dwellings to be separately sought at a later time.

The setbacks that apply to the proposed lots are as follows:

### **D16.6 Front Building Lines**

#### *Lots fronting Warriewood Road*

- *Minimum front setback to articulation zone from front boundary – 5m*
- *Minimum front setback to garage/carport from front boundary – 6.5m*
- *Minimum front setback to dwelling from front boundary – 6.5m*

#### *Lots fronting Lorikeet Grove*

- *Minimum front setback to articulation zone from front boundary – 1.5m*
- *Minimum front setback to garage/carport from front boundary – 4m*
- *Minimum front setback to dwelling from front boundary – 3m*

### **D16.7 Side and Rear Building Lines**

- *Front loaded lots greater than or equal to 20 m deep requires a 4m to ground level and 6m to upper level.*

The submitted plans demonstrate clear compliance with the DCP in this regard.

### **Urban Design**

*“Issues are raised in respect of the building envelopes of the lots fronting Warriewood Road.”*

As discussed above, the proposed development shows clear compliance with building envelope controls for the Warriewood Valley Locality within P21 DCP (control D16.6 and D16.7).

### **Design and Sustainability Advisory Panel**

In addition to the comments addressed above, additional items raised within the DSAP meeting have been addressed in detail below.

*“The proposed number of dwellings exceed the maximum permissible by 1 dwelling (45 compared to 44).”*

While the above calculations are noted, they do not appear to have included Buffer Zone 1h, which pursuant to clause 6.1(3) of PLEP 2014 which permits not more than 1 dwelling. If the dwelling density targets for the three allotments are combined, a maximum of 45 dwellings are permitted (refer to section 6.8.10 of this EIS). The proposal therefore complies with clause 6.1(3) in this regard.

### **Landscape**

*“The proposal does not provide the required 2 Issues have been raised by DSAP in relation to and insufficient deep soil planting to courtyards also suggested that more landscaping is required throughout the site to improve the amenity for the future residents and provide sufficient landscape buffers.”*

*Significant issues are raised with regard to the creekline corridor and share-paths and noncompliance with the Warriewood Valley Masterplan.”*

Greg Tesoriero, CPS’ landscape and arborist consultant meet on site with Council’s landscape officer in June 2021, to discuss the matters raised within the additional information request and landscape referral. The landscape plans have been amended accordingly to address Council’s concerns; reference is made to the submitted landscape plans for further information.

### **Bushland and Biodiversity**

*The Biodiversity Development Assessment Report (BDAR) requires amendment to address outstanding biodiversity issues.*

A new BDAR report (undertaken by Cumberland Ecology) has been prepared and submitted with this DA. Reference is made to this document, which addresses the biodiversity issues previously raised by Council.

### **Waste Officer**

*"The Waste Management Plan not consistent with Council's requirements and requires amendment. The proposed arrangements for the storage and collection of bulky goods waste is not acceptable."*

The proposed development has been amended to include the provision of a bulky goods storage area within the area allocated for waste collection and storage. The Waste Management Plan (WMP) has been amended accordingly to reflect Council's requirements.

An acoustic report (prepared by GHD) accompanies this DA to assess the potential impacts arising from waste collection vehicles servicing the proposed RFBs. For reference, the following mitigation measures are recommended by this document:

- 1.8 metre-high acoustic barriers are to separate the waste collection area from the proposed development ground floor apartments, which will provide an effective height of 2.4 metres
- 2.1-metre-high acoustic barriers are to be located on the property boundary separating the waste collection area from the adjacent subdivision on Lorikeet Groove.

These mitigation measures have been adopted within the current proposal.

### **Contributions Officer**

*"Issues have been raised in respect of lot sizes, how the creekline corridor has been measured. Water management facilities which noting these cannot be located within the inner creekline corridor land. Issues of future ownership and maintenance responsibility of the basin and the land known as Lot 13. The location of the shared pathway and concerns in relation to the connecting pathways within the communal open space which directs you to the communal swimming pool and specific building/ dwelling entries and Warriewood Road. The relationship of the bus bay on Warriewood Road and Lots 8 to 11 and staging issues."*

These concerns have been responded to below.

### **Submissions**

*"Twenty (20) submissions have been received which raise issues in respect of traffic/access, overdevelopment/out of character, landscaping and shared paths, amenity impacts including loss of privacy and overshadowing and inappropriate location of the bin store."*

The submissions received for the application have already been adequately addressed within this EIS and through the amendments made to the proposed development. No further assessment or comment against the submissions are considered necessary.

On 19 June 2021, CPS attended an online meeting with Council staff, including the Manager of Transport, to discuss the assessment of the DA and Councils outstanding matters going forward.

Prior to that meeting, the Manager of Transport raised the following concerns:

*I have reviewed the proposal and note that the access to the carpark for the RFB is from Lorikeet Grove (a local road), whereas the development could be serviced directly from Warriewood Road (a collector road). This would require a redesign of the project to facilitate this, given the height differential across the site and the current subdivision scheme applied for the overall lot layout.*

*Whilst this may result in a delay in completing the approval process, the overall amenity outcome would be of benefit to the local residents.*

*The following amendments would be required:*

- *Redesign the basement car park to allow access from the Warriewood Road site frontage.*
- *Consider the internal car park design to allow this change to occur, whilst taking into account the restrictions on the site caused by the Sydney Water sewer trunk main that crossed the site.*
- *The redesign may result in the loss of up to 3 on-street parking spaces in Warriewood Road to accommodate the access driveway, which would need to be 6.0 metres wide.*
- *Parking provision on site would need to remain the same for the proposed RFB to facilitate the parking provision. There would be no need to offset the loss of on street, however the opportunity would be for some parking on the Lorikeet Grove frontage to be available as a replacement.*

In response to the above concerns raised by Council, no changes are proposed to the previously proposed access arrangement with regard to the following:

- This concern was not raised as part of the pre-lodgement meeting in June 2019 (noting that despite differences between that design and the one ultimately lodged, the access arrangements via Lorikeet Grove did not change),
- Vehicular access from Lorikeet Grove was not identified as an issue by Council and the Transport for New South Wales (Roads and Maritime Services (RMS) within the SEARs,

- Vehicular access from Lorikeet Grove was not identified as an issue by Council and within their formal Traffic Engineering referral response dated 19 March 2021, nor external referral comments from RMS,
- The proposed access to the basement as existing is supported by the project traffic consultant, as demonstrated within the submitted traffic report,
- Vehicular access from Lorikeet Grove was not identified as an issue by Council's DSAP,
- Design amendments that relocate the vehicular access point to Warriewood Road would be inconsistent with P21 DCP, which seeks to minimise driveway and road access points to Warriewood Road,
- Design amendments that relocate the vehicular access point to Warriewood Road would be inconsistent with the ADG, which requires that the vehicular access point to an RFB be located at the lowest point of the site, and
- Both CPS and the project traffic engineer are of the view that relocation of the vehicular access point to Warriewood Road will result in a very poor urban design outcome, given that a very steep driveway gradient would be required from Warriewood Road in order to provide access to a basement level (again noting that the ADG discourages at-grade parking).

With regard to the above, this DA responds to the matters identified by Council within the DA2020/1517.

## 4.0 Description of Development

### 4.1 Demolition and Tree Removal

Demolition of existing structures are not sought as part of this proposal. Demolition of such structures will be subject to separate consent.

It is proposed to remove fourteen (14) individual trees and two (2) groups of trees from within the site boundaries. No trees are proposed to be removed from surrounding areas, noting that trees at the front of the site are located within the site boundaries.

It is important to note that while this DA contains many similarities to DA2020/1517, numerous changes have been made to both the proposed design and submitted information to address concerns previously raised by Council.

### 4.2 Subdivision

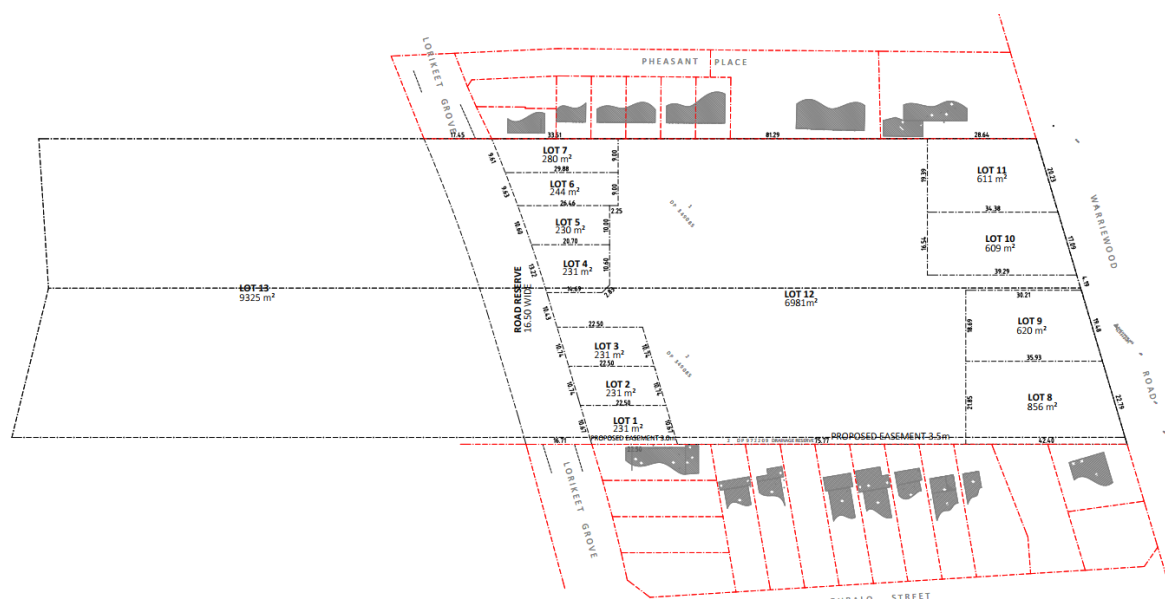
Part of the proposal will include a thirteen (13) lot subdivision of the site. The subdivision will create:

- One (1) super-allotment that would contain the proposed residential flat building (detailed within Section 4.3 below) and associated works. The development within this allotment is to also be strata subdivided,
- Eleven (11) allotments that would become Torrens-Title residential allotments, and
- One (1) allotment containing the creek line corridor.

**Table 3:** An outline of the apartments within the proposed development.

Allotment number	Allotment Area	Allotment number	Allotment Area
1	225.6m <sup>2</sup>	8	814m <sup>2</sup>
2	226.6m <sup>2</sup>	9	584m <sup>2</sup>
3	226.5m <sup>2</sup>	10	568m <sup>2</sup>
4	225m <sup>2</sup>	11	666m <sup>2</sup>
5	225m <sup>2</sup>	12	7004m <sup>2</sup>
6	237m <sup>2</sup>	13	9325m <sup>2</sup>
7	278m <sup>2</sup>		

The extension of Lorikeet Grove would be excluded from the above allotments, and is to be allocated to Council as a public road upon completion.



**Figure 8** - An extract of the lot layout plan, showing the locations and sizes of proposed allotments.

Source: C&M Consulting Engineers, 2021

### 4.3 Residential Development

The proposal incorporates residential development, which would include the construction of two (2) three-storey residential flat buildings (identified as 'Block B' and 'Block C'; each of the RFBs would contain seventeen (17) dwellings for a total of thirty-four (34) residential apartments. Basement parking and facilities would be located beneath this development.

Development of the Torren-Title allotments addressing Warriewood Road and Lorikeet Avenue is not proposed as part of this application, and would be individually developed as separate future consents.

The bottom two storeys of each RFBs will contain ten x two-storey 'terrace' style apartments that would be accessible both at ground level via the central communal area (which can be reached from the basement by both stairs and elevators) and stairways contained within individual garages for each of these dwellings within the basement level. Private open space areas for these dwellings would be located both to the front and rear of each dwelling (i.e. private open space areas would address both the site's side boundaries and the internal communal area). The third level of both RFBs will contain seven (7) x single-level apartments, which would be accessed via lobbies with stair and lift access to both ground floor communal areas and the basement level; private open space areas for these apartments would be provided as balconies.

Four (4) of the proposed apartments (Units C11, C12, D11 and D12) are adaptable, however at-grade or lift access would be provided to all apartments. In addition, all apartments have been designed with the provision for lift access to accommodate the needs of future residents.



This design provides residents with a choice to include a lift within the construction of the development or down the track to accommodate their needs.

An outline of the apartments within the proposed residential flat building is as follows:

Unit Number	Number of bedrooms	Internal floor area	Unit Number	Number of bedrooms	Internal floor area
C1	4	206.25m <sup>2</sup>	D1	4	168m <sup>2</sup>
C2	4	206.25m <sup>2</sup>	D2	4	206.25m <sup>2</sup>
C3	4	206.25m <sup>2</sup>	D3	4	206.25m <sup>2</sup>
C4	4	206.25m <sup>2</sup>	D4	4	206.25m <sup>2</sup>
C5	4	206.25m <sup>2</sup>	D5	4	206.25m <sup>2</sup>
C6	4	206.25m <sup>2</sup>	D6	4	206.25m <sup>2</sup>
C7	4	206.25m <sup>2</sup>	D7	4	206.25m <sup>2</sup>
C8	4	206.25m <sup>2</sup>	D8	4	206.25m <sup>2</sup>
C9	4	206.25m <sup>2</sup>	D9	4	206.25m <sup>2</sup>
C10	4	167.5m <sup>2</sup>	D10	4	197.54m <sup>2</sup>
C11	3	129.8m <sup>2</sup>	D11	3	120m <sup>2</sup>
C12	3	129m <sup>2</sup>	D12	3	121m <sup>2</sup>
C13	3	125.3m <sup>2</sup>	D13	3	125m <sup>2</sup>
C14	3	121.9m <sup>2</sup>	D14	3	122m <sup>2</sup>
C15	3	123.1m <sup>2</sup>	D15	3	123.6m <sup>2</sup>
C16	3	122m <sup>2</sup>	D16	3	129.8m <sup>2</sup>
C17	3	123m <sup>2</sup>	D17	3	129.8m <sup>2</sup>

**Table 4:** An outline of the apartments within the proposed development. Also refer to additional information within the assessment of the *Apartment Design Guide* for further details regarding specific areas and design information/

Communal facilities within the centre of the site will include paved and landscaped areas, picnic facilities and a swimming pool for use by residents. Pathways parallel to the main driveway and between Lots 9 and 10 will also provide pedestrian access through the site to both Lorikeet Grove and Warriewood Road.

The exterior of the residential flat building will also be finished with a variety of materials (consisting predominately of rendered masonry walls and brick veneer surfaces) that would be mostly finished in dark and neutral tones with ancillary metal finishes; refer to **Figure 9**. The plans propose a contemporary and highly articulated design that would address all boundaries within the super lot (refer to **Figure 10** and **Figure 11**), noting that the building would be separated from adjoining roads by the separate allotments.



**Figure 9** - An extract of the architect's materials schedule.

Source: Archidrome, 2021



**Figure 10** - An extract of a montage showing Block C from the southeast corner of the building.

Source: Archidrome, 2021



**Figure 11** - An extract of a montage showing Block D from the northwest corner of the building.

Source: Archidrome, 2021

With regard to the above, a breakdown of the proposed apartment mix and types are as follows:

**Table 5:** Numbers and proportional mixes of apartment types within the proposed development.

Dwelling types:	Dwelling numbers	Proportion of total number of dwellings (%)
Three bedrooms	20	58.8%
Four bedrooms	14	41.2%
<b>Total</b>	<b>34</b>	<b>100%</b>

The basement level is designed in an 'H'-shaped configuration. Parking areas for Blocks C and D would be located beneath their respective buildings, with each section located beneath the respective residential flat building. Each 'section' will contain both residential and visitor parking (refer to Section 4.4 below for allocation) and residential storage and lift lobbies for common/residential areas above, though the basement below Block D will contain a large plant room and garbage transport room. Part of the basement section connecting the two main parking areas would also contain bicycle parking, a car-wash bay and garbage drop-off area.

Resident car parking spaces for the terrace-style apartments will be secured within the basement by individual garage doors; direct stairway access would also be provided from within these garages to the apartments above (individual lift cores are to also be provided for each terrace dwelling, should residents wish to install internal elevators at a later point). The basements are otherwise accessible via stairways and lifts from common areas within the levels above.

#### 4.4 Vehicular access and car parking

Vehicular access and parking facilities (including visitor spaces) are to be provided for all apartments within the basement levels of the RFB.

A total of eighty-one (81) car parking spaces are proposed. Two (2) car parking spaces are to be allocated to each dwelling (i.e. sixty-eight (68) residential spaces would be provided in total, including four (4) accessible spaces) with thirteen (13) visitor spaces to be provided, including two (2) accessible spaces.

As indicated within Section 4.3 above, the main car parking areas are to be split into two sections, with each section and associated access to be located beneath the respective apartment building.

Access to the basements would be provided via a two-way access driveway and ramp that would connect to the basement below Block C. Two-way driveways would provide access to all parking spaces. The basement would be secured by a security roller door.

Car parking for the top-floor apartments would be contained within 90-degree car parking, with parking for the terrace apartments to be contained within individually secured garages with internal stairway access to be provided from each garage to the respective terrace apartment above.

Vehicular access to the other residential allotments would be provided via driveway crossovers from Warriewood Road and Lorikeet Grove (which will be included as part of the civil works).

Waste collection vehicles would access the site and collect bins from the enclosed bin collection area, which is located at the southern end of Block D.

## 4.5 Civil works

Civil works are to include water collection and catchment facilities, which would be largely centred around a large Onsite Stormwater Detention (OSD) system, which would be located below beneath the driveway, waste collection area and central common area. Stormwater from Warriewood Road that was previously channelled to Narrabeen Creek via the drainage depression within 43 Warriewood Road will continue to be channelled to this area but via an enclosed pipe. Runoff from Lorikeet Grove will also channel to an infiltration basin within the creek line reserve. Further civil works would include earthworks, flood mitigation measures, vehicular access/parking facilities and construction of Lorikeet Grove between the subdivisions at 41 and 53 Warriewood Road.

Refer to the detailed engineering plans and information (prepared by C&M Consulting Engineers) for further detail regarding civil and engineering works.

## 4.6 Waste management

Waste from dwellings within the residential flat buildings is to be transferred by residents to a garbage drop-off room that would be centrally located within the car park. Prior to collection, all bins would be relocated to a garbage transport room at the southeast part of the site, before being moved via a waste lift to an enclosed temporary storage area above on the southern side of Block D. Bins are then to be collected by a waste collection vehicle from this location.

## 4.7 Landscaping works

A variety of landscaping treatments are proposed within the site. A range of trees and vegetation (including trees, plants, shrubs, ground covers and turfed areas) are to be located within private open space and common areas. Street trees are also proposed to be planted within both the Warriewood Road and proposed Lorikeet Grove Road reserves

Works are also proposed to be undertaken to remove weed and exotic plant growth within the creek line corridor areas.

## 4.8 Utilities

The subject site is connected to all essential services. Utilities and connection points for necessary service will be provided in consultation with the particular agencies and authorities. All overhead electricity infrastructure within Warriewood Road will be relocated underground as part of the proposal.

## 5.0 Consultation

### 5.1 General

Consultation with external parties has been undertaken since the inception of the project and will continue as the assessment of the development application progresses. The consultation process has been employed to inform and seek feedback from key stakeholders and the local community. All feedback received during the consultation process has been carefully considered and integrated into the proposal where appropriate.

In accordance with the SEARs issued by the Department of Planning Industry and Environment, consultation has been carried out with the following organisations:

- Department of Planning, Industry and Environment, specifically the:
  - Biodiversity and Conservation Division
  - Water Group
  - Department of Primary Industries
- Northern Beaches Council;
- Transport for NSW;
- Fire & Rescue NSW
- NSW Rural Fire Service
- Sydney Water
- WaterNSW
- Metropolitan Local Aboriginal Land Council
- the surrounding landowners and occupiers that are likely to be impacted by the proposal.

Such consultation was undertaken as part of application process for DA2020/1517, though the bodies identified above were also consulted as part of Council's notification and referral processes for that application. Given the modest nature of the changes made for this DA, it was unnecessary to obtain further comment from relevant consultation bodies given that:

- No issues were raised by external organisations in response to the earlier proposal (either as part of pre-DA consultation nor the external referral process), and
- It is considered highly unlikely that the referral bodies would object to the new proposal and/or raise new issues.

Further discussion is contained within the remainder of this section.

## 5.2 Northern Beaches Council

Ongoing consultation has occurred with Northern Beaches Council, including a pre-lodgement meeting (PLM2019/0109) held on 6 June 2019 and ongoing communication since this initial meeting. The following correspondence from Council is provided as follows:

- ***The plans demonstrated an unnecessary centre roadway and roundabout that should be deleted in favour of landscaped area. Vehicular movements should rely on the loop road. The loop road is to be redesigned to be suitable for Council's waste vehicles.***

Comment: The central road and roundabout have been deleted and that a basement car parking system is proposed to service for two residential flat buildings, where semi-detached dwellings were originally proposed. This resolves the concern regarding too little landscaped area across the site.

- ***The proposed dwellings along Warriewood Road present higher than acceptable density and semi-detached or detached dwellings with distinct breaks for landscaping are recommended. Front setbacks to these dwellings are to be increased, and the three-storey presentation is to be broken up with articulation. Massing to Lorikeet Grove is also to be reduced.***

Comment: Fewer lots are proposed to front Warriewood Road and Lorikeet Grove, and the remaining lots are of greater dimensions (significantly so to Warriewood Road). While no dwellings are proposed on these lots at this stage, the reduction in the number of lots is likely to result in acceptable building separation, subject to future design. It is recommended that these lots remain at the proposed dimensions and not be subject to future subdivision. It should be noted that further subdivision of these lots is not permitted if the proposed residential flat buildings remain at 34 units, as the proposal achieves the maximum density permissible across the lots by Clause 6.1 of the PLEP 2014.

- ***Dwellings on Lots 7 and 8 are to be deleted.***

Comment: The relevant dwellings and lots have been deleted.

- ***Insufficient separation has been provided between the internal dwellings (i.e. those that do not face Warriewood Road or Lorikeet Grove).***

Comment: It is understood the dwelling typology for the internal portion of the development has changed from 24 semi-detached dwellings to two residential flat buildings, containing a total of 34 apartments.

- ***The proposed development is to incorporate 43 Warriewood Road (Lot 2 DP 972209).***

Comment: The proposed development includes 43 Warriewood Road (Lot 2 DP 972209).

- ***A minimum of 35% landscaped area is to be provided to allow for sufficient water infiltration.***



Comment: Council's Water Management team are generally supportive of the proposed development, subject to previous comments provided.

The amended plans appear to ameliorate Council's original concerns. However, a number of new concerns are raised:

- Both residential flat buildings include breaches to the maximum height of buildings development standard, but also include greater than necessary floor to ceiling heights.

#### CPS Response

A Clause 4.6 Variation has been provided at Appendix A.

- *The proposal does not provide compliant visitor parking, with 9 spaces proposed where 12 are required for the two residential flat buildings.*
- *The Traffic and Parking Report identifies 12 bicycle racks, though only 6 can be located on plans.*
- *The basement parking area does not incorporate a delivery/loading/emergency services bay.*

#### CPS Response

The basement car parking has been amended to include 13 visitor car parking spaces, 12 bicycle racks (noting that spaces within individual garages also allows for additional internalised storage for bicycles) and incorporates a delivery/loading/emergency services bay. This information has been provided within the Traffic and Parking Impacts Report and on the Architectural Plans.

- *The proposal does not provide compliant adaptable units across the two residential flat buildings, with 4 adaptable units proposed where 7 are required.*

#### CPS Response

Section C1.9 of P21 DCP requires that 20% of the apartments be adaptable. Four apartments (i.e. 11.7% of the total number) will be adaptable. The proposal however satisfies the 20% requirement for the Liveable Housing Guideline's silver level universal design features in accordance with the design guideline.

- *The proposal includes numerous acoustic conflicts in both residential flat buildings, with many bedrooms being located adjacent to another unit's private open space, living room, bathroom or kitchen, or adjacent to common circulation spaces like lifts and stairs.*

### CPS Response

The design and construction of the building will provide for internal acoustic attenuation measures in accordance with the Building Code of Australia (BCA). Minor internal layout changes have also sought to locate noise sensitive areas away from sources of potential acoustic intrusion.

- *The residential flat buildings do not include an adequate mix of apartments, with only 3- and 4-bedroom units proposed.*

### CPS Response

A range of apartment typologies, layouts and sizes are proposed. They are well-designed and significantly larger than minimum requirements and provide generous internal and external spaces. The proposed mix anticipates demand for such housing by families seeking a larger number of bedrooms with larger private open space areas like those being proposed within this development. The size of the dwellings (in terms of number of bedrooms, floor space and POS area) is reflective of similar such development residential development within the surrounding area. It is also noted that numerous developments within the Warriewood Valley (including residential flat buildings) both north and south of Narrabeen Creek already provide higher quantities of smaller (i.e. one-and-two bedroom) apartments within the locality.

## 5.3 Transport for NSW

Transport for New South Wales (TfNSW) responded to the SEARs on 8 May 2020, outlining a range of items that must be addressed within the EIS. These items to be addressed included traffic modelling to identify the daily peak traffic movements, site access and parking provisions, parking provisions and compliance with the relevant standards, details of heavy vehicle movements, travel demand, walking and cycling connections, existing public transport infrastructure to support the development and a construction pedestrian and traffic management plan. All information requested by TfNSW has been addressed within Section 7.3 of this EIS and the subsequent reports by the traffic consultant which includes a Traffic and Parking Impacts Report and addendum letter. The only information that has not been provided is the Construction Pedestrian and Traffic Management Plan (CPTMP). The traffic engineer has confirmed that this is a requirement that should be provided at Construction Certificate stage of the application, noting uncertainties around certain elements, given both the size of the proposed development and that a builder has not yet been engaged for the project.

## 5.4 Utility Providers

Ausgrid responded on 4 May 2020, indicating that the development must assess the capacity of existing services and utilities and identify any upgrades required and assess the impacts of the proposal on existing utility infrastructure and service provider assets and describe how any potential impacts would be managed. This information has been provided within Section 7.2 of this EIS and within the Ausgrid Electrical Infrastructure report prepared by JDG Consulting.

## 5.5 Community Consultation

Direct consultation with local members of the community was undertaken in accordance with the SEARs requirements. Such consultation included residential properties on the northern side of Narrabeen Creek that both adjoined and which were in close proximity to the subject site.

The proposed development will have no foreseeable impacts on properties on the southern side of Narrabeen Creek with regard to:

- Significant separation (i.e. approximately 150-180 metres) between such residences and the proposed residential allotments,
- Dense vegetation consisting primarily of significant trees within the aforementioned area, and
- The inability of pedestrian/vehicular traffic being able to directly enter areas to the south of Narrabeen creek from the subject site,

As such, residents on the southern side of Narrabeen Creek were not included as part of the community consultation process.

Community consultation was undertaken in two ways. For existing/developed properties within the immediate surrounding, a letter drop was undertaken on 10 June 2020 (refer to **Figure 12**). At the time that consultation was undertaken, residential allotments both directly adjoining and in close proximity to the subject site along Bubalo Street had not been occupied and a letter drop to such sites was not possible; owner details and the contact details of those affected owners were subsequently obtained, with emails being sent directly to those owners on 10 June 2020.

The Warriewood Resident Association (WRA) was also contacted by email on 10 June 2020; such correspondence was unsuccessful, and after alternative contact information was obtained from Council, another email was sent to the alternative address on 11 June 2020.

The notification process ran for twenty-one (21) days from June 11 until July 1 inclusive.



**Figure 12** - The areas affected by community consultation. The sites/areas identified by the green border were notified by the letter drop, while those identified by the red border were notified by email. It should be noted, that this image is reflective of the locality when consultation was undertaken.

Image source: Nearmap, 1 October 2020

Excluding general enquiries, seven (7) submissions were received from notified residents. A response was not provided by the WRA. It was also requested by some of the responding residents that an onsite meeting be held with CPS/the applicant; given the nature of the submissions and that they were unlikely to result in significant design changes and/or resolution of the issues raised (refer to these and the associated responses below), such a meeting was not convened.

Excluding general enquiries, all submissions:

- Objected to the proposal,
- Were from owners of properties on Bubalo Street, which are located immediately to the southeast of the site.



Given the level of detail raised by some submissions, the issues raised by local residents are outlined below; a planning response by CPS has also been provided.

**Issue: Traffic generation**

The proposal will create significant volumes of traffic. The roads within the Warriewood Valley are already congested and the development will put further strain upon local infrastructure.

CPS Response

The proposed development is unlikely to significantly increase local traffic volumes. Clause 6.1(3) of PLEP 2014 requires compliance with dwelling numbers within specific residential buffer areas within the Warriewood Valley locality. The number of dwellings proposed are in accordance with this standard, therefore the number of dwellings (and the subsequent impacts on local infrastructure such as roads) has been envisioned by Council.

The traffic engineer consulted for this project has also advised that based on adopted traffic generation rates (based on Roads and Maritime Services (RMS's) Guide to Traffic Generating Developments (as updated), the proposed subdivision (incorporating both the residential flat buildings and future dwellings) would generate a maximum 18 morning peak hour trips and 16 afternoon peak hour trips.

**Issue: Parking**

The nature of limitation of the parking possibilities for several units in a location of family homes surrounded will get tenants and owners/ visitors for this redevelopment spreading out in adjoining streets to find suitable parking. This will result in loss of on-street parking in surrounding areas.

CPS Response

Two spaces would be provided for each proposed apartment in addition to nine visitor spaces. The number of resident spaces are in accordance with Council's requirements, with visitor parking to exceed the guidelines created by Roads and Maritime Services (RMS).

**Issue: Road access**

As most driveways (including that for the residential flat buildings) are to enter onto Lorikeet Grove, vehicular traffic will utilise Bubalo Street to obtain access to Warriewood Road. This will significantly increase the volume of traffic on this street, which will adversely affect the safety of residents.

CPS Response:

The proposed design and location of driveway access points has sought to minimise the number of driveways and vehicles directly accessing Warriewood Road from the proposed subdivision; this is in accordance with Council's Development Control Plan.

Since community consultation was undertaken, an additional access point has been created from Lorikeet Grove to Warriewood Road; this has been facilitated through the opening of Lorikeet Grove to its intersection with Warriewood Road and Hill Road (i.e. to the southeast of the site adjacent to the Arcare Aged Care Development). Even if the subdivision of sites to the west of the subject site (i.e. 53A and 53B Warriewood Road) do not provide additional direct access points between Lorikeet Grove and Warriewood Road, the completion of the Lorikeet Grove as part of such future subdivisions will provide additional vehicular access points to Warriewood Road (e.g. via Brands Lane and/or any direct access point created by a new subdivision(s)).

In summary, it is therefore likely that by the time occupation of the proposed development occurs, at least two vehicular access points will be available; additional vehicular access points between Lorikeet Grove and Warriewood Road will also continue to be provided as development occurs on sites further to the west. While the actions of individuals cannot be predicted, given the different directions of travel it is unlikely that all residents of the development will solely utilise Bubalo Street to access Warriewood Road (noting the relatively small number of vehicles that will enter/exit the development during peak times).

**Issue: Visual privacy**

Concerns are raised regarding the outlook of residents within the apartment buildings. Of particular concern are outlooks towards the southeast (i.e. to the rear of properties addressing Bubalo Street and Lorikeet Grove) and potential visual privacy impacts that would arise.

CPS Response:

The building line of the 'Block D' building (i.e. the south-eastern apartment building) is proposed to be set back 11 metres from the southeast side boundary (minor and uninhabitable articulation features such as feature walls would be set back 9.45 metres from the boundary); such a distance is nearly double the minimum six metre requirement specified by Part 3F (Visual Privacy) of the Apartment Design Guide, which guides the design of residential flat building developments above two storeys in NSW. In addition to excessively large setbacks, the side setback area (containing ground-level private open space areas for the terrace apartments) will contain a variety of landscaping treatments including large trees, which will further filter/screen views between the apartments and adjoining sites.

**Issue: Solar access**

The proposed 'Block D' building (i.e. the south-eastern apartment building) will significantly overshadow residential allotments to the southeast.

CPS Response:

As shown by the submitted shadow plans, the development has been designed to provide at least two hours of solar access to the private open space areas and dwellings on surrounding allotments (i.e. both the proposed allotments addressing Lorikeet Grove which form part of the proposed subdivision and the allotments).

With regard to the objectors' concerns, the 9.45-11 metre southeast setback of the Block D building has specifically sought to minimise the overshadowing impacts of sites to the southeast; on June 21 (i.e. the date of most significant overshadowing impact), there will be no significant impact on those adjoining sites until after 1:00pm, with the rear elevation of dwellings on affected allotments not being affected until after 2:00pm; this affords more than four hours of direct solar access to the private open space and dwelling areas of those allotments, which is well in excess of the minimum two hours that is stipulated by Part D16.9 of the DCP.

**Issue: Size of the development**

Owners of allotments to the southeast purchased such allotments to obtain afternoon sun and with the likelihood of there being two storey dwellings houses behind them on the subject site. Such owners did not envision development of the scale being proposed.

The overwhelming, dominant development type on the northern side of Narrabeen Creek is single-lot low rise residential. It is acknowledged that a three-storey residential flat building is under construction on the nearby Karinya development and that this may be used as a precedent in support of the subject project.

CPS response:

Both the subject site and other allotments on the southern side of Warriewood Road are within an R3 medium density residential zone; aside from lower-density forms of development such as dwelling houses and dual-occupancies, such zoning also permits higher-density forms of residential development that includes multi-dwelling housing and residential flat buildings with heights of up to 10.5 metres.

Council's planning vision for the Warriewood Valley includes specific dwelling yields within certain specific parts of the Warriewood Valley locality, which in some cases are only capable of being realised through a variety of dwelling typologies in such areas. This is reflected by a relatively large number of higher-density forms of development on the northern side of Narrabeen Creek. In addition to the Arcare site to the southeast, a number of residential-flat



buildings that are of a similar height and scale to that being proposed. In addition to the abovementioned development at what was formerly 29-31 Warriewood Road (approved by Development Consent No. DA2018/0607), other such residential flat buildings include those approved at 53C Warriewood Road (approved by Development Consent No. N0027/16) and 25-27 Warriewood Road and (approved by Development Consent No. DA2018/1826).

In summary, residential flat building developments are both permitted in the zone and are envisioned by Council within this part of the Warriewood Valley. Structures of a similar height and scale have already been approved and/or are under construction on surrounding sites. This proposal has also specifically sought to address impacts on the amenity of the surrounding area, and has been designed to minimise adverse impacts on adjacent sites.

**Issue: Impacts on land value**

The value of surrounding properties will be adversely affected, as the site to the rear will contain three storey flat buildings and not dwelling houses.

**CPS Response:**

CPS are unable to quantify what (if any) impact the proposed development will have on local property values, however impacts on property values are not a matter for consideration under Section 4.15 of the Act. As indicated above, sites on the southern side of Warriewood Road were part of the R3 Medium Density Residential zone prior to subdivision; such zones permit the construction of residential flat buildings to a height of three storeys, and there are already similar such structures either approved/under construction/built within that part of Warriewood Valley.

Further, the design of the proposed residential flat buildings seek to minimise any adverse and unreasonable impacts (e.g. setbacks that are well beyond minimum requirements, centralisation/undergrounding of services and facilities away from common boundaries, etc.) that may affect surrounding residential allotments.

**Impacts: Fencing**

Neighbouring properties at 53C Warriewood Road and 14 Pheasant Place Warriewood are concerned about the materials of the proposed fences, if the current fences would be replaced.

**CPS Response:**

The materials of any boundary fence would be subject to a number of potential future requirements imposed by Council and/or the NSW Rural Fire Service. Any such fencing would however be capped at 1.8 metres in height and – subject to those aforementioned potential conditions – would likely consist of timber ‘lapped and capped’ or metal fencing.

**Noise:**

Greater dwelling density will likely create greater activity and as such more noise and disturbance for adjoining residences.

Plant and equipment, including air conditioning units should not be located in such a way as not to add to ambient levels. Simply saying that an additional 5dba is the standard, is not acceptable. This is because as additional development occurs and additional traffic is generated by this development, new and increased ambient levels continue to occur.

**CPS Response:**

The design of the development has sought to avoid acoustic disturbance within the surrounding area. Plant equipment is proposed to be internalised/located underground, preventing acoustic disturbance to surrounding sites. Further, the communal open space facilities within the centre of the site, in order to limit acoustic disturbance to surrounding sites (i.e. the two residential 'Blocks' would act like large shields that would block noise distribution to either side of the site). The placement of the driveway for the residential flat buildings will also adjoin Lorikeet Grove to the south of the site, and will direct any associated noise away from sensitive areas.

**Temporary waste collection area:**

The site plan shows a large garbage structure located at the south eastern corner of the unit development site. It is understood that this is an open sided structure. In order to avoid concerns relating to the attraction of vermin, emission of odours and noise during garbage collection operations, this structure should be enclosed on the southern, eastern and northern sides and/or relocated to a central area of the subject site where the impact is limited to onsite residents and not neighbouring properties.

**CPS Response:**

The temporary waste collection area is to be enclosed on the southern and eastern elevations to prevent acoustic disturbance for surrounding residences. While the main waste collection area will be designed so as to prevent the harbouring of vermin, by its very nature the temporary collection point is unable to be fully enclosed; the purpose of this area is to provide a collection point for waste by a waste management vehicle, which would be physically incapable of accessing the basement. Such a collection arrangement is common throughout the Sydney area, and any requirement to fully enclose this area is considered to be unreasonable.

**Overdevelopment of the site:**

The design represents an overdevelopment of the site, which attempts to secure maximum development potential and financial return. The long-lasting effects of the project will be borne by the nearby residents long after the developer completes the projects and vacates the

area. Simply covering minimum development standards does not automatically produce a good quality, acceptable project design. This is fundamental to the intent of sections 4.15(1)(a)(iii), 4.15(1)(b), 4.15(1)(c) and 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

CPS Response:

It is disputed that the proposal is an overdevelopment of the site. The residential density of the development is in accordance with those sought by PLEP 2014 and has been designed so as to prevent adverse impacts affecting the surrounding locality. As is demonstrated by the submitted plans, the design of the buildings goes well beyond minimum requirements to avoid adverse impacts (e.g. overshadowing and privacy) on surrounding sites. As is clearly demonstrated by this EIS and with regard to Section 4.15 of the Act, the proposal will not have adverse and unreasonable impacts on the built and natural environments. Further, the site is suitable for the proposed development, which is subsequently in the public interest.

## 5.6 Aboriginal Consultation

An AHIMS Web Search was undertaken for the site on 9 December 2019 to determine if there were any known Aboriginal sites recorded in or near the site and if any Aboriginal places have been declared in or near the site. The search determined that no Aboriginal sites or places have been declared or recorded for the site or within a 200m buffer area. No further consultation with the Metropolitan Land Council is required.

## 5.7 NSW Rural Fire Service

Correspondence was received from NSW Rural Fire Service on 25 May 2020, requesting an updated Bushfire Assessment Report which adequately address the *Planning for Bush Fire Protection 2019*, in particular section 5 - Residential and Rural Residential Subdivisions. In response, an updated report prepared by Advanced Bushfire Performance Solutions has been prepared to address this requirement and subsequently discussed within Section 7.5 of this EIS.

## 5.8 Fire & Rescue NSW

Fire & Rescue NSW (FRNSW) have acknowledged the receipt of the response to SEARs on 30 April 2020. They have confirmed that at the preliminary stages of the application they have no comment however they have requested to be consulted once the application progresses.

## 5.9 Department of Primary Industries Fisheries Management

Department of Primary Industries Fisheries Management acknowledged receipt of SEARs on 8 May 2020 and provided the following comments:

- *EIS should identify any potential harm to marine vegetation.*
- *EIS should identify any proposed dredging or reclamation in the context of the Fisheries Management Act.*
- *EIS should outline how erosion and sedimentation will be managed at the site during and post construction to avoid impacts to water quality in Narrabeen Creek.*
- *EIS should outline how a vegetated riparian buffer will be maintained and improved where the subject property interfaces with Narrabeen Creek (refer to the NRAR Guidelines for Controlled Activities on Waterfront Land).*

In response to the above, the information has been adequately provided at Section 6.7 of this EIS and within the relevant consultant reports including the BDAR Report, Biodiversity Management Plan, Preliminary Groundwater Assessment and the Engineering Report. The proposed development is not considered to have any undue environmental impact upon marine vegetation or water quality in Narrabeen Creek.

## 5.10 Sydney Water

Sydney Water provided a response to SEARs on 8 May 2020. Requesting sufficient information to demonstrate the developments service demands, impacts on Sydney Water's stormwater assets and sustainability initiatives of the development.

Correspondence from Sydney Water dated 9 September 2020 have confirmed that the sizing of the new sewer in the proposed locality can service the development's needs. The service demands of the development and sustainability initiatives have been addressed within the Engineering Report prepared by C & M Consulting Engineers.

## 5.11 Department of Primary Industries – Water

A response to SEARs was received by the Department of Primary Industries Water division on 6 July 2020. The items requested to be addressed included the following:

- *The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply.*

- *Annual volumes of surface water and groundwater proposed to be taken by the activity (including through inflow and seepage) from each surface and groundwater source as defined by the relevant water sharing plan.*
- *Existing and proposed regulatory requirements in accordance with the Water Act 1912/Water Management Act 2000 (whichever is relevant) and relevant Water Sharing Plan/s. This is to demonstrate that existing licences and/or approvals and licensed uses are appropriate, and to identify where additional licences and/or approvals are required. This is to include an assessment of the current market depth where additional water entitlement is required.*
- *A detailed and consolidated site water balance.*
- *Assessment of impacts on surface and groundwater sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.*
- *Separation of clean and dirty water, and development of sediment and erosion control measures in accordance with industry standards will be required.*
- *Assessment of flood related impacts and consistency with relevant floodplain management plans or strategies. Where impacts are identified, measures to mitigate these impacts will be required.*
- *Proposed surface and groundwater monitoring activities and methodologies.*
- *Assessment of any potential cumulative impacts on water resources, and any proposed options to manage the cumulative impacts.*
- *Assessment against the “Guidelines for Controlled Activities on Waterfront Land (NRAR 2018)” for watercourse crossings and works within waterfront land. Identification of relevant buffers for works within waterfront land will be required.*
- *A statement of where each element of the SEARs is addressed in the EIS in the form of a table.*
- *Full technical details and data of all surface and groundwater modelling.*
- *Where groundwater may be intercepted or impacted a detailed assessment against the NSW Aquifer Interference Policy (2012) using DoI Water’s assessment framework. Justification is required to support a statement that groundwater is not to be intercepted.*
- *Details of the final landform of the site, including final void management (where relevant) and rehabilitation measures.*

Section 7.8 of this EIS provides discussion on groundwater quality, monitoring activities and methodologies. This is provided in detail within the Preliminary Groundwater Quality Report and Groundwater Study Progress Report No.1 and Ground Water Report prepared by NG Child & Associates. A Flood Impact Assessment has been prepared by BMT Commercial Australia to

assess the proposal against the existing flood conditions pertaining to the site and is discussed within Section 7.7 of this EIS.

## 6.0 Environmental Assessment

### 6.1 General

This section of the EIS details pertinent legislation and environmental planning instruments that affect the proposed development. This includes an environmental assessment of the relevant matters outlined within the SEARS, as well as any other relevant legislation and instruments.

### 6.2 Environmental Planning and Assessment Act, 1979

#### 6.2.1 Section 1.3 - Objects of the EP&A Act

The objects of *Environmental Planning and Assessment Act, 1979* (the Act) are broadly outlined within Section 1.3. The provision of residential subdivision and two residential flat buildings would generally be expected to be consistent with the following selected objects:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

The proposed development will redevelop an underutilised site within the Warriewood Valley land release area and is considered to be consistent with the objectives listed above as it seeks to promote the orderly development of land whilst providing a range of housing opportunities for the locality which promotes social and economic welfare.

#### 6.2.2 Section 4.12 – Development Requiring Consent

Section 4.12(8) indicates that a development application for designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant



in the form prescribed by the *Environmental Planning and Assessment Regulation 2000*. This document is prepared in response to that requirement – see below.

### 6.3 Environmental Planning and Assessment Regulation 2000

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) provides the requirements for the preparation of environmental impact statement. This EIS has been prepared in accordance with the procedural and documentation requirements of this schedule.

The relevant approvals required to be obtained are outlined within Section 8 of this EIS. A signed declaration is provided within this EIS to indicate that the EIS is consistent with these requirements.

### 6.4 Rural Fires Act 1997

As indicated within Section 3.1 of this EIS, the subject site is bushfire prone. As the proposal includes a residential subdivision of bushfire prone land, pursuant to Section 100B of the *Rural Fires Act 1997*, the consent authority is to refer the application to the NSW Rural Fire Service for concurrence.

As demonstrated by the Bushfire Report submitted as part of this application, the proposed subdivision and associated development would satisfy the provisions of *Planning for Bushfire Protection 2019*. This is reflected by the external referral from the NSW Rural Fire Service as part of the assessment of DA2020/1517, which supported that proposal, subject to conditions.

### 6.5 Coastal Management Act 2016

The subject site is not in close proximity to the coastline (therefore some considerations such as coastal hazards would not apply), nor does it include littoral rainforest; it does however indicate part of the site including coastal wetlands and being in proximity to such areas. Pursuant to Section 6(1) of the *Coastal Management Act 2016* (CM Act), the provisions of this legislation would apply.

The management objectives for coastal wetlands and littoral rainforest areas are found within Section 6(2) of the CM Act, and for reference are as follows:

- (a) to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity,

- (b) to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests,*
- (c) to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration,*
- (d) to support the social and cultural values of coastal wetlands and littoral rainforests,*
- (e) to promote the objectives of State policies and programs for wetlands or littoral rainforest management.*

It should be noted that the mapping of coastal wetlands are inaccurate, in that parts of the site that are mapped as 'coastal wetlands' include no such environment (noting that areas such as the completed section of Lorikeet Grove within the adjoining site at 41 Warriewood Road are mapped as such areas). Such areas have also been further degraded as a result of works undertaken by Sydney Water since the lodgement of DA2020/1517.

The proposed development would satisfy such objectives however, as development and primary subdivision works would be located outside of higher-quality wetland areas. The plans propose to retain almost all significant vegetation within the Creekline Corridor, and exotic trees and weeds are proposed to be both removed and managed under the submitted Biodiversity Management Plan.

Refer to the submitted Biodiversity Development Assessment Report (BDAR) for further information.

## 6.6 Biodiversity Conservation Act 2016

The purpose of *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The BC Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offset Scheme (BOS; refer to Part 6 of this Act). In regard to this proposal, the BOS would be triggered based on the presence of an area of Biodiversity Value that is located within the southern part of the site.

The most significant development would be situated within northern parts of the site; and are considered to be of least impact, to avoid remnant vegetation at the rear of the site. The proposed development would retain a 'no go' zone within the southern part of the site, which would protect the majority of remnant vegetation on the site; no threatened species listed under the BC Act would be directly or indirectly affected by the proposal. Further, offset credit obligations would be payable for the areas to be cleared.

As such, the relevant requirements of the BC Act would be satisfied; refer to the BDAR submitted with this application for further information.

## 6.7 Fisheries Management Act 1994

The purpose of *The Fisheries Management Act 1994* is to conserve, develop and share the fishery resources of the State for the benefit of present and future generations. The proposed development is not considered to impact upon the ecosystems of existing fishery resources and therefore no further consideration against this Act is required.

## 6.8 Environmental Planning Instruments

### 6.8.1 State Environmental Planning Policy (Infrastructure) 2007

*State Environmental Planning Policy (Infrastructure) 2007* (the 'Infrastructure SEPP') provides a state-wide planning regime for the consideration of the provision of infrastructure, the impacts on existing infrastructure and on consultation with public authorities.

The subject site is not located in close proximity to any part of the Classified Road network, therefore the provisions of Division 17 (Roads and traffic) of the ISEPP are not applicable.

Further, the development is not of a size that is identified by Schedule 3 of the Infrastructure SEPP as 'traffic generating development'. Council is therefore not required to make a referral to Roads and Maritime Services (RMS).

It is however acknowledged that as the proposal would require the placement of underground power lines; subject to clause 45(1)(d) of the Infrastructure SEPP, it is therefore expected that Council would refer this DA to the relevant electricity supply authority for comment, and take into consideration any response received within 21 days of that notice.

### 6.8.2 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

*State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* applies to the subject application. Clause 7 of the SEPP states that a person must not clear non-exempt vegetation in any applicable area without the authority conferred by a permit granted by the Council. An arborist report forms part of this DA, in order to provide an assessment of trees that are proposed for removal, as well as an assessment of the impacts on vegetation that is proposed to be retained.

Pursuant to clause 5(1) of the SEPP, the subject site is located within an applicable area as it is both within the Northern Beaches LGA and the R3 Medium Density Residential zone.

The aims of the policy are as follows:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

As outlined within the description of the development at Section 4.1 of this report, fourteen (14) trees and two (2) group of trees are to be removed from within the site boundaries. The proposal does not exceed the biodiversity offsets scheme threshold. Further, the site does not form part of an Aboriginal object or that is within an Aboriginal place of heritage significance (refer to the assessment of clause 5.10 of PLEP 2014 for further information).

As such, the aims of the policy would be satisfied, and Council may permit to the proposed removal of trees.

### 6.8.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located in close proximity to the coast, however due to its proximity to Narrabeen Warriewood Wetlands, it is mapped as both containing coastal wetlands, and being within a proximity area for coastal wetlands. As such, Divisions 1 and 5 of the CM SEPP would be applicable to the application.

As is detailed within Sections 1.0 and 3.1 of this EIS, the proposal would be designated development, subject to the provisions of clause 10(2) of the CM SEPP. Council can therefore be satisfied that sufficient measures would be taken to protect and enhance where possible, the biophysical, hydrological, and ecological integrity of the coastal wetland.



**Figure 13** - An extract from the Coastal Management SEPP maps, showing the location of coastal wetlands and areas in proximity to such area. The subject site is outlined by the red border. Note that the details of the mapping are inaccurate, as they include areas which are clearly developed (such as constructed roadways, created allotments, highly disturbed areas, etc.) and/or of very poor environmental quality. As also shown within **figure 4**, the areas where coastal wetlands are mapped (particularly adjacent to the southeast and northwest boundaries) have been significantly degraded further by works undertaken by Sydney Water since DA2020/1517 was lodged.

Source: NSW Department of Planning and Environment

The requirements of clause 11 of the CM SEPP are satisfied, as the proposal would not adversely affect the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

The requirements of Division 5 of the CM SEPP are satisfied, in that the development would not result in any increased risks to coastal hazards, and noting that Council's website does not contain any Coastal Zone Management Plans that are applicable to the site.

In summary, the submitted information demonstrates that the proposal would take sufficient measures – where possible – to protect the biophysical, hydrological or ecological integrity, of coastal wetlands. Further, the development would not increase the risk of coastal hazards. As such, the relevant provisions of the CM SEPP would be satisfied.



#### 6.8.4 State Environmental Planning Policy No. 19 – Bushland in Urban Areas

This policy aims to protect and preserve bushland areas. It is noted that the site is not located within the areas identified in Schedule 1. However, this policy applies to the site as the land adjoins bushland zoned for public open space. The proposal is not considered to impact upon the adjoining bushland area.

#### 6.8.5 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The proposal for integrated residential subdivision and the construction of two residential flat buildings are not considered to be hazardous or offensive development as per the definitions outlined in Clause 3 of SEPP 33.

#### 6.8.6 State Environmental Planning Policy (Koala Habitat Protection) 2021

This Policy applies to the Northern Beaches Local Government Area, in which the site is located. Specifically, it applies to land that:

- (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and
- (b) *does not have an approved koala plan of management applying to the land.*

Pursuant to clause 11 of the SEPP, Council must assess whether the development is likely to have any impact on koalas or koala habitat.

The Biodiversity Development Assessment Report (BDAR) prepared by Cumberland Ecology undertook fauna surveying, however this document found that the site did not contain breeding habitats, and is not considered to be core koala habitat, a koala plan of management is therefore not required and consent may be granted to the proposed development.

#### 6.8.7 State Environmental Planning Policy No 55 – Remediation of Land

The *State Environmental Planning Policy No. 55 – Remediation of Land* applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The subject site and surrounding sites are located within a residential area, however previous land uses on the site and surrounding sites have included both residential and rural/agricultural

land uses. As such, Preliminary Stage 1 Site Investigation (prepared by NJ Child & Associates) has been undertaken.

The findings show that despite earlier agricultural activities on the site, there was no sign of contamination. Further, there was no information to suggest that contaminated fill had been imported onto the site, and hazardous materials (e.g. asbestos, volatile compounds, etc.) were not identified. As such, there would be no foreseeable risks to the development, subject to recommendations regarding the demolition of structures on the site and processes regarding unexpected finds during works.

With regard to the above, the site is considered to be suitable in its present state for the proposed development, and no further investigations of site contamination is warranted.

### 6.8.8 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

As the proposed development includes residential flat buildings that are more than two storeys high, the provisions of *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* (SEPP 65) apply to the proposal. The proposal has been designed to comply with both the prescriptive and non-prescriptive provisions of SEPP 65 and the *Apartment Design Guide* (ADG), the latter of which provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within Schedule 1 of the SEPP.

The design of the building was directed by Tarun Chadha of Archidrome Architects, a registered architect (registration number 8777). The SEPP 65 Design Verification Statement accompanying this development application confirms that the design achieves the nine design principles set out in SEPP65 and that the building has been designed with regard to the ADG.

For reference, the responses to the Design quality principles are contained within the following table:

**Table 6:** Design Quality Principles Assessment.

Principle	Comment:
<u>Principle 1: Context and neighbourhood character</u> <i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to</i>	<p>The proposed RFBs respond well to the context of the site and surrounding area, and are consistent with both the existing and desired character of the Warriewood Valley locality.</p> <p>The buildings consider site limitations and context; the buildings will be stepped along the slope to minimise height and scale and to facilitate the amenity of surrounding sites. The proposed building heights, scale and designs are consistent with the</p>

*context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

future character of the area, noting that surrounding sites within the new-release areas already contain constructed and approved RFBs that are consistent with that being proposed. The layout of the subdivision will also enable the building to be partially screened from surrounding public areas (such as roads and the creek line corridor); the overall development will therefore present to such areas in a manner that is consistent with other subdivisions on the northern side of Narrabeen Creek to enable further consistency with the surrounding area.

Principle 2: Built form and scale

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

The development is articulated with an appropriate massing and legibility of scale which is in line with the current development controls. The proposal is appropriate for the site and commensurate in density, scale, height and articulation with existing and approved development on surrounding sites and the subsequent future character of the locality.

The locations of the RFBs would be sited behind lower-density forms of development on lots addressing surrounding road corridors, and as such would further reduce the visual bulk of the structures from such roads.

The development is set to respond to the slope on the site to minimise the need for excavation/infill. The design proposal follows natural pattern of the site while maintaining vistas both to the north and south.

Most setback areas also include oversized separation to site boundaries, and separation between buildings surpasses ADG requirements.

Principle 3: Density

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

The proposed development satisfies dwelling density requirements in support of Council's vision for future residential growth in the area, without disrupting the streetscape and maintaining the existing character along approach roads, Warriewood Road & Lorikeet Grove.

It is envisioned that density targets will be attained through the provision of a range of dwelling typologies, as has been proposed by this application.

The proposed mix of type of units and the density ensures compliance with the existing street character while matching up to the desired future development character.

Principle 4: Sustainability

*Good design combines positive environmental, social and economic outcomes. Good*

The orientation, modulation, massing and articulation of the RFBs optimises both cross ventilation and sunlight usage, thereby enhancing energy efficiency and sustainability.

*sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

The building orientation and facade elements are implemented with a climate control strategy as described below:

- Provision of POS areas to the front and rear of terrace apartments to provide solar access to open areas of such unit.
- Provision of skylights on the top level units to maximise solar access to living areas within these apartments.
- The buildings are planned such that they completely utilise eastern, western and northern solar access.
- The building designs reflect efficient energy usage through effective cross ventilation.
- The buildings will incorporate energy and water efficient devices appropriate to specification of the building and BASIX requirements.
- Energy Efficient Design strategies for this development include:
  - Maximising occupants' access to daylight, ventilation and views;
  - External shutters that would appropriately shade balconies where needed.
  - Providing majority of units with cross ventilation.

#### Principle 5: Landscape

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*

The development is to be extensively landscaped to provide for outdoor landscaped recreation for the residents while maintaining the atmosphere of the surrounding natural aspects of the area.

The communal open space proposed along the central spine of the site, creates an adequate buffer between two rows of buildings while ensuring maximum amenity for residents. This central spine offers multiple viewpoints and vistas along and through the site.

The inner landscaping is designed with different characters to create a variety of landscaped spaces. They are equipped with seating areas, natural grass areas, BBQ's, outdoor seating areas children's play equipment and a swimming pool.

Areas that are inaccessible to the public will be planted with decorative groundcovers to provide visual interest, especially when viewed from above. The planting palette is proposed to be a mixture of predominately native planting. Trees that would be visible from public areas once grown would consist of native species that would reflect the development's environmental performance that would positively contribute to the surrounding natural environment.

Principle 6: Amenity

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*

The design of the RFBs has sought to maximise internal and external amenity for residents and neighbouring sites.

The unit sizes are generously proportioned and provide oversized rooms and private open space areas that are significantly larger than minimum requirements. The layouts of individual units are configured in a way to assure rooms of similar function are adjacent to common walls.

The vast majority of apartments would receive significant amounts of solar access and would be capable of being naturally ventilated. All apartments would have a visually pleasing outlook, with both elevations of terrace apartments looking onto landscaped areas and large private open space areas, while upper apartments would obtain views of the surrounding locality. Further, the layouts of the apartments would provide ample internal space and storage and direct access to communal areas within the centre of the site.

Communal areas would contain a range of environments that would obtain sufficient solar access to enable a range of activities within such areas.

The orientation and design of the buildings has capitalised upon the site orientation to maximise amenity within the site without excessively nor unreasonably overshadowing surrounding sites. The design of the buildings would also be aesthetically pleasing and would not adversely affect the visual amenity of surrounding sites and areas.

The separation of habitable rooms/balconies also follows recommendations of the Apartment Design Guide to limit overlooking of neighbouring buildings, in combination with significant boundary set-backs and landscape screening.

Principle 7: Safety

*Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*

The development provides secure parking with direct linkages between parking areas and dwellings for residents; highly visible walkways from both Warriewood Road and Lorikeet Grove are also provided. All units have lift access which means that with a keyed system, while terrace apartments contain internalised stairway access; a high degree of security is therefore assured.

All pedestrian areas are designed to provide clear sight lines and minimise potential for obscure places. All the public domain spaces and all lobbies are wide, brightly lit and can be observed from all surrounding apartments.



	<p>All landscaped spaces and pedestrian paths within the site will be well lit, and designed to maximise personal security, and a camera surveillance system forms a feature of the design. Well-maintained security features have been provided to comply with Crime Prevention through Environmental Design factors.</p>
<p><u>Principle 8: Housing Diversity and social interaction</u></p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>A range of apartment typologies, layouts and sizes are proposed. They are well-designed and significantly larger than minimum requirements and provide generous internal and external spaces. Such a design would be well suited to the family-based demographics that would likely occupy this development.</p> <p>The orientation of the RFBs, the location of the centralised communal area and the provision of private open spaces to both the front and rear of the terrace apartments would also promote social interaction and a sense of community.</p>
<p><u>Principle 9: Aesthetics</u></p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The overall development has a high-quality aesthetic. The building masses are appropriately articulated, considering massing within the prescribed envelope. The landscaped setting ensures they are integrated well into their surroundings.</p> <p>The buildings have a contemporary architectural style with a balanced composition of frame, glazed walls, recessed balconies and shutters. The form and mass of the buildings has been modelled to reduce the visual bulk of the structure. The topmost level units are setback further from the articulation frame so as to visually reduce their heights and thus, the apparent building bulk as a whole. Visual interest is also introduced through efficient use of variety of materials and finishes.</p> <p>The design is in-line with the existing and desired future character of the area. An appropriate composition of building elements, material textures and colours has been utilised to reflect the building's residential character.</p> <p>Elements such as large masonry frames, timber shutters, combination of subtle colours, with a series of articulated windows and entry canopies provide a contemporary refined aesthetic.</p>

Compliance with the provisions of the ADG are contained within Appendix B, which is attached to the end of this document.

In summary, the design of the proposed development satisfactorily addresses the design principles of SEPP 65, and complies with the requirements of the ADG.

### 6.8.9 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* operates in conjunction with the Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in New South Wales.

Pursuant to Clause 6(1) of the SEPP, the SEPP applies to 'BASIX affected development' (as defined by the Regulations). In accordance with the regulations, a BASIX certificate is required.

As such, a BASIX certificate and accompanying documentation form part of this application, and demonstrates that the proposal is able to achieve all targets relating to water, thermal comfort and energy. Refer to the accompanying documentation for further information.

### 6.8.10 Pittwater Local Environmental Plan 2014

#### Permissibility and zone objectives

Pursuant to clause 2.6(1) of the LEP, subdivision of the site is permissible with development consent.

The site also located within an R3 Medium Density Residential zone.

The residential development component is most appropriately defined as 'residential accommodation', and more specifically as 'residential flat buildings'.

Residential flat buildings are a form of development that is permissible with consent within the R3 zone under PLEP 2014.

The objectives of the R3 zone are as follows:

- *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.

The proposed development would provide for the housing needs of the community by:

- Providing dwellings within the context of the surrounding medium density residential environment, and
- Developing allotments that will facilitate construction of further residential development.

a variety of housing types (i.e. different sized apartments and land that would accommodate a variety of detached dwellings) will therefore be provided by the proposal within the context of the surrounding medium density residential environment. Further, the development will not affect the ability of surrounding sites to accommodate development, land uses and/or services that would both serve the needs of the community in a manner that would consistent with the character of the surrounding area. As such, the proposal satisfies the objectives of the R3 zone.

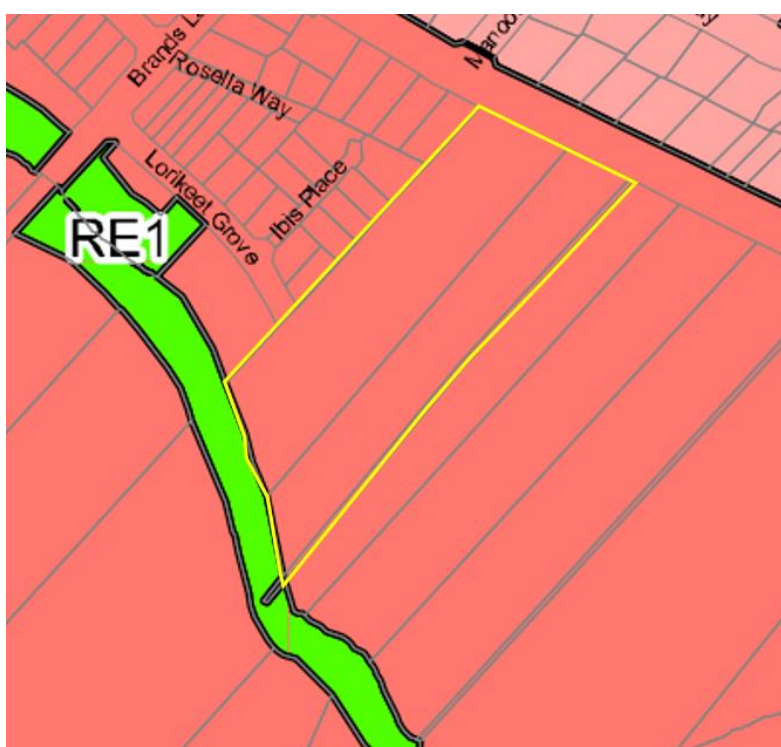


Figure 15 - An extract of Council's land zoning map. The subject site is outlined by the yellow border.

Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

## Development standards

The following table provides an assessment of the proposed development against the relevant provisions of PLEP 2014.

*Table 7: PLEP 2014 Development Standards.*

Pittwater Local Environmental Plan 2014			
Clause	Requirement	Proposed	Complies
2.6 Subdivision—consent requirements	(2) Land to which this Plan applies may be subdivided, but only with development consent.	Consent is sought for the subdivision of the site.	Yes
2.7 Demolition requires development consent	(1) The demolition of a building or work may be carried out only with development consent.	Noted, however demolition is not sought as part of this application.	N/A
4.1 Minimum subdivision lot size	(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.	Does not apply to the Urban Release Area.	N/A
4.3 Height of buildings	(3) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<b>Maximum permitted height:</b> 10.5m <b>Maximum proposed height:</b> 12.34m  Refer to <b>Appendix A</b> for a written variation request.	No, refer to cl.4.6 written request
	(2F) Despite subclause (2), development on land identified as “Area 6” on the Height of Buildings Map must not exceed 8.5 metres within the area that is 12.5 metres measured from the boundary of any property fronting Orchard Street, Macpherson Street, Warriewood Road or Garden Street.	<b>Maximum permitted height within street frontage:</b> 10.5m  <b>Maximum proposed height:</b> Development is not proposed within allotments addressing Warriewood Road that are subject to the 8.5m height standard.	N/A
4.4 Floor space ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	Not applicable to the site.	N/A
4.6 Exceptions to development standards	(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is	Refer to <b>Appendix A</b> for a written variation request to the building height standard.	Yes

	expressly excluded from the operation of this clause.		
	<p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	As above.	Yes
5.10 Heritage conservation	<p>(2) Requirement for consent Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i.) a heritage item,</p> <p>(ii.) an Aboriginal object,</p> <p>(iii.) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land—</p> <p>(i.) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii.) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land—</p>	<p>The site does not contain a heritage item, is not within a heritage conservation area nor is it in close proximity to a heritage item.</p> <p>A check of the Aboriginal Heritage Information Management System (AHIMS) for each allotment has not identified any record of an indigenous place or object(s) being located on and/or in close proximity to the site.</p> <p>Further, as a result of earlier development on the site and works on adjoining sites encroaching onto the owner's site, the rear of the site has already been significantly disturbed. It is therefore unlikely that the site would contain items of aboriginal culture. The consent authority could however impose a condition of consent regarding processes associated with unexpected archaeological finds.</p>	Yes



	<ul style="list-style-type: none"> <li>(i) on which a heritage item is located or that is within a heritage conservation area, or</li> <li>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</li> </ul>		
5.21 Flood planning	<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <ul style="list-style-type: none"> <li>(a) is compatible with the flood function and behaviour on the land, and</li> <li>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</li> <li>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</li> <li>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</li> <li>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</li> </ul>	<p>The Flood Risk reporting (prepared by BMT) submitted with this application has found that the proposed subdivision will provide adequate protections for all proposed lots, the levels of which would be situated above the flood planning level; the development will also not significantly reduce storage within the flood catchment. Refer to these documents for further information.</p> <p>As such, the proposal will not adversely affect flood behaviour and risks on other sites, nor will it result in avoidable erosion and detrimental impacts on the nearby watercourse. The development will also be capable of safe occupation and evacuation in the event of an emergency.</p>	Yes
	<p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> <li>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</li> <li>(b) the intended design and scale of buildings resulting from the development,</li> <li>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</li> <li>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</li> </ul>	<p>The information submitted to Council as part of this DA demonstrates to the consent authority that the development will have minimal impacts, factoring in climate change. Further, the development will not pose any risk to life, noting that all dwellings (including the location of future dwellings on the lots to be developed) are located away from areas of high flood hazard.</p>	Yes

	(4)	A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.	Noted.	-								
6.1 Warriewood Valley Release Area	(2)	This clause applies to the land in the Warriewood Valley Release Area.	Noted.	-								
	(3)	Development consent must not be granted for development on land in a buffer area or sector or at an address mentioned in Column 1 of the table to this clause unless the consent authority is satisfied that the total number of dwellings shown opposite that buffer area, sector or address in Column 2 of that table will be erected. <table border="1"><thead><tr><th>Column 1</th><th>Column 2</th></tr></thead><tbody><tr><td>Buffer area 1f</td><td>Not more than 21 Lot less than 14</td></tr><tr><td>Buffer area 1g</td><td>Not more than 23 Not less than 17</td></tr><tr><td>Buffer area 1h</td><td>Not more than 1</td></tr></tbody></table>	Column 1	Column 2	Buffer area 1f	Not more than 21 Lot less than 14	Buffer area 1g	Not more than 23 Not less than 17	Buffer area 1h	Not more than 1	<b>Required:</b> Note more than 45 and not less than 31.  34 dwellings are proposed, in addition to a further 11 allotments each capable of accommodating a single residential dwelling.  A total of 45 dwellings and/or lots capable of accommodating a single residential dwelling are therefore proposed.	Yes
	Column 1	Column 2										
Buffer area 1f	Not more than 21 Lot less than 14											
Buffer area 1g	Not more than 23 Not less than 17											
Buffer area 1h	Not more than 1											
	(4)	Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following— (a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors, (b) the water quality and flows within creek line corridors, (c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.	The proposed development will not adversely affect water quality and flows within the creek line corridor, nor the stability of the creek bed, shore and banks of Narrabeen Creek. Development within the creek line corridor would be minimised, and would subsequently maximise rehabilitation opportunities within the corridor.	Yes								
7.1 Acid sulfate soils	(2)	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.	The subject site is mapped as containing Class 3, 4 and 5 acid sulphate soils.	Yes								
	(3)	Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	A preliminary Acid Sulphate Soils assessment is lodged with this application. Testing undertaken indicates an absence of acid sulphate soils on the site. While not proposed, if excavation were to exceed two metres on areas of the site that are mapped as containing Class 4 acid	Yes								

		sulphate soils are to be treated and reused at the site to minimise any acid sulphate generating potential.	
7.2 Earthworks	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	Noted.	-
	<p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.</p>	<p>The site is not subject to a geotechnical hazard; given the level of earthworks proposed however, Council's Geotechnical Risk Management Plan applies. A geotechnical assessment (prepared by JK Geotechnics) has been prepared and submitted as part of this proposal.</p> <p>This report has found that, subject to its recommendations, that the level of earthworks being proposed will not adversely affect the stability of the site and surrounding areas.</p> <p>Further, the accompanying reports have found that the proposed development would not adversely affect drainage patterns nor the adjoining waterway.</p> <p>The site is not mapped as containing any items of indigenous heritage, and the unlikely discovery of any such items during works could be readily addressed by Council.</p>	Yes
7.6 Biodiversity	(2) This clause applies to land identified as "Biodiversity" on the Biodiversity Map.	Noted.	-

	<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i.) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii.) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii.) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv.) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>A BDAR (prepared by Cumberland Ecology) forms part of this application package. Such reporting has found that the development would not adversely affect the natural environment. Development would be situated towards the northern end of the site, with southern ends of the site (i.e. those containing remnant vegetation) to be designated as 'no go' zones to prevent further disturbance and fragmentation. Ongoing management of this section of the site would be subject to the requirements of the submitted Biodiversity Management Plan, prepared by Cumberland Ecology.</p>	Yes
	<p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(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</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>As discussed above, the development has been sited to avoid adverse environmental impact, and the ongoing management of southern sections of the site would continue to manage and improve the environmental quality of remnant vegetation and the creek line corridor.</p>	Yes
7.10 Essential services	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p>	<p>Essential services are already obtainable at the site. The proposal includes works that will provide all relevant utilities and adequate vehicular access.</p>	Yes

## 6.9 Draft Planning Instruments

### 6.9.1 Draft Remediation of Land State Environmental Planning Policy

The Draft SEPP is a relevant matter for consideration as it is an environmental planning instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

*As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.*

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. As discussed within the SEPP 55 assessment above, the potential for contamination of the development area has been considered, and that the site and proposed use are suitable for the proposed development, subject to recommended conditions of consent.

Aside from the above, there are no draft planning instruments of particular relevance the development.

## 6.10 Policy Documents

### 6.10.1 Greater Sydney Region Plan A Metropolis of Three Cities

The Greater Sydney Region Plan a Metropolis of Three Cities is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services, and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

The site is located within the Eastern Harbour City, specifically the Northern District. Over the next 20 years there is a projected target of 92,000 dwellings to be provided within the Northern District. The site is in the immediate locality of the Mona Vale Strategic Centre and the Ingleside Growth Area. The subject site proposed is therefore appropriately located to support growth within this region, as the development will provide key housing and housing diversity within 30 minutes of the Mona Vale Strategic Centre supporting the aims of the Greater Sydney Region Plan.



### 6.10.2 Our Greater Sydney 2056 North District Plan

Our Greater Sydney 2056 North District Plan expands upon the vision within the Greater Sydney Region Plan a Metropolis of Three Cities, with a key focus on achieving the goals and objectives for the North District.

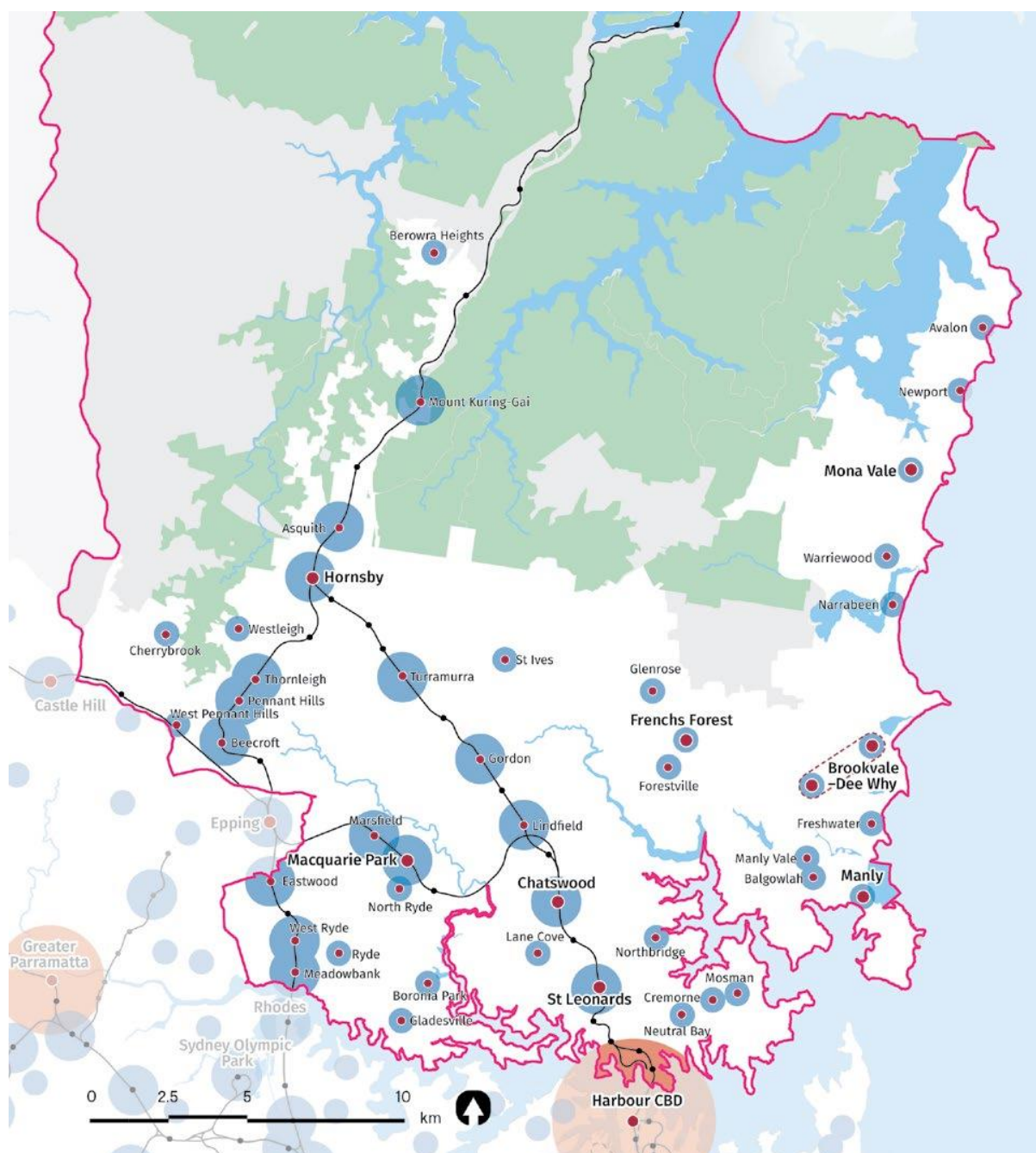


Figure 16 - North District Centres Map

Source: Our Greater Sydney 2056 North District Plan, Greater Sydney Commission

Warriewood has been identified as a local centre within the North District (see **Figure 1**). The role of a local centre has been summarised as follows:

*Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day to-day goods and services close to where people live...*

Local Centres:

- *will be appropriate to accommodate additional housing as part of their housing strategy*
- *will need to grow to provide for the required goods and services of the community*
- *may also need to grow to deliver other roles for the community, such as recreational, cultural and community hubs*

The proposal will assist in the growth of the Warriewood Local Centre as it will provide a range of housing typologies to assist in achieving the required housing stock in the locality. The redevelopment of the site will transform an underused and vacant site and will enhance the streetscape and immediate locality. The redevelopment of the site is well founded as it will assist in achieving the objectives of the North District Plan.

### 6.10.3 Towards 2040 Local Strategic Planning Statement

Towards 2040 Local Strategic Planning Statement (LSPS) is the Local Strategic Planning Statement for the Northern Beaches LGA. The LSPS provides a 20-year vision for the Northern Beaches, highlighting that there will be a demand of an extra 39,000 people, which is 3% of the growth envisaged for Greater Sydney.

Based on projected population growth, an additional 11,747 dwellings are required over the next 20 years. It is expected that the housing stock will be provided in existing areas including Warriewood which is one of the areas which has accommodated most of the recent housing stock. It is expected that additional housing stock will be provided within areas already identified for growth akin to the Warriewood Valley where the site is located. Nevertheless, the proposed development aligns with the Northern Beaches LSPS as it will provide housing stock within a growth area of the northern beaches.

### 6.10.4 State Infrastructure Strategy 2018 – 2038 Building the Momentum

The State Infrastructure Strategy 2018-2038 is developed by Infrastructure New South Wales and sets out infrastructure needs and priorities over the proceeding 20 years. The strategy provides six strategic directions for infrastructure in NSW including:

- 1 *Continuously improve the integration of land and infrastructure planning so that population growth does not erode the amenity and character of our suburbs, towns and communities.*
- 2 *Plan, prioritise and deliver an infrastructure program that represents the best possible investment and use of public funds.*
- 3 *Optimise the management, performance and use of the State's assets to strengthen the management of infrastructure assets.*
- 4 *Ensure NSW's existing and future infrastructure is resilient to natural hazards and human-related threats by embedding consideration of risk and resilience into all projects.*
- 5 *Improve state-wide connectivity and realise the benefits of technology, ensuring that NSW becomes a leader in the adoption and use of digital technology.*
- 6 *Drive high quality consumer-centric services and expand innovative service delivery models in infrastructure sectors by being innovative in buying services and delivering new assets.*

The strategy contains 122 recommendations across NSW's key infrastructure sectors of transport, energy, water, health, education, justice, social housing, culture, sport and tourism. The strategic objective in the Strategy relating to housing is:

*Coordinating housing and employment supply to inform infrastructure planning  
Infrastructure NSW recommends that the Department of Planning and Environment  
establish by 2020 a housing and employment supply pipeline*

The proposed development appropriately responds to this strategic objective as the redevelopment will add to the existing housing stock within NSW.

### 6.10.5 Pittwater 21 Development Control Plan

P21 DCP provides guidelines and controls for development in the Northern Beaches Council local government area. A detailed assessment of the proposed development against applicable provisions is attached to this report; refer to **Appendix C**.

To summarise however, the proposed development will satisfy the relevant provisions of the P21 DCP. Council is reminded that pursuant to section 4.15(3A)(b), it is to be flexible in applying the provisions of the P21 DCP where the objects of relevant provisions are satisfied.

## 7.0 Potential Impacts Associated with the Development

### 7.1 Design Quality of Residential Flat Development

As discussed within Section 6.8.8 of this report, the proposed development includes two (2) residential flat buildings that are more than two storeys high, and the provisions of SEPP 65 apply. The proposal has been designed to comply with both the prescriptive and non-prescriptive provisions of SEPP 65 and the ADG, the latter of which provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within Schedule 1 of the SEPP.

The design of the building was directed by Tarun Chadha of Archidrome Architects, a registered architect (registration number 8777). The SEPP 65 Design Verification Statement accompanying this development application confirms that the design achieves the nine design principles set out in SEPP65 and that the building has been designed with regard to the ADG. The ADG assessment has been provided at **Appendix B** of this report.

### 7.2 Infrastructure and Servicing

Essential services are currently available to the site; however, augmentation of existing electrical infrastructure services will be required. An Ausgrid Electrical Infrastructure report has been prepared by JDG Consulting to assess the capacity of the current network and the impacts of the proposal on the existing network and any additional infrastructure required.

The geographic area is serviced by Ausgrid with existing underground network and a small portion of overhead network remaining on the Warriewood Road boundary of the site. To service the subdivision, Ausgrid network infrastructure is required to provide LV supply to each of the 11 Torrens Title Lots and LV supply to Lot 12 which includes 34 Apartments. Ausgrid allow for provision of supply using a predetermined After Diversity Maximum Demand (ADMD) per dwelling of 3.5kVA for Sydney Urban Residential Developments (URDs). Based upon the proposed development the following supply requirements are required:

- *11 Torrens Title Lots 11 x 3.5kVA: 38.5kVA, 55.8Amps*
- *Two residential Flat buildings with 34 Apartments: 34 x 3.5kVA: 119kVA, 172.5Amps*
- *Total Supply Requirement: 157.5kVA, 228Amps*

The supply arrangement of the proposed development will include the following:

- *The proposed development supply requirement is 157.5kVA, 228Amps, (Refer Section 1.0).*

- *A new substation will be established facing Warriewood Road and service the subdivision load requirements.*
- *The proposed Torrens title lots facing Warriewood Road (4 lots - 14kVA) will require new trenching, conduits, LV cable and LV pillars connected into the existing LV network.*
- *The proposed Torrens title lots facing the Lorikeet Grove (7 lots - 24.5kVA) will require new trenching, conduits, LV cable and LV pillars connected into the existing LV network.*
- *The proposed 34 apartment residential development within the one lot 12 will require a single point of connection to allow a supply of 119kVA (172.5Amps) which can come from a dedicated LV fuse from the substation or from an LV pillar as nominated in design.*
- *The existing HV and LV overhead conductors are to be removed and replacement will require new trenching, conduits and HV and LV underground cable to maintain existing connectivity. The existing supply arrangement from existing timber poles will be removed and supply to existing customers will be maintained by new trenching, conduits, LV cable and LV pillars connected into the new LV network.*
- *New Street Lighting columns will be provided on Warriewood Road and Lorikeet Grove to Council requirements.*

### 7.3 Traffic and Parking

The application has been accompanied by a Traffic and Parking Impacts Report prepared by TEF Consulting to consider how the proposal is able to accommodate parking on site, and whether appropriate amelioration measures are required to ensure that the increased vehicle movements can be accommodated within the road network. The proposal also assesses the existing public transport network and its ability to service the proposed development.

The proposed residential flat buildings include basement car parking which accommodates 81 car parking spaces. Specifically, 68 spaces are dedicated to residents (including 4 disabled spaces) and 13 spaces for visitors (including 2 disabled spaces). The basement car park will also provide one (1) car wash bay and 12 bicycle spaces. The report prepared outlines that the DCP car parking rates are achieved as each proposed dwelling is provided with two (2) car parking spaces each and 13 visitor spaces are proposed which exceeds Councils requirements by one (1) visitor car parking space.

Using TfNSW (RMS) Guide trips rates, modelled traffic predictions indicate that during the morning peak, a maximum of 18 trips per hour (in and out) will occur; a maximum of 16 trips per hour (in and out) are also predicted during the afternoon/evening peak period. It was concluded in the TPIA that the estimated additional number of vehicular trips was too low to have any effect on the operation of the road network generally and on the critical intersections specifically. Council's dwelling density standards for the Warriewood Valley locality within PLEP



2014 envision the number of dwellings proposed both on the subject site and surrounding sites, and the planned road infrastructure has subsequently been designed to accommodate for the forecast growth within the area.

The design of vehicular access, car parking and internal passageways are capable of complying with the relevant standards.

Allowances have been made for the pedestrian pathway/cycleway which will connect to the adjoining developments. The 2.5-metre-wide pathway follows the southern side of Lorikeet Grove until it deviates in order to connect to the pathway network at the rear of 53 Warriewood Road.

On-site waste collection at the ground floor level is proposed. Entry and exit from the collection point in a forward direction is achievable by a typical large waste collection vehicle (9.9 m long).

TfNSW have requested the preparation of a preliminary Construction Pedestrian and Traffic Management Plan (CPTMP) to demonstrate the proposed management and impact in relation to construction traffic. The response provided by TEF Consulting states that such information cannot be provided at this stage of the proposal, as a builder has not been engaged for this project and the specifics of future construction activities are not known; it is however accepted that in the event of an approval such documentation will need to be prepared prior to the issue of a Construction Certificate. Refer to documentation prepared by TEF Consulting for further information regarding this issue.

## 7.4 Biodiversity

A Biodiversity Development Assessment report (BDAR) is required for this development as detailed within Section 8.2 of this EIS. The BDAR has been prepared by Cumberland Ecology, and included field investigations of the subject site that were undertaken by 10 June 2021.

To facilitate the proposal a small area of native vegetation will require removal. The development has been deliberately sited in the 'area of least impact' to avoid the remnant bushland at the rear of the subject property, and the mapped 'Coastal Wetland' area. The design has been situated to avoid any impacts to the Narrabeen Creek habitat corridor.

No threatened species listed under the BC Act are expected to be directly or indirectly impacted by the proposed development. The only threatened species recorded within the subject property were mobile fauna, expected to be passing through, or using the habitat at the rear of the property which will be protected and enhanced.

To ensure the remanent vegetation on the site is protected, fauna is not displaced in the clearing or thinning of any vegetation a Biodiversity Management Plan has been prepared by Land Eco Consulting to accompany the application.

## 7.5 Bushfire Risk

Advanced Bushfire Performance Solutions Pty Ltd has prepared a Bushfire Assessment Report to accompany the application as part of the site is classified as part Vegetation Category 2 and part Vegetation Buffer.

The site is located within 140 metres of significant and unmanaged bushfire hazard vegetation to the south. To ensure the development is capable of complying with minimum Asset Protection Zones, setbacks from the edge of the unmanaged bushfire hazard vegetation to the nearest part of the building envelope are required. The proposal must provide a minimum setback of 12 metres, which is achieved.

The findings of the report have provided a list of recommendations, one of the recommendations includes that the construction of proposed residential flat building must be constructed to the requirements of BAL – 12.5 of AS3959-2018 Construction of buildings in bushfire prone areas. The report has demonstrated that the proposal can comply with the relevant requirements of *Planning for Bush Fire Protection 2019*, including the provision of adequate Asset Protection Zones (APZ), as well as appropriate design and construction standards. The recommendations of the report are also supported by the NSW Rural Fire Service, noting that a response from this organisation to an external referral during the assessment of DA2020/1517 was supportive of the proposal.

## 7.6 Landscaping

An Arborist Report has been prepared by Creative Planning Solutions to accompany the application and supplement the BDAR report. The report surveyed thirty (30) trees and groups of trees within and adjoining the site. The recommendations of the report include removal of twelve (12) 'exempt' trees, removal of four (4) site trees of 'Medium' & 'High' retention value due to impacts resulting from the proposed construction and building works. Fourteen (14) trees in total will be retained and protected.

A detailed landscape concept has been prepared by CPS. The landscape design is aimed at providing an aesthetic and ecological benefit to the site. The central portion of the central lot is to be dedicated as a large communal open space for the residential flat buildings and is to contain for passive and active recreational pursuits. Each of the ground floor units of the residential flat buildings are to include generous private open space courtyards containing

paved patios, open lawns and garden surrounds. The communal open space also serves as the primary pedestrian circulation providing equitable access from Warriewood Road to Lorikeet Grove and the through site link at the rear creek line corridor. In accordance with the arboricultural report, thirty (30) large (i.e. 15+ metre high) endemic tree plantings (i.e. *Casuarina glauca* (Swamp Oak), *Eucalyptus botryoides* (Bangalay), *Eucalyptus Robusta* (Swamp Mahogany) and *Melaleuca quinquenervia* (Broad-leaved Paperbark) are also proposed to be planted on the site to compensate for trees that are to be removed during works.

## 7.7 Flooding

The site is located adjacent to Narrabeen Creek (flowing along the southern boundary of the site) and is classified as Flood Category 1 – High Hazard, with the southern portion of the site being inundated by floodwaters in the 1% AEP flood event. A Flood Impact Assessment has been prepared by BMT Commercial Australia to assess the proposal against the existing flood conditions pertaining to the site. The results of the modelling and flood impact assessment have confirmed:

- *There are negligible adverse flood impacts on surrounding properties or on flooding processes for any event up to the Probable Maximum Flood (PMF) event;*
- *Climate change conditions will not have any adverse impact on the development site for any event up to the Probable Maximum Flood (PMF) event;*
- *No additional flood prone lots are created within the proposed subdivision; and*
- *All lots, apart from the south eastern corner lot, are flood-free at the PMF event.*

*The proposed development does encroach on the 1% AEP flood storage area and results in a minor decrease in the overall 1% AEP flood storage volume on the site. However, the model results show that this minor loss of flood storage does not result in peak flood level impacts on surrounding properties.*

## 7.8 Contamination and Geotechnical considerations

As indicated in the discussion relating to SEPP 55, initial geotechnical and contamination investigations were undertaken across the site.

A Preliminary (Stage 1) Site Investigation has been prepared for the site by NG Child & Associates to identify any potential contaminants are present on site. The historical use of the site prior to 1912 has been for low intensity agricultural purposes and between 1921 and 2016 significant portions of the land have been used for market gardening and residential uses.

Twenty-three soil samples were collected from various depths at five soil bores at representative locations throughout the site. A preliminary review of the physical appearance of representative soil samples from the site and supporting laboratory analysis has been undertaken to ensure that chemical contamination from past uses has not affected soil quality at the site. None of the 23 soil samples collected from and examined at the site provided any physical indication during the drilling and sampling process of contamination, either by discoloration, staining, odour or hydrocarbon residue response to examination by a photoionisation detector. Asbestos was not detected in any of the representative surface and near surface soil samples from the site. The site therefore satisfies the residential soil quality criteria relevant to the proposed development.

Geotechnical Investigation was undertaken for the site by JK Geotechnics for the proposed residential development which includes site excavation to a maximum depth of 4.2 metres to achieve basement bulk excavation level. The fieldwork for the investigation was carried out on 9 September 2020 and comprised three Cone Penetration Tests (CPT1 to CPT3) completed to refusal depths of 9.57m, 12.01m and 19.22m below the existing surface levels, using a 24-tonne truck mounted CPT rig.

A risk assessment was carried out to determine if there are any potential collapse of retaining walls, in accordance with AGS 2007c (Practice Note Guidelines for Landslide Risk Management 2007), and found that there was a 'rare' likelihood of 'such an event occurring. The proposal would be subject to 'medium' risk should any instability occur. Subject to the geotechnical engineer's recommendations the overall the risk to the development is Low, which is considered acceptable in accordance with the recommendations provided in AGS 2007c.

A Preliminary Groundwater Quality Report, Groundwater Monitoring Program, Water Table Monitoring Program has been prepared by NG Child & Associates. The report has been prepared to assess groundwater quality and potential groundwater contamination at the site. Findings from the report have acknowledged that heavy metal concentrations in the two samples collected from the two southern bore holes were low, and significantly lower than relevant groundwater quality and investigation levels. The groundwater tested at these two locations did not reflect any leached contamination from the former market gardens within the area. The results from the two separate bore holes did not identify any contamination.

As discussed within the A Preliminary Groundwater Quality Report, groundwater levels for the site are to be measured over a six-month period from a minimum of three groundwater monitoring wells. The wells were installed on site on 9 April 2020. The investigations to study groundwater depth and behaviour at the site have been provided within the Groundwater Study Report prepared by NG Child & Associates. The outcomes of the report identify that groundwater was encountered in all three wells. These groundwater depths confirm that any

sub-surface structural elements associated with the site will require design and construction techniques consistent with the presence of groundwater.

The Final Groundwater Report has determined that groundwater is relatively shallow and seepage is expected to occur. Bulk excavation will extend below the groundwater level and tanking of the basement will be required if permission cannot be obtained to drain the basement.

A Preliminary Acid Sulfate Soil Assessment was prepared for the site by NG Child & Associates as the site is mapped upon the Acid Sulfate Soils Map as containing Class 4 and Class 5 acid sulfate soils pursuant to PLEP 2014. Physical observations and laboratory test results indicate that there are no actual acid sulphate soils (AASS) present at the site.

## 7.9 Social and Economic Impacts

The proposed development will have positive social and economic impacts for the community. The proposal would enable the provision of a significant number of well-designed dwellings that will provide additional housing choice (i.e. high-quality and well-equipped family-sized homes in terrace configurations) that are not commonly provided within the locality. Further, such housing is well designed, in that high levels of residential amenity will be afforded to the vast majority of dwellings; a range of community facilities are within the centre of the site that will promote community interaction, involvement and wellbeing for residents.

Accordingly, it is submitted that the proposed development will not contribute to any negative community/social impacts, but rather a positive community/social impact the local area.

Significant and positive economic impacts will be associated with the proposed development, both within the locality and the Northern Beaches LGA more broadly as a result of the following:

- More efficient use of land resources, existing infrastructure and existing services;
- Employment of tradesmen and other construction-related professionals during construction;
- Ongoing employment to manage the site and biodiversity of creek line areas,
- On-going consumption of local products and services by the residents of the development; and
- Cost savings associated with improved energy and water efficiency of a new consolidated development.



The development will also not adversely affect the development potential of, and subsequent economic activity on, surrounding sites. As such, there are no unacceptable economic impacts that would be associated with the proposed development.

## 7.10 Heritage

### Aboriginal

An AHIMS Web Search was undertaken for the site on 9 December 2019 to determine if there were any known Aboriginal sites recorded in or near the site and if any Aboriginal places have been declared in or near the site. The search determined that no Aboriginal sites or places have been declared or recorded for the site or within a 200m buffer area, however the discovery of unknown indigenous heritage items or sites are capable of being addressed via conditions in the event of the DA being approved.

### European

The site is not identified as an item of local or state heritage significance nor is it located within a heritage conservation area. There are no heritage items in the immediate vicinity of the site.

## 7.11 Waste

Waste is to be stored in designated areas within the basement. The bins will be moved to a partially enclosed temporary holding area prior to collection by a waste management vehicle, prior to being placed back within the designated waste storage areas. A Waste Management Plan has been prepared by Dickens Solutions which describes the waste management requirements and practices to be adopted for the demolition, construction works and ongoing waste management on the site for the proposed residential flat buildings.

## 7.12 Contributions

There are multiple development contributions plans in force within the Northern Beaches local government area, with only one of the plans being relevant to the subject land, being the *Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3)*. The plan applies to land within and adjacent to the Warriewood Valley Release Area and was prepared in accordance with Section 7.11 of the EPAA Act.

## 7.13 Visual Impacts

The proposal also includes the construction of two seventeen-apartment developments containing a total of thirty-four dwellings. Such development is permissible within the R3 Medium Density Residential zone, and the height, scale and appearance of such buildings is consistent with that either approved or under construction within the surrounding area. The proposed height variation is created only because of inclusion of ground works; once complete, when viewed from finished ground levels the height of the development will appear to be consistent with that of the height standard and similar higher-density forms of residential development within the surrounding area. The design of the buildings has carefully considered the constraints of the site, and will minimise impacts (e.g. visual privacy, acoustic disturbance, overshadowing etc.) on the surrounding area. Further, the appearance of these buildings will be further minimised from the public domain through their situation behind the proposed Torrens lots and providing oversized private open space and deep soil areas along both sides of the superlot; this subsequently enables larger landscaped areas (both on the Torrens lots and superlot) that will further filter the development from the public domain.

As demonstrated by attached planning assessments, a high degree of compliance is obtained by the proposed design; there will subsequently be no adverse impacts (such as excessive and unreasonable overshadowing or visual privacy impacts) on surrounding sites and the public domain. Further, the development will promote good amenity and high levels of sustainability, noting that the vast majority of proposed apartments will be capable of obtaining solar access and natural ventilation.

The dwellings offer future residents' efficient layouts with high levels of amenity (noting that very high levels of compliance are attained with regard to natural cross ventilation, solar access (to dwellings, private and communal open space), acoustic privacy and visual privacy) and will not adversely nor unreasonably affect surrounding residential sites.

The building line of the 'Block D' building (i.e. the south-eastern apartment building) is proposed to be set back 11 metres from the southeast side boundary (minor and uninhabitable articulation features such as feature walls will be set back 9.45 metres from the boundary); such a distance is nearly double the minimum six metre requirement specified by Part 3F (Visual Privacy) of the Apartment Design Guide, which guides the design of residential flat building developments above two storeys in NSW. In addition to excessively large setbacks, the side setback area (containing ground-level private open space areas for the terrace apartments) will contain a variety of landscaping treatments including large trees, which will further filter/screen views between the apartments and adjoining sites.

Accordingly, the visual privacy of future occupants and nearby developments will be maintained as discussed above.

## 8.0 Other Statutory Approvals

### 8.1 General

Whilst a range of legislation is relevant to the proposed development as spelled out within this EIS and its appendices, this Section of the EIS considers only legislation under which separate approvals are required to be obtained before the development may be lawfully carried out, consistent with the requirements for content for environmental impact statements, prescribed by clause 7(1)(d)(v) of *Environmental Planning and Assessment Regulation 2000*.

### 8.2 Biodiversity Conservation Act 2016

The general purpose of the BC Act is described within section 1.3 of that Act, being to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The BC Act provides tools to avoid, minimise and offset biodiversity impacts from development and clearing through the Biodiversity Offset Scheme (BOS; refer to Part 6 of this Act). In regard to this proposal, the BOS is triggered based on the presence of an area of Biodiversity Value that is located within the southern part of the site.



Figure 17 - Extract of NSW Government Biodiversity Value Map

Source: [www.lmbc.nsw.gov.au/Maps/](http://www.lmbc.nsw.gov.au/Maps/)

Regulation 7.2 of the BCR 2017 provides a table which sets out that the maximum area of land that may be cleared may be dependent on the minimum lot size that applied to the land. The site is affected by a minimum lot size of 550m<sup>2</sup> pursuant to the PLEP 2014. The area of the native vegetation clearing threshold for the proposed development is 0.25 hectares (i.e. 2,500m<sup>2</sup>). The proposed development will directly impact less than 0.88ha of native vegetation; as the 0.25-hectare threshold is exceeded, the BOS subsequently applies. Further discussion on the BDAR is provided within Section 7.4 of this EIS.

The proposed development is to retain and maintain a large remnant bushland area under a BMP, which will protect the majority of the remnant vegetation on the subject property; this includes the most structurally diverse habitat that contains the only hollow-bearing trees on the site. This area will protect approximately 0.6 ha of vegetation, which will be managed under the BMP (Cumberland Ecology, 2021). Offset credit obligations are also payable for areas that are to be cleared.

### 8.3 Rural Fires Act 1997

As indicated within Section 7.5 of this EIS, the subject site is bushfire prone. As the proposal includes a residential subdivision of bushfire prone land, pursuant to Section 100B of the *Rural Fires Act 1997*, the consent authority is to refer the application to the NSW Rural Fire Service for concurrence.

As demonstrated by the Bushfire Report submitted as part of this application, the proposed subdivision and associated development will satisfy the provisions of *Planning for Bushfire Protection 2019*, and as with DA2020/1517, it is expected that the concurrence will be forthcoming from the RFS.

## 9.0 Environmental Risk Assessment and Mitigation

An Environmental Risk Assessment (ERA) establishes matters where there may be a risk of potential environmental impacts as a consequence of the proposed development. *AS4369.1999 Risk Management and Environmental Risk Tools* provides a methodology for undertaking an ERA, which includes the following qualitative risk analysis matrix.

Likelihood	Consequence				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	H	H	E	E	E
B (likely)	M	H	H	E	E
C (moderate)	L	M	H	E	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

**Figure 14** Risk Assessment Matrix

Source: AS4369.1999

The legend for the risk assessment matrix is provided below:

**E:** extreme risk; immediate action required

**H:** high risk; senior management attention needed

**M:** moderate risk; management responsibility must be specified

**L:** low risk; manage by routine procedures

The table below lists the potential environmental risks and the associated mitigation measures.



Environmental Risk Factor	Potential Impact	Risk	Mitigation Measure
Design Quality	Potential to interfere with the character of the locality and on views or outlook from neighbouring properties or the public domain.	Low	The design of the proposed residential subdivision and residential flat buildings have taken into consideration the relevant requirements of SEPP 65, the ADG, PLEP 2014 and P21 DCP to ensure that the development is compatible with the future desired character of the Warriewood Valley locality.
Infrastructure and Servicing	Impacts on capacity of local infrastructure to accommodate the development.	Low	Existing services are to be augmented as described within Section 7.2.
	Availability of services to the development.	Low	Necessary existing services are currently already available to the site, with some additional provision (e.g. substation) required.
Traffic and Parking	Increase in traffic on surrounding streets and intersections.	Moderate	The Traffic Assessment Report and addendum letter concludes that the proposed development will not generate significant amounts of traffic that could adversely affect the surrounding road network or local intersections.
	Reduction in the availability of on-street parking on surrounding roads during operation.	Low	The proposed residential flat buildings will include basement car parking on site (including visitor parking that is in excess of minimum requirements) to accommodate 81 car parking spaces; it is not expected that the development would create undue impacts on the availability of on-street parking.
	Impacts on pedestrian safety.	Low	Full pedestrian and vehicular access is to be provided to each lot. Allowances have been made for the pedestrian pathway/cycleway which will connect to the adjoining developments.
Biodiversity	Impacts on threatened species	High	Surveys undertaken as part of the BDAR did not identify any threatened flora species or any fauna species credit species that will be affected by the development. Construction measures and ongoing management will ensure that the health of environmentally sensitive areas are to be maintained.
	Effect of removal of native vegetation on biodiversity	High	The proposal will directly impact on less than 0.88ha of native vegetation, and therefore a total of 22 ecosystem credits are required for the proposed development as outlined within the BDAR.
Bushfire Risk	Risk to life and property associated with the spread of bushfires	High	The Bush Fire Assessment Report has demonstrated that the proposal can comply with the relevant requirements of <i>Planning for Bush Fire Protection 2019</i> , including the provision of adequate Asset Protection Zones (APZ).
Landscaping	Removal of existing on site and street vegetation with managed area of site.	Moderate	30 replacement trees will be planted to mitigate impacts for the trees removed from the site.
	Potential for trees to be damaged during the construction process.	Moderate	Tree protection measures are to be installed as per recommendation.
	Potential changes to landscape character and landscaped amenity.	Low	New street plantings are proposed to compensate for any changes to landscaping.
Flooding	Impacts of flooding on site or impacts on neighbouring properties.	Low	The findings from the flooding report have determined there will be negligible adverse flood impacts on surrounding properties or on flooding processes for any event up to the Probable

Environmental Risk Factor	Potential Impact	Risk	Mitigation Measure
			Maximum Flood (PMF). No additional flood prone lots are created within the proposed subdivision, and the design of the subdivision and associated levels will not adversely affect the safety of residents during a PMF flood event
Contamination and Geotechnical	Harm associated with contaminants currently located on site.	Low	The Preliminary Site Investigation has identified that there are no contaminants currently on site and that the site is acceptable for the proposed use.
	Structural integrity of building affected by geotechnical or chemical hazards.	Low	Geotechnical Investigation was undertaken for the site by JK Geotechnics and they have determined that the overall, the risk to property is Low which would be considered 'Acceptable', in accordance with the recommendations provided in AGS 2007c.
Social Impacts	Impact on housing choice and availability	Moderate	The social impacts of the proposal are broadly positive as discussed within Section 7.9.
	Impact on community cohesion.	Low	The social impacts of the proposal are broadly positive as discussed within Section 7.9. The proposal will encourage community cohesion through the use of shared facilities in the immediate locality and on the site.
Heritage	Discovery of items of archaeological significance during construction.	Low	It is unlikely that Aboriginal or European heritage will be found on site.
Waste	Removal of construction waste and ongoing waste arrangements for the operation of the school.	Moderate	A Waste Management Plan has been prepared to demonstrate how waste can be organised and disposed/recycled, with minimal interference on amenity or safety.

**Table 9** - Environmental risk assessment and mitigation measures

## 10.0 Conclusion

This EIS has appropriately responded to the issues outlined in the SEARS and has been prepared in accordance with the requirements specified within Schedule 2 of the Regulations. It has been demonstrated throughout this EIS that the project is supportable with consideration of the relevant environmental planning instruments, built form, social and environmental outcomes, and relevant policy documents.

Specifically, the proposal is considered to warrant approval for the following:

- The proposed development is permissible within, and is consistent with the aims and objectives of, the R3 High Density Residential zone,
- The proposal is consistent with the relevant provisions of Pittwater 21 DCP and both SEPP 65 and the ADG. Consistency with the objectives of relevant development provisions within applicable Environmental Planning Instruments and planning policies has been demonstrated.
- There are no excessive and unreasonable impacts that will arise as a result of the proposed development.
- The development will not adversely affect residents both within the proposed development and surrounding sites.
- The proposal will not increase resident exposure to risk from hazards both on the site and surrounding sites.
- The development will not have significant nor unreasonable adverse impacts on the natural environment, noting the steps taken to both minimise risk to the natural environment and improve the health and function of such areas.
- It is considered there are no matters that would warrant the refusal of the proposal on the grounds of it being contrary to the public interest.
- The proposal is generally consistent with the planning controls for the site. The proposal will not have any adverse impacts on the future development potential of the surrounding area or the amenity of surrounding sites, and would have significant beneficial impacts. As such, the proposal is considered to be in the public interest.

The proposal has merit and will make a positive contribution to the Warriewood Valley locality and the Northern Beaches LGA more broadly. It is therefore recommended that Northern Beaches Council and SNPP support and approve this application.

## Appendices

Appendix A Written variation request to clause 4.3 (building height) of Pittwater Local Environmental Plan 2014

Appendix B Assessment of the Apartment Design Guide (ADG)

Appendix C Assessment of Pittwater 21 Development Control Plan

## Appendix A – Clause 4.6 Exceptions to development standards written request – Height of Buildings

Development of the land, including a twelve (12) lot residential subdivision, civil and creek line works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments



43 Warriewood Road Warriewood – Lot 2, DP 972209

45 Warriewood Road Warriewood – Lot 2, DP 349085

49 Warriewood Road Warriewood – Lot 1, DP 349085

Prepared for: Archidrome

Project No: D221

Date: August 2021

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If this document has not been signed for review and approval then it is deemed a preliminary draft.

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## Clause 4.6 Written Request to Vary a Development Standard

### Pittwater Local Environmental Plan 2014

<b>Applicant's name</b>	Archidrome C/O Creative Planning Solutions Pty Limited
<b>Site address</b>	43 Warriewood Road Warriewood – Lot 2, DP 972209 45 Warriewood Road Warriewood – Lot 2, DP 349085 49 Warriewood Road Warriewood – Lot 1, DP 349085
<b>Proposal</b>	Development of the land, including a twelve (12) lot residential subdivision, civil and creek line works and construction of integrated residential development including two (2) residential flat buildings containing thirty-four (34) apartments
<b>Environmental Planning Instrument</b>	<i>Pittwater Local Environmental Plan 2014</i>
<b>Development standard to be varied</b>	Clause 4.3 – Height of buildings  (1) The objectives of this clause 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.

This document contains a written request relating to the proposed variation to clause 4.3 (height of buildings) of *Pittwater Local Environmental Plan 2014* (PLEP 2014) in accordance with the provisions of clause 4.6 (Exceptions to development standards) of PLEP 2014. The written request has been prepared in accordance with clause 4.6(3) of the PLEP 2014.

### Details of development standard sought to be varied

Pursuant to Clause 4.3(2) of PLEP 2014, the height of a building is not to exceed the maximum height shown on the Height of Buildings Map. The Height of Buildings Map indicates that the site is affected by two different height limits, which are outlined as follows:

- 10.5 metres, pursuant to clause 4.3(2) of PLEP 2014, and
- 8.5 metres, pursuant to clause 4.3(2F) of PLEP 2014.



Figure 1: An extract of the PLEP 2014 height of buildings map, showing the location of the subject site.

Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Clause 4.3(2F) imposes an 8.5 metre height limit within the site to 12.5 metres of the boundary with Warriewood Road. Given that the 'super lot' containing the two proposed residential flat buildings (RFBs) will be more than 12.5 metres from the Warriewood Road boundary, and that this application does not propose to develop the allotments fronting Warriewood Road, the provisions of clause 4.3(2F) do not apply.

Measured from existing ground level, particular points of the proposed development will exceed the 10.5-metre height limit, which include the following:

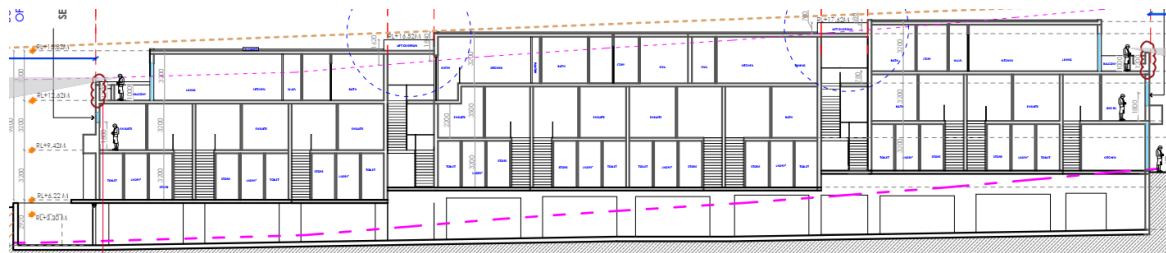
- Parts of the upper floors,
- Sections of the roofs, and
- Four (4) lift overruns (two (2) per building).

Due to the slope of the site, the earthworks being proposed and the stepping of the two RFBs along the slope, the maximum heights of each RFB are variable. Each RFB contains three 'steps' along the slope, with the greatest breaches of the height standard occurring at the southern end of each 'step'; as the slope begins to level out towards the southern end of the site, the highest point of each RFB is located at the southern end of the middle 'step'.

The maximum heights of the buildings are therefore as follows:

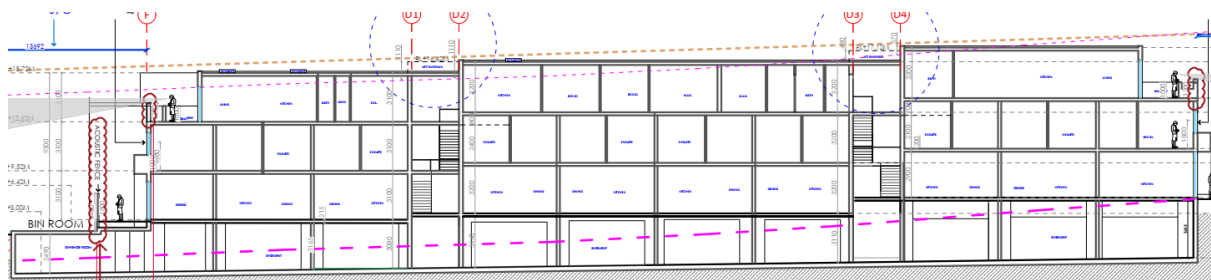
- Block C: 12.34 metres. This is a 1.84 metre (i.e. a 17.5%) breach of the 10.5 metre building height standard
- Block D: 11.61 metres. This is a 1.11 metre (i.e. a 10.6%) breach of the 10.5 metre building height standard

While there are other breaches of the height standard, the other breaches are all less than those detailed above.



**Figure 2:** An extract of the section plan of Block C.

Source: Archidrome, 2021



**Figure 3:** An extract of the section plan of Block D.

Source: Archidrome, 2021

The breaches of the height standard are technical noncompliances, which have been created both as a result of:

- The ground levels being raised towards the southern end of the site due to the flood hazard that affects the land, and
- The proposal being lodged as an 'integrated' development (i.e. subdivision works and residential development are contained as one development proposal).

It is however acknowledged that the height of the development must be measured from 'existing ground level'; the height noncompliances are therefore created because they must consider the combined height of the groundworks *and* the RFBs, thereby creating the variation to the height standard.

The RFBs have been designed to comply with the 10.5 metre height standard when measured from the modified ground levels associated with the subdivision works (noting that such ground levels generally reflect those of adjoining sites to either side. If the subdivision were approved, and then the RFBs were proposed later as part of a separate

Development Application (as has been done within other approved subdivisions and subsequent RFB proposals elsewhere within the Warriewood Valley), then the RFBs as proposed will otherwise comply with the building height standard.

#### **Clause 4.6 Exceptions to Development Standards – Pittwater Local Environmental Plan 2014**

Clause 4.6 of PLEP 2014 is the mechanism by which a consent authority is able to grant consent to a development despite a non-compliance(s) with a prescribed development standard. Clause 4.6 is reproduced below:

- (1) *The objectives of this clause are as follows—*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
  - (a) *the consent authority is satisfied that—*
    - (i.) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii.) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider—*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*

- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
  - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- Note.** *When this Plan was made it did not include all of these zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
  - (a) *a development standard for complying development,*
  - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) *clause 5.4,*

**Note:** The development application does not cause a contravention to any of the provisions within clause 4.6(8).

**Clause 4.6(3) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are environmental planning grounds to justify the contravention of the standard**

The authority established by *Four2Five Pty Ltd v Ashfield Council (2015)*, necessitates that environmental planning grounds for the proposed variation must be established aside from the consistency of the development with the objectives of the standard and the objectives of the zone. This is consistent with the ruling of *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112*, which requires that the function of the consent authority must be satisfied that the written request must demonstrate that compliance with the standard is unreasonable and unnecessary, and that it establishes sufficient environmental planning grounds to justify contravention of the development standard.



The common way to demonstrate that compliance with the standard is unreasonable or unnecessary is summarised by *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

It is generally understood that Clause 4.6(3) can be satisfied if it is established that a development satisfies one or more of the above points. In this instance point 1 is investigated and considered well founded for the proposed development.

The objectives of the building height development standard under clause 4.3 of the PLEP 2014 are provided below, and followed by a response on how that objective is achieved notwithstanding noncompliant with the standard:

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

**CPS Response:** As demonstrated by the environmental planning grounds above, the proposed development is consistent with surrounding development (either existing and/or approved) in terms of height, scale and number of storeys. Further, once works are complete the height variations will not be discernible from surrounding sites and the public domain, as the levels of the earthworks (which contribute to the variation) will match those of surrounding allotments; the apparent height of the building would appear to be in accordance with the standard. Given that a number of developments with similar (if not greater) heights have also been approved within the surrounding area, support of the proposed variation will not result in an

undesirable development precedent, nor will it establish new height limits that would be reflected by similar future development within the surrounding area.

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

**CPS Response:** New release areas containing residential development within the Warriewood Valley locality consist predominantly of R3-zoend areas; such zoning permits a wide range of residential development, which is reflected by housing typologies on new subdivisions on surrounding sites. Such development includes RFBs (both existing and approved) that are similar to the proposed development in terms of height and number of storeys. As indicated above, the apparent height and scale of the development will be reduced as a result of the earthworks altering the levels of the site in a manner consistent with surrounding allotments.

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

**CPS Response:** Solar impacts associated with the tallest points of the buildings will be mitigated by increased separation along the side and southwest boundaries. As such, the development fully complies with applicable solar access requirements; at least two hours of direct solar access will be provided to the private open space areas and likely dwelling locations of surrounding allotments, both on surrounding sites and within the proposed subdivision.

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

**CPS Response:** With regard to the planning principles associated with *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, there are no significant views that are obtainable from surrounding sites and areas. The development will subsequently have no impacts on views.

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

**CPS Response:** Both RFBs have variable floor levels that will result in a 'stepped' layout that respects the sloped topography of the site. The buildings have been designed to fully comply with the 10.5 metre height standard when measured from extrapolated ground levels associated with the completed subdivision works.

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

**CPS Response:** As indicated above, the RFBs have been designed to fully comply with the 10.5 metre height standard when measured from extrapolated ground levels associated with the subdivision works. Further, seven residential allotments will be situated between the super lot containing the RFBs and the creek line corridor to the south; dwellings and landscaping on these allotments will filter the RFBs from surrounding public areas. The proposed RFBs will subsequently have little impact on the natural environment. Visual impacts on heritage items are not applicable, noting that there are no heritage items within the surrounding area.

**Clause 4.6(3)(b) There are sufficient environmental planning grounds to justify contravening the development standard**

There are numerous and substantive environmental planning grounds to justify contravention of the development standard. These are detailed as follows:

**No impact on the surrounding area**

As demonstrated by the EIS to which this variation request is attached, the proposed variations to the height standard will not have adverse or unreasonable impacts on the amenity of the neighbouring properties and the public domain in terms of privacy impacts, reduced solar access, view loss and adverse streetscape impact. Any impacts associated with the tallest parts of the buildings are mitigated through increased setbacks.

**Character of the built form**

With regard to the significant size of the super lot (7,004m<sup>2</sup>) and the R3 Medium Density Residential zoning, the proposed building height is appropriate both for the site and the locality more broadly. Development within the surrounding area contains a variety of residential developments that include a number of RFBs with similar (if not greater) heights and scale to that being proposed by this application; examples of such development include the following:

- Numerous three-storey RFB developments along Macpherson Street on the southern side of Narrabeen Creek,
- The three storey 'Arcare' aged-care development at 23 Warriewood Road approved by Development Consent No. N0611/16 (as modified),
- Three storey RFBs approved as part of Development Consent No. DA2018/1826 (as modified) at 25-27 Warriewood Road
- A three-storey, 27-dwelling RFB at 64-69 Lorikeet Grove (formerly 31 Warriewood Road) approved by Development Consent No. DA2018/0607, and

- A ten-unit RFB was approved by Development Consent No. N0386/16 at 53B53, 53A and 53B Warriewood Road (though construction of this development did not proceed).

Aside from being consistent with the future character of the locality, approval of the development would be consistent with other similar approvals within the surrounding area as outlined above and will therefore not set an undesirable development precedent.

#### Visual impact of the variation

Only relatively small sections of the building breach the height standard, though once the subdivision works and associated changes to ground levels complete the visual appearance of the RFBs, they are structures that would otherwise comply with the height standard and would appear as such from both surrounding sites and the public domain. Further, with regard to:

- The stepped building platforms,
- The highly articulated design of the buildings,
- The landscape design of the site (which includes deep soil areas that are well in excess of minimum requirements, and which will accommodate large trees that would progressively filter and screen the development as they mature), and
- Low-density residential development on surrounding/oversized allotments that will likely contain expansive landscaped areas filtering the appearance of the building from the surrounding public domain, any visual impact associated with the development's height is likely indiscernible from surrounding areas.

The largest breaches of the standard are to be created by steps in the roof that are integrated into the overall design of the building. The lift overruns will be situated below the 'steps' in the roof and will be centralised within the recessed lobby areas (i.e. they will not be located at the peripheries of the building, and will not form dominant features when viewed from surrounding sites and the public domain). As such, elements which breach the height standard would have negligible (if any) visual impact.

#### Excavation limitations

Given the levels of the site, it would not be possible to excavate further into the land in order to attain compliance with the height standard; to do so would be contrary to the objectives of the building height standard (see below), and will likely have adverse outcomes with regard to the amenity of terrace units on lower levels and site drainage.

#### Height limitations associated with earthworks

As indicated above, the proposed variation to the building height standard is a consequence of factoring in the heights of both the RFBs *and* the earthworks associated with the proposed

subdivision. Whilst it is necessary to incorporate both elements in accordance with the PLEP 2014 'building height' definition, to enforce the building height standard when earthworks are required to protect residential allotments from local flood hazards is unreasonable.

If the proposal were not 'integrated' development (i.e. the subdivision and subsequent residential development were subject to separate proposals), then a future proposal for residential development would be based upon the proposed ground levels of the subdivision; such development could therefore be constructed to the same RLs as that currently proposed without breaching the height standard (i.e. the 'existing ground level' of future residential development would be higher than current ground levels, therefore the height standard would permit future development to be the same height as that proposed by this application).

The variation sought by this written request is a result of proposing concurrent subdivision and residential development. Given that the staging of works and/or the lodgement of applications (i.e. one for subdivision/earthworks and another for the RFBs) would enable an identical outcome (in terms of building height), enforcing compliance with the standard in this instance is therefore both unnecessary and unreasonable.

In summary, there are substantive environmental planning grounds which demonstrate why the strict application of the building height standard in this instance are both unnecessary and unreasonable. If the development were to be staged, the altered ground levels associated with the subdivision component would allow the same height outcome as that proposed by this application. Further, the proposed variation to the building height standard will not adversely affect surrounding sites and the locality more broadly, as it would not present to surrounding areas in a manner that would be inconsistent with the existing and desired future character of the area and as such will not set a new and/or undesirable planning precedent.

**Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,**

In the recent judgement within *Initial Action*, Preston CJ indicated that a consent authority only needs to be satisfied that an applicant has adequately addressed the matters within clause 4.6(3), and that, pursuant to 4.6(4)(a)(ii), the development is consistent with the objectives of the standard and consistent with the objectives of the zone. Although not strictly required, this variation has addressed the reasons that the development satisfies 4.6(4)(a)(ii).

The objectives of the R2 Low Density Residential zone under MLEP 2013 are as follows:

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

**CPS comment:** As demonstrated by the environmental planning grounds above, the proposed development is consistent with surrounding development (either existing and/or approved) in terms of height, scale and number of storeys. Further, once works are complete the height variations will not be discernible from surrounding sites and the public domain, as the levels of the earthworks (which contribute to the variation) will match those of surrounding allotments; the apparent height of the building would appear to be in accordance with the standard. Given that a number of developments with similar (if not greater) heights have also been approved within the surrounding area, support of the proposed variation will not result in an undesirable development precedent, nor will it establish new height limits that would be reflected by similar future development within the surrounding area.

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

**CPS comment:** New release areas containing residential development within the Warriewood Valley locality consist predominantly of R3-zoend areas; such zoning permits a wide range of residential development, which is reflected by housing typologies on new subdivisions on surrounding sites. Such development includes RFBs (both existing and approved) that are similar to the proposed development in terms of height and number of storeys. As indicated above, the apparent height and scale of the development will be reduced as a result of the earthworks altering the levels of the site in a manner consistent with surrounding allotments.

- *to minimise any overshadowing of neighbouring properties,*

**CPS comment:** Solar impacts associated with the tallest points of the buildings will be mitigated by increased separation along the side and southwest boundaries. As such, the development fully complies with applicable solar access requirements; at least two hours of direct solar access will be provided to the private open space areas and likely dwelling locations of surrounding allotments, both on surrounding sites and within the proposed subdivision.

- *to allow for the reasonable sharing of views,*

**CPS comment:** With regard to the planning principles associated with *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, there are no significant views



that are obtainable from surrounding sites and areas. The development will subsequently have no impacts on views.

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

**Comment:** Both RFBs have variable floor levels that will result in a 'stepped' layout that respects the sloped topography of the site. The buildings have been designed to fully comply with the 10.5 metre height standard when measured from extrapolated ground levels associated with the completed subdivision works.

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

**Comment:** As indicated above, the RFBs have been designed to fully comply with the 10.5 metre height standard when measured from extrapolated ground levels associated with the subdivision works. Further, seven residential allotments will be situated between the super lot containing the RFBs and the creek line corridor to the south; dwellings and landscaping on these allotments will filter the RFBs from surrounding public areas. The proposed RFBs will subsequently have little impact on the natural environment. Visual impacts on heritage items are not applicable, noting that there are no heritage items within the surrounding area.

The objectives of the R3 Medium Density Residential zone, and a planning response to each demonstrating that such objectives will be satisfied are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

**Comment:** The proposed subdivision and associated RFBs will provide land and dwellings that would cater for the housing needs of the community. By supporting the proposed building heights, a third storey can be added to each of the RFBs; these will better satisfy the objective through the provision of additional dwellings to meet the housing needs of the community.

- *To provide a variety of housing types within a medium density residential environment.*

**Comment:** The RFBs and the allotments (which, subject to future approvals would be capable of accommodating dwelling houses) provide a variety of housing that is similar to those constructed and approved on surrounding sites. By supporting the proposed building heights, a third storey can be added to each of the RFBs; this will

better satisfy the objective through enabling the provision of two-storey terrace housing with large private open space areas on the lower two levels and 'traditional' style apartments on the top level.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

**Comment:** The development will not affect the ability of surrounding sites to provide development containing facilities and/or services that would meet the regular needs of local residents.

- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

**Comment:** The development will not affect the ability of surrounding sites to provide development containing other land uses.

With regard to the above, irrespective of the height variation, the consent authority can be satisfied that the proposed development satisfies all objectives of the R3 Medium Density Residential zone. The proposed development is therefore in the public interest.

### **Conclusion**

It is acknowledged that the proposed development does not comply with the building height standard imposed by clause 4.3(2) of PLEP 2014. Such a noncompliance would be a technical variation, as calculation of the development's height is required to consider both earthworks associated with the proposed subdivision works in addition to the proposed RFBs; if the development were staged or the RFBs proposed as a future application once the subdivision works were completed, then the height standard will permit the same building heights as those currently proposed.

As demonstrated above however, the breach of the standard is not significant, nor will it adversely affect either surrounding sites and the public domain. The scale of the proposed development is also envisioned by the zoning and associated development controls which apply to the site, which is reflected by approvals for similar development with consistent heights in the surrounding area. The development is therefore consistent with the desired future character of the area and will not set an undesirable development precedent.

Aside from being consistent with the objectives of the zone, building height standard and subsequently the public interest, this written request has demonstrated that compliance with the standard in this instance would be unnecessary and unreasonable; there are also

sound environmental planning grounds to justify the contravention of the development standard.

As such, it is submitted that the requirements of Clause 4.6 have been satisfied and that the proposed building height variation can be supported.

## Appendix B – Assessment of the Apartment Design Guide (ADG)

C – Is the development consistent with the Design Criteria?

Y – Yes

G – Is the development consistent with the Design

N – No

Guideline?

O – Is the development consistent with the Objective?

N/A or - – Not applicable

ADG Reference	Clause	Design Criteria	C	G	O
<b>Part 3 Siting the Development</b>					
3A Site Analysis	3A-1	A site analysis is prepared; refer to Sheet A02, prepared by Archidrome Architects	-	Y	Y
3B Orientation	3B-1	The location of the RFBs are situated so as to maximise solar access to surrounding sites and public areas.	-	Y	Y
	3B-2	The location of the RFBs will not excessively overshadow allotments within the proposed subdivision and allotments within the adjoining site (i.e. formerly 41 Warriewood Road).	-	Y	Y
3C Public domain interface	3C-1	Terrace apartments would provide direct ground-level access to the central communal areas. Balconies and internal living areas will overlook central areas.	-	Y	Y
	3C-2	The RFBs will not directly adjoin either road frontage, through their appearance would be softened from surrounding areas by strategic planting and landscaping around the site.	-	Y	Y
3D Communal and public open space	3D-1	<p><b>Required communal open space:</b> Minimum 25% of the site area (1,762m<sup>2</sup>, based on the super lot area of 7,048m<sup>2</sup>)</p> <p><b>Proposed communal open space:</b> 1,359m<sup>2</sup>, or 19.3% (inclusive of minimum dimensions)</p> <p>Whilst the proposed does not provide a minimum 25% of communal open space, the space would consist of well designed, easily identifiable and predominately landscaped areas. The communal space is to be entirely located at ground level, will contain large deep soil areas and a range of amenities (including expansive landscaped areas, a swimming pool, outdoor seating and BBQ areas).</p>	N	Y	Y
		<p>Further, the majority (i.e. 20 of the 34 units) would contain landscaped private open space areas that are well in excess of minimum requirements (refer to the individual assessments below). The site layout therefore enhances residential amenity and provides ample opportunities for residential recreation opportunities within well-designed landscaped areas. As such, the proposal would satisfy the objectives and relevant design guidance requirements, therefore the variation would be supportable.</p> <p>Council is also reminded that with regard to Planning Circular PS 17-001, where the objectives and design guidance requirements of the ADG are met, the design criteria is not to be treated as a strict set of development standards.</p>			

		<b>Required:</b> Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June	Y	Y	Y												
		<b>Proposed:</b> More than 50% of the communal open space receives direct solar access until after 12:00pm on June 21 (refer to submitted shadow plans).															
	3D-2	A range of facilities (including open spaces, outdoor seating, BBQ facilities and a swimming pool) will be provided to enable a wide range of activities.	-	Y	Y												
	3D-3	Communal open space areas will be centrally located and will be capable of being observed from the living areas of most apartments.	-	Y	Y												
	3D-4		-	-	-												
3E Deep soil zones	3E-1	<b>Required:</b> Deep soil zones are to be at least 7% of the site area, with minimum dimensions of 6m (i.e. 490.28m <sup>2</sup> , based on a site area of 7,004m <sup>2</sup> )	Y	Y	Y												
		<b>Proposed:</b> 1,358.59m <sup>2</sup> (i.e. 19.4%), inclusive of minimum dimensions.															
3F Visual privacy	3F-1	<b>Required:</b> Minimum required separation distances from buildings to side and rear boundaries are as follows: <table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <b>Note:</b> While the height of the buildings technically exceed 12 metres under the PLEP 2014, they would be less than 12 metres if measured from the modified ground levels; the 12m height has therefore been adopted.	Building Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m			
Building Height	Habitable rooms and balconies	Non-habitable rooms															
Up to 12m (4 storeys)	6m	3m															
Up to 25m (5-8 storeys)	9m	4.5m															
Over 25m (9+ storeys)	12m	6m															
		<b>Proposed:</b> <ul style="list-style-type: none"><li>Southeast boundary: 11 metres</li><li>Northwest boundary: 9.1 metres</li><li>Northeast boundary: Minimum 4 metres</li><li>Southwest boundary: Minimum 8 metres</li><li>Internal separation: 24.4 metres</li></ul>	N	Y	Y												
		As indicated above, most areas will significantly exceed minimum requirements. The only points of noncompliance occur on the northeast boundary and would affect Unit D10, the southeast section of Unit C10, part of the Unit C17 balcony and the balconies of Units D16 and D17. The minimum separation distance to the boundaries from Blocks C and D will be 4 and 4.1 metres respectively.															
		Despite the reduced distances, new Torrens-Title allotments (Torrens lots) to adjoin the northeast boundary of the super lot will not be overshadowed by the RFBs. With regard to visual privacy, the RFBs will maintain the amenity and privacy of the Torrens lost to the north with regard to the following: <ul style="list-style-type: none"><li>The living areas of Units C10 and D10 are to be oriented towards the southeast and northwest; the only windows from these units looking towards the northeast would be bedroom and bathroom windows.</li><li>The northern boundaries of the balconies for Units C17, D16 and D17 will contain planters with 800mm wide landscaped areas.</li></ul>															

		<p>Planting within these will prevent views towards the northeast. The planters will also screen any views of living areas towards the northeast and the Torrens lots.</p> <ul style="list-style-type: none"> <li>The Torrens lots to the northeast will be of a substantial size, and will enable flexibility with regard to the placement of future building footprints (and noting that the DCP requires that future dwellings be set back at least 6 metres from the boundary), substantial separation distances will therefore be provided between the RFBs and any future dwellings to the north.</li> <li>Due to the slope of the site, future dwellings on the Torrens lots are to be located at a higher ground level (i.e. the RFBs would not look down onto future dwellings).</li> <li>The rear setbacks of the Torrens lots will be required to contain large/mature trees and vegetation (and noting that northern parts of the super lot are also landscaped).</li> </ul> <p>As such, the privacy and amenity of the allotments to the northeast will be maintained, and the objectives and design guidance requirements will be satisfied, and the variation is therefore supportable.</p>			
	3F-2	Apartments and private open space will be separated from communal areas utilising landscaping and internal fences.	-	Y	Y
3G Pedestrian access and entries	3G-1	The super lot does not directly address public areas, however building entrances will be both clearly identifiable and directly face onto communal areas within the centre of the site.	-	Y	Y
	3G-2	Lobby entrances form clearly identified features within the building facades.	-	Y	Y
	3G-3	A direct pedestrian link is to be provided between Warriewood Road and Lorikeet Grove for residents of the site. Clear sightlines will be provided, and will traverse the communal area within the centre of the site and will be located in active areas overlooked by habitable areas.	-	Y	Y
3H Vehicle access	3H-1	<p>The carpark entry would be both located at the lowest part of the RFB development and will be screened from the public domain by the Torrens allotments that will front Lorikeet Grove. The garbage collection point will also be screened by internal fencing.</p> <p>Pedestrian and vehicular access would be clearly identifiable, and will contain sufficient sight lines.</p>	-	Y	Y
3J Bicycle and car parking	3J-1	<p><b>Required:</b> For development:</p> <ul style="list-style-type: none"> <li>On sites within 80m of a railway station or light rail stop in the Sydney Metropolitan Area, or</li> <li>Sites within 400m of B3 or B4 zoned land or equivalent in a nominated regional centre,</li> </ul> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by Council, whichever is less. The car parking must be provided off-street.</p> <p><b>Proposed parking:</b></p> <ul style="list-style-type: none"> <li>68 residential spaces</li> <li>13 visitor spaces</li> </ul> <p>Refer to the assessment of the DCP for further information.</p>	-	Y	Y
	3J-2	Bicycle parking is proposed (noting that additional spaces are to be located within the garages for terrace apartments for such parking). Parking would be secured via security door at the carpark entrance, in addition to garage doors for individual basement garages.	-	Y	Y
	3J-3		-	Y	Y



	3J-4	The basement carpark is to be integrated into the proposed groundworks (i.e. excavation would be minimised due to the raising of ground levels) on/around the development. The carpark will therefore not protrude more than one metre above finished ground levels.	-	Y	Y
	3J-5		-	-	-
	3J-6		-	-	-
<b>Part 4 Designing the Building</b>					
4A Solar and daylight access	4A-1	<b>Required:</b> <ul style="list-style-type: none"> <li>Living room and Private Open Space areas within at least 70% of all apartments must receive at least 2 hours of direct sunlight between 9am and 3pm in mid-winter.</li> </ul>	Y	Y	Y
		<b>Proposed:</b> <ul style="list-style-type: none"> <li>The internal solar access plans indicate that 28 of the 34 (i.e. 82.4% of proposed apartments) will receive at least 2 hours of direct solar access on June 21.</li> </ul>			
	4A-1	<b>Required:</b> <ul style="list-style-type: none"> <li>A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm in mid-winter.</li> </ul>			
		<b>Proposed:</b> <ul style="list-style-type: none"> <li>All (i.e. 100%) of apartments will receive direct solar access on June 21, noting that skylights would provide secondary solar access to living and/or private open space areas of apartments oriented towards the southeast (i.e. Units C11, C12, C14, D11, D12 and D14).</li> </ul>	Y	Y	Y
	4A-2	Opportunities for solar access are maximised where possible.	-	Y	Y
	4A-3		-	Y	Y
4B Natural ventilation	4B-1		-	Y	Y
	4B-2		-	Y	Y
	4B-3	<b>Required:</b> At least 60% of all apartments are naturally cross ventilated. <b>Proposed:</b> All (i.e. 100%) of the proposed apartments are capable of cross-ventilation.	Y	Y	Y
		<b>Required:</b> Cross-over/through not to exceed 18m <b>Proposed:</b> Maximum 17.3m for cross-through apartments.	Y	Y	Y
4C Ceiling heights	4C-1	<b>Required:</b> <ul style="list-style-type: none"> <li>Minimum ceiling height for a habitable room is 2.7m</li> <li>Minimum ceiling height for a non-habitable room is 2.4m</li> </ul>	Y	Y	Y
		<b>Proposed:</b> <ul style="list-style-type: none"> <li>Habitable rooms: Minimum 2.7m ceiling heights proposed</li> <li>Non-habitable rooms: Minimum 2.4m ceiling heights proposed</li> </ul>			
	4C-2		-	Y	Y
	4C-3		-	Y	Y

4D Apartment  
size and layout

Apartments are required to have the following minimum internal areas:

Apartment Type	Minimum Internal Area
Studio	35m <sup>2</sup>
1 Bedroom	50m <sup>2</sup>
2 Bedroom	70m <sup>2</sup>
3 Bedroom	90m <sup>2</sup>

Additional requirements:

- These calculations only provide for 1 bathroom, and 5m<sup>2</sup> is to be added for each additional bathroom.
- A fourth bedroom and further additional bedrooms are to increase the internal floor area by 12m<sup>2</sup>

**Proposed development:**

U – Unit No.

R – Required floor area (m<sup>2</sup>)

B – No. of bedrooms

P – Proposed floor area (m<sup>2</sup>)

+ - Additional bathroom

U	B	R	P	U	B	R	P
C1	4+	112	206.25	D1	4+	112	206.25
C2	4+	112	206.25	D2	4+	112	206.25
C3	4+	112	206.25	D3	4+	112	206.25
C4	4+	112	206.25	D4	4+	112	206.25
C5	4+	112	206.25	D5	4+	112	206.25
C6	4+	112	206.25	D6	4+	112	206.25
C7	4+	112	206.25	D7	4+	112	206.25
C8	4+	112	206.25	D8	4+	112	206.25
C9	4+	112	206.25	D9	4+	112	206.25
C10	4+	112	167.5	D10	4+	112	197.54
C11	3+	95	129.8	D11	3+	95	120
C12	3+	95	129	D12	3+	95	121
C13	3+	95	125.3	D13	3+	95	125
C14	3+	95	121.9	D14	3+	95	122
C15	3+	95	123.1	D15	3+	95	123.6
C16	3+	95	122	D16	3+	95	129.8
C17	3+	95	123	D17	3+	95	129.8

As indicated above, all units would comply with minimum size requirements.

**Required:**

Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

**Required:**

Habitable room depths are limited to a maximum of 2.5 x ceiling height.

**Required:**

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

4D-2

The depths of living areas within some ground floor units (i.e. C2-9 and D2-9) are 8.3m from a window. Whilst the numerical requirement is not reached for some apartments, areas beyond 8m would include the rear of the kitchen and dining rooms, therefore the overall impact on these living spaces would be negligible. Further, all living areas will have minimum 2.7m ceiling heights and would address an external window/elevation, thereby satisfying applicable design objectives and guidance. As such, these small variations are be supportable.

Y

Y

Y

Y

Y

Y

Y

Y

Y

N

Y

Y

4E Private open space and balconies	4D-3	<b>Required:</b> Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobes).	Y	Y	Y																																																																	
		<b>Required:</b> Bedrooms have a minimum dimension of 3m (excluding wardrobes).	Y	Y	Y																																																																	
		<b>Required:</b> Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>1-bedroom apartments: Minimum 3.6m</li><li>2-bedroom apartments: Minimum 4m</li></ul>	Y	Y	Y																																																																	
		<b>Required:</b> Widths of cross-over/through apartments are to be at least 4m.	-	-	-																																																																	
	4E-1	1 bedroom apartments are to have primary balconies with a minimum area of 8m <sup>2</sup> and a minimum depth of 2m. 2 bedroom apartments are to have primary balconies with a minimum area of 10m <sup>2</sup> and a minimum depth of 2m. 3 bedroom apartments are to have primary balconies with a minimum area of 12m <sup>2</sup> and a minimum depth of 2.4m.	<table><tr><th>U</th><th>B</th><th>R</th><th>P</th><th>U</th><th>B</th><th>R</th><th>P</th></tr><tr><td>C11</td><td>3</td><td>12</td><td>22</td><td>D11</td><td>3</td><td>12</td><td>17</td></tr><tr><td>C12</td><td>3</td><td>12</td><td>22</td><td>D12</td><td>3</td><td>12</td><td>20</td></tr><tr><td>C13</td><td>3</td><td>12</td><td>15</td><td>D13</td><td>3</td><td>12</td><td>14</td></tr><tr><td>C14</td><td>3</td><td>12</td><td>16</td><td>D14</td><td>3</td><td>12</td><td>14</td></tr><tr><td>C15</td><td>3</td><td>12</td><td>20</td><td>D15</td><td>3</td><td>12</td><td>17</td></tr><tr><td>C16</td><td>3</td><td>12</td><td>21</td><td>D16</td><td>3</td><td>12</td><td>22</td></tr><tr><td>C17</td><td>3</td><td>12</td><td>34</td><td>D17</td><td>3</td><td>12</td><td>22</td></tr></table>	U	B	R	P	U	B	R	P	C11	3	12	22	D11	3	12	17	C12	3	12	22	D12	3	12	20	C13	3	12	15	D13	3	12	14	C14	3	12	16	D14	3	12	14	C15	3	12	20	D15	3	12	17	C16	3	12	21	D16	3	12	22	C17	3	12	34	D17	3	12	22	N	Y	Y
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C17	3	12	34	D17	3	12	22																																																															
<b>Proposed development:</b> U – Unit No. B – No. of bedrooms	R – Required POS area (m <sup>2</sup> ) P – Proposed POS area (m <sup>2</sup> )																																																																					
It is acknowledged that minimum depth requirements will not be satisfied for some apartments. This has been countered by ensuring that the balconies form a direct extension of living room areas. Further, the areas of all balconies notably exceed minimum size requirements, and the design of the buildings would ensure that all private open space balconies would obtain solar access (either through direct solar access or secondary access provided by roof openings). Design guidance and objectives would therefore be satisfied, and the variation is subsequently capable of support.																																																																						
<b>Required:</b> For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.																																																																						
<b>Proposed:</b> <table><tr><th>Unit</th><th>Proposed POS area</th><th>Unit</th><th>Proposed POS area</th></tr><tr><td>C1</td><td>200m<sup>2</sup></td><td>D1</td><td>93m<sup>2</sup></td></tr><tr><td>C2</td><td>67m<sup>2</sup></td><td>D2</td><td>80m<sup>2</sup></td></tr><tr><td>C3</td><td>105m<sup>2</sup></td><td>D3</td><td>100m<sup>2</sup></td></tr><tr><td>C4</td><td>70m<sup>2</sup></td><td>D4</td><td>100m<sup>2</sup></td></tr><tr><td>C5</td><td>69m<sup>2</sup></td><td>D5</td><td>80m<sup>2</sup></td></tr><tr><td>C6</td><td>69m<sup>2</sup></td><td>D6</td><td>80m<sup>2</sup></td></tr><tr><td>C7</td><td>70m<sup>2</sup></td><td>D7</td><td>100m<sup>2</sup></td></tr><tr><td>C8</td><td>105m<sup>2</sup></td><td>D8</td><td>100m<sup>2</sup></td></tr><tr><td>C9</td><td>70m<sup>2</sup></td><td>D9</td><td>80m<sup>2</sup></td></tr><tr><td>C10</td><td>203m<sup>2</sup></td><td>D10</td><td>170m<sup>2</sup></td></tr></table>		Unit	Proposed POS area	Unit	Proposed POS area	C1	200m <sup>2</sup>	D1	93m <sup>2</sup>	C2	67m <sup>2</sup>	D2	80m <sup>2</sup>	C3	105m <sup>2</sup>	D3	100m <sup>2</sup>	C4	70m <sup>2</sup>	D4	100m <sup>2</sup>	C5	69m <sup>2</sup>	D5	80m <sup>2</sup>	C6	69m <sup>2</sup>	D6	80m <sup>2</sup>	C7	70m <sup>2</sup>	D7	100m <sup>2</sup>	C8	105m <sup>2</sup>	D8	100m <sup>2</sup>	C9	70m <sup>2</sup>	D9	80m <sup>2</sup>	C10	203m <sup>2</sup>	D10	170m <sup>2</sup>	-	-	-																						
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		<b>Note:</b> Areas above are inclusive of 'front' courtyard areas and individual POS areas.			
	4E-2		-	Y	Y
	4E-3	New balconies would be integrated into the facades of the buildings.	-	Y	Y
	4E-4	The design prevents stepped changes in ground levels within POS areas.	-	Y	Y
4F Common circulation and spaces	4F-1	<b>Maximum number of dwellings off circulation core: 4</b>	Y	Y	Y
	4F-2		-	Y	Y
4G Storage	4G-1	<b>Required:</b> <ul style="list-style-type: none"> <li>• Studio apartments: 4m<sup>3</sup></li> <li>• 1 bedroom apartments: 6m<sup>3</sup></li> <li>• 2 bedroom apartments: 8m<sup>3</sup></li> <li>• 3+ bedroom apartments: 10m<sup>3</sup></li> </ul> <p>Sufficient storage is provided in accordance with ADG requirements, noting that each apartment includes storage areas, rooms and cupboards, in addition to substantial walk-in-robos. It should also be noted that individual garages would also include large areas for storage.</p>	Y	Y	Y
	4G-2	Storage is to be provided within dwellings and individual garages.	-	Y	Y
4H Acoustic privacy	4H-1		-	Y	Y
	4H-2		-	Y	Y
4J Noise and pollution	4J-1	Not applicable.	-	-	-
	4J-2	Not applicable.	-	-	-
4K Apartment Mix	4K-1	<p>The proposed development includes the following mix:</p> <ul style="list-style-type: none"> <li>• Three bedrooms: 14</li> <li>• Four bedrooms: 20</li> </ul> <p>The apartments are also split between 'terrace style' apartments and more traditional layouts. The proposed mix anticipates demand for such housing by families seeking a larger number of bedrooms with larger private open space areas like those being proposed within this development. The size of the dwellings (in terms of number of bedrooms, floor space and POS area) is reflective of similar such development residential development within the surrounding area.</p>	-	Y	Y
	4K-2	The larger terrace style apartments are appropriately situated at lower levels to take advantage of larger at-grade POS areas, while small apartments are located at higher elevations.	-	Y	Y
4L Ground floor apartments	4L-1	Direct access to communal areas is proposed for the terrace apartments at ground level. Activity is achieved through terraces, gardens and the façade of each dwelling, which enable overlooking of communal areas.	-	-	-
	4L-2	Privacy would be afforded to the terrace apartments through the situation of the majority of POS areas to the rear of the dwelling (i.e. within the side setback areas) and sufficient spatial separation between the two RFBs.	-	-	-
4M Facades	4M-1	The buildings will be highly articulated and provide areas of visual interest when viewed between surrounding residential development.	-	Y	Y
	4M-2	Building entries are clearly define; corners and ends of the building are clearly defined through changes in articulation, materials and colours.	-	-	-
4N Roof design	4N-1	Roof design is integrated into the building design.	-	Y	Y
	4N-2	Not applicable.	-	-	-
	4N-3	Sustainability measures will include skylights.	-	Y	Y
4O Landscape design	4O-1	The landscape design will enhance the local microclimate through the implementation of appropriately scaled and locally endemic trees.	-	Y	Y
	4O-2	Tree plantings will progressively be visible from, and positively contribute towards, the streetscape.	-	Y	Y

4P Planting on structures	4P-1	Planting on the buildings would be limited to planters on balconies. Appropriate structural reinforcement will be undertaken for basement areas beneath landscaped and deep soil areas.	-	Y	Y
	4P-2	Suitable plantings have been selected; refer to the landscaping information prepared by CPS.	-	Y	Y
	4P-3		-	-	-
4Q Universal design	4Q-1	Section C1.9 of P21 DCP requires that 20% of the apartments be adaptable. Four apartments (i.e. 11.7% of the total number) are adaptable apartments. The proposal however satisfies the 20% requirement for the Liveable Housing Guideline's silver level universal design features in accordance with the design guideline.	-	Y	Y
	4Q-2	Four three-bedroom apartments are proposed to be adaptable, which are contained within a variety of layouts.	-	Y	Y
	4Q-3	The proposed layouts are flexible and would be capable of accommodating a range of domestic uses and needs.	-	Y	Y
4R Adaptive reuse	4R-1	Not applicable.	-	-	-
	4R-2	Not applicable.	-	-	-
4S Mixed Use	4S-1	Not applicable.	-	-	-
	4S-2	Not applicable.	-	-	-
4T Awnings and signage	4T-1	Not applicable.	-	-	-
	4T-2	Not applicable.	-	-	-
<b>Performance</b>					
4U Energy efficiency	4U-1	The proposal maximises the number of units that will obtain adequate solar access; refer to the assessment above.	-	Y	Y
	4U-2		-	Y	Y
	4U-3	The proposal maximises the number of units that will obtain adequate natural ventilation; refer to the assessment above.	-	Y	Y
4V Water management and conservation	4V-1	Appropriate and drought-tolerant landscaping is proposed.	-	-	-
	4V-2	Urban stormwater would be treated; refer to submitted engineering information.	-	-	-
	4V-3	Appropriate stormwater management systems are proposed; refer to submitted engineering information.	-	-	-
4W Waste management	4W-1	Adequate waste storage areas are provided within the basement and out of sight of public areas; there would be sufficient space for bulk waste storage. Refer to the submitted waste management plan for further information.	-	Y	Y
	4W-2	Designated waste and recycling bins would be separated. Refer to the submitted waste management plan for further information.	-	-	-
4X Building maintenance	4X-1	Measures to prevent weathering of the building as recommended by the ADG are to be adopted.	-	-	-
	4X-2	The design and layout would permit ease of maintenance where required.	-	-	-
	4X-3	Sturdy and natural materials are proposed to reduce ongoing maintenance requirements.	-	-	-

## Appendix C – Assessment of Pittwater 21 Development Control Plan (PDCP 2014)

Pittwater 21 Development Control Plan		
Section B – General Controls		
Requirement	Proposed	Complies
<b>B1 – Heritage Controls</b>		
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.	A check of the Aboriginal Heritage Information Management System (AHIMS) for each allotment has not identified any record of an indigenous place or object(s) being located on and/or in close proximity to the site.	Yes
The additional information requested may take the form of a report prepared by a suitability qualified person as defined by the NSW Office of Environment and Heritage, as well as consultation with the NSW Office of Environment and Heritage and appropriate Aboriginal groups.	Further, as a result of earlier development on the site and works on adjoining sites encroaching onto the owner’s site, the rear of the site has already been significantly disturbed. It is therefore unlikely that the site would contain items of aboriginal culture.	
If an Aboriginal site or relic is discovered, it must be reported to the NSW Office of Environment and Heritage and all works stopped.	Any discovery of an Aboriginal site or relic during development of the site is capable of being satisfied through the imposition of consent conditions by Council.	
Development must conserve the significance of any Aboriginal place of heritage significance or Aboriginal object.		
<b>B3 – Hazard Controls</b>		
<b>B3.2 – Bushfire Hazard</b>		
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.	The design of both the subdivision and associated residential development has been undertaken in accordance with relevant standards and Planning for Bushfire Protection; refer to the submitted Bushfire Hazard Risk Assessment (prepared by Advanced Bushfire Performance Solutions).	Yes
Development land to which this control applies must comply with the requirements of: <ul style="list-style-type: none"><li>Planning for Bushfire Protection (2006)</li><li>Australian Standard AS 3959:2009 - Construction of a building in a bushfire-prone area</li></ul>	The proposal is also integrated development pursuant to Section 100B of the <i>Rural Fires Act 1997</i> , therefore concurrence from the RFS is required; refer to the assessment above.	
<b>B3.6 – Contaminated Land and Potentially Contaminated Land</b>		
Council shall not consent to the carrying out of any development on land unless it has considered State Environmental Planning Policy No. 55 Remediation of Land.	The relevant requirements of SEPP 55 have been considered; refer to the assessment within Sections 6.7.7 and 7.8.	Yes
In particular, Council shall consider: <ul style="list-style-type: none"><li>whether the land is contaminated; and</li><li>if the land is contaminated, whether the land is suitable in its contaminated state (or will be suitable after</li></ul>	An investigation of the site (prepared by NJ Childs and Associates) has assessed potential land contamination as a result of earlier agricultural uses and the suitability of	



<p>remediation) for the purpose for which the development is proposed to be carried out; and</p> <ul style="list-style-type: none"> <li>if the land requires remediation, whether the land will be remediated before the land is used for that purpose.</li> </ul>	<p>the site for the development. Subject to recommendations, the site is capable of being appropriately remediated and being prepared to accommodate the proposed development. Refer to the contamination assessment for further information.</p>	
<b>B3.11 – Flood Prone Land</b>		
<p>A3 The applicant shall include in their submission, calculations to illustrate that any fill or other structures that reduce the total flood storage are replaced by Compensatory Works.</p>	<p>Calculations in the change of total onsite flood storage for the 1% AEP event is presented in the 'Flood Impact Assessment' section of the report.</p>	Yes
<p>B1 Flood mitigation works or stormwater devices that modify a major drainage system, stormwater system, natural water course, floodway or flood behaviour within or outside the development site may be permitted subject to demonstration through a Flood Management Report that they comply with the Flood Prone Land Design Standard found on Council's webpage.</p>	<p>Flood modelling is undertaken to demonstrate the impacts on Narrabeen creek, further work is required by civil engineers to design site drainage to cater for local flows.</p>	Yes
<p>B2 A Section 88B notation under the Conveyancing Act 1919 may be required to be placed on the title describing the location and type of flood mitigation works with a requirement for their retention and maintenance.</p>	<p>No additional flood mitigation works are required to address impacts on Narrabeen Creek.</p>	Yes
<p>E1 New development must provide an appropriately sized area to safely shelter in place above the Probable Maximum Flood level and appropriate access to this area should be available from all areas within the development</p>	<p>The majority of the development area is not within the flood extent for events up to and including the PMF, appropriate access to safe sheltering areas is also available from all areas of the development.</p>	Yes
<p>F1 New floor levels within the development shall be at or above, the Flood Planning Level. A reduced Flood Planning Level may be considered only where it is permitted in this Development Control Plan.</p> <p>The structure must be flood proofed (wet or dry) to the Flood Planning Level. This control cannot be applied to critical or vulnerable uses.</p>	<p>The area of development is located above the Flood Planning Level as determined by the modelling of the 1% AEP event + freeboard.</p> <p>The development area is flood proofed to the flood planning level by adding fill to raise residential development locations out of flood planning areas.</p>	Yes
<p>F2 All development structures must be designed and constructed so as not to impede the floodway or flood conveyance on the site, as well as ensuring no loss of flood storage in a 1% AEP Event. Where the dwelling is located over a flow path it must be elevated on suspended pier/pile footings such that the level of the underside of all floors including balconies and decks within the flood affected area are at or above, or raised to the Flood Planning Level to allow clear passage of the floodwaters under the building. The development must comply with the Flood Prone Land Design Standard.</p>	<p>Flood modelling has been undertaken demonstrate that the development will not impede the floodway and will be located above the flood planning level.</p> <p>The change of total onsite flood storage for the 1% AEP event is presented in the 'Flood Impact Assessment' section of the report. Note that no flood impacts were associated with the development for the 1% AEP flood level.</p>	Yes
<p>F3 Where the lowest floor has been elevated to allow the passage of flood waters, a restriction shall be imposed on</p>	<p>Not applicable.</p>	N/A

the title of the land, pursuant to S88B of the Conveyancing Act confirming that the under croft area is not to be enclosed.		
F6 Any existing floor level may be retained below the Flood Planning Level when undertaking a first floor addition provided that: (a) it is not located within a floodway; (b) there is no increase to the building footprint below the Flood Planning Level; (c) it is flood proofed to the Flood Planning Level;	The proposal is for new development that will not retain existing structures.	N/A
F8 The minimum floor level of any first-floor additions shall be at or above the Probable Maximum Flood Level	Flood mapping figures in Appendix B show the proposed development structures to be outside of the flood extent for a range of events including the PMF.	Yes
H1 Fencing, including pool fencing, shall be designed so as not to impede the flow of flood waters and not to increase flood affectation on surrounding land. Appropriate fencing must comply with the Flood Prone Land Design Standard in addition to other regulatory requirements of pool fencing	Fencing for residential allotments will be located outside of PMF-affected areas; all other fencing is designed to not impede flood flows nor increase risks on adjoining sites.	Yes
<b>B3.12 Climate Change Assessment for Land Identified on Flood Hazard Maps</b>		
For land identified within the Warriewood Valley Land Release Area involving development to which this control applies, a climate change assessment shall be incorporated in the Water Management Report as required by Clause C6.4 Flood - Warriewood Valley Residential Sectors, Buffer Areas or Development Sites, Clause C6.5 Flood - Warriewood Valley Employment Generating Sectors, Buffer Areas or Development Sites and in accordance with Council's Warriewood Valley Urban Land Release Water Management Specification (February 2001 or as amended). The climate change assessment shall include the impacts of climate change on the property over the life of the development and the adaptive measures to be incorporated in the design of the project. The following climate change scenarios shall be considered: <ul style="list-style-type: none"> <li>Scenario 1: Impacts of sea level rise only</li> <li>Scenario 2: Impacts of sea level rise combined with increased rainfall volume</li> </ul>	Flood modelling undertaken for a range of events includes sea level rise and climate change impacts.	Yes
<b>B4 – Controls Relating to the Natural Environment</b>		
<b>B4.1 Flora and Fauna Conservation Category 1 Land</b>		
Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities.	As assessed within the SEE, the rear of the site is mapped as being within an area of biodiversity significance. Proposed development will not directly affect these areas.	Yes
Development shall retain and enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities.	The proposed development will retain environmentally sensitive areas towards the rear of the site. Measures are proposed within the submitted information (which includes landscape plans, and Arboricultural	Yes

	Impact Assessment, a Biodiversity Development Assessment Report (BDAR) and a Biodiversity Management Plan (BMP) that will seek to maintain and enhance such areas following construction works.	
Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.	To summarise, while 14 individual trees and 2 groups of trees to be removed. Of these, 11 individual trees and 1 group of trees are exempt from protection under Section B4.22 of Pittwater 21 DCP. Proposed tree removal is proposed to mostly occur within areas of the site that will be occupied by residential allotments, and significant tree removal is not proposed within the rear areas of the site. As such, the development shall not adversely nor unreasonably affect threatened species, endangered populations or endangered ecological communities. Areas of biodiversity significance at the rear of the site will be managed in accordance with the recommendations of the BMP; this will subsequently enhance such areas, noting that that such areas are currently significantly overrun with weeds and exotic species.	Yes
Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in Native Plants for Your Garden available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.	New planting will incorporate predominantly native and locally endemic species in accordance with Council specifications. The client would be accepting of conditions governing the design of any fences to permit passage of wildlife and the prevention of pets entering habitat areas at the rear of the site.	Yes
Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.	As is also addressed within this EIS, the development will not have a deleterious impact on wetland areas at the rear of the site. Proposed development will not encroach into such areas, and stormwater systems (designed in accordance with Council specifications to mimic natural flows) will collect stormwater from the development, with any runoff/discharge to be directed to a bioretention pond at the rear of the site.	Yes
<b>B4.13 Freshwater Wetlands (non Endangered Ecological Communities)</b>		
Development in a wetlands catchment shall not adversely impact on the wetlands.	The development has been situated to avoid the natural, remnant wetland vegetation, namely the remnant Swamp Sclerophyll Forest. This remnant vegetation will be protected and enhanced post development through implementation of the BMP which	Yes

	requires intensive weed management, removal of dumped rubbish and localised revegetation with indigenous flora.	
Development shall restore or regenerate wetlands.	The BMP will guide the restoration and regeneration the wetland vegetation through intensive weed management, removal of dumped rubbish and localised revegetation with indigenous flora.	Yes
Development shall dispose of stormwater, wastewater and other drainage in a manner that will not adversely impact on wetlands.	The development will manage and collect stormwater that will not affect wetlands. Wastewater systems are not proposed as a sewer exists on site.	Yes
Development must minimise changes to the following: <ul style="list-style-type: none"> <li>local surface runoff, groundwater flows and water flow regimes to the wetland;</li> <li>temperature, salinity, chemical makeup and sediment loads;</li> <li>environmental flows; and</li> <li>patterns of inflow.</li> </ul>	The proposal includes sufficient pervious surfaces and water management systems to permit absorption and permit stormwater runoff.	Yes
Compliance with Council's Water Management for Development Policy is required.	The project engineer has designed water management systems in accordance with Council's water management specifications; refer to the information prepared by C&M Consulting Engineers.	Yes
Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.	Remnant Swamp Sclerophyll Forest at the southern end of the subject property will be retained and enhanced through implementation of the BMP. Landscape plantings throughout the residential site will include 80% locally indigenous flora, including canopy trees and nectar bearing shrubs which will allow fauna to continue to move through the subject property, from Warriewood Road to the bushland at the rear of the property.	Yes
Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species found on the site or those listed in Native Plants for your Garden on Pittwater Council website).	Suitable native and locally indigenous species have been selected from Council's recommended species lists contained within the <i>Warriewood Valley Landscape Masterplan &amp; Design Guidelines</i> and <i>Section D16 Warriewood Valley Locality</i> of Pittwater 21 DCP.	Yes
<b>B4.14 Development in the Vicinity of Wetlands</b>		
Development in a wetlands catchment shall not adversely impact on the wetlands.	The proposed development will not adversely affect local wetlands.	Yes
Compliance with Council's Water Management for Development Policy is required.	The project engineer has designed water management systems in accordance with Council's water management specifications;	Yes

	refer to the information prepared by C&M Consulting Engineers.	
Development shall provide adequate buffering to wetlands.	Adequate buffering is provided to wetlands, noting that development (other than the bioretention basin and associated works) will be located outside the creekline corridor.	Yes
Stormwater is to mimic natural conditions.	Stormwater discharge from the site will largely mimic existing conditions (i.e. stormwater will be discharged from the southeast corner of the site).	Yes
Existing wildlife corridors are to be maintained and functional habitat links provided wherever possible.	Existing corridors to the rear of the site are to be maintained.	Yes
Development shall ensure that at least 60% of any new planting incorporates native vegetation (as per species found on the site or those listed in Native Plants for your Garden on Pittwater Council website).	Suitable native and locally indigenous species have been selected from Council's recommended species lists contained within the <i>Warriewood Valley Landscape Masterplan &amp; Design Guidelines</i> and <i>Section D16 Warriewood Valley Locality</i> of Pittwater 21 DCP.	Yes
<b>B4.22 Preservation of Trees and Bushland Vegetation</b>		
<p>Authority to clear a tree or other vegetation is regulated in this plan in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 i.e. 'Vegetation SEPP'. In particular, Part 2 of the Vegetation SEPP sets out the authority to clear vegetation and Part 3 provides for Council to declare under this DCP when a Vegetation Clearing Permit may be issued for clearing of vegetation.</p> <p>However a permit under Part 3 of the Vegetation SEPP (clause 10(3)) cannot allow the clearing of vegetation that is or forms part of a heritage item or that is within a heritage conservation area, or that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity:</p> <ul style="list-style-type: none"> <li>• is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</li> <li>• would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</li> </ul>	Noted.	Yes
<p>An authority to clear vegetation is not required under the Vegetation SEPP:</p> <p>i. if it is clearing authorised by development consent i.e. a 'DA' under Part 4 of the Environmental Planning and Assessment Act 1979. Note: However this authority to clear vegetation without a permit does not extend to clearing merely because it is a part of or ancillary to</p>	Noted - Consent is required for the removal of vegetation and sought under this DA.	Yes

<p>the carrying out of exempt development (see clause 8(1) of Vegetation SEPP).</p> <p>ii. if it is clearing of a kind that is an activity authorised by an approval, or carried out by a determining authority within the meaning of Part 5 of the Environmental Planning &amp; Assessment Act after compliance with that Part.</p> <p>iii. if the clearing was an emergency firefighting act or emergency bush fire hazard reduction work within the meaning of the Rural Fires Act 1997 (the 'Act'), or bush fire hazard reduction work to which section 100C(4) of the Act applies or vegetation clearing work under section 100R of the Act.</p>		
<p>3. A Vegetation Clearing Permit is required for:</p> <p>a) Removal or cutting down of any tree over five (5) metres in height;</p> <p>b) Pruning of more than ten percent (10%) of a tree canopy.</p> <p>c) The removal or cutting down of vegetation in "Bushland".</p> <p>For the purpose of this clause "Bushland" means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation (as defined by the Local Government Act 1993).</p>	Noted - Consent is required for the removal of vegetation and sought under this DA.	Yes
<p>In applying for a Vegetation Clearing Permit, the applicant must demonstrate that any tree to be removed as part of a Vegetation Clearing Permit meets one or more of the criteria of the Removal of Tree Test in Appendix 16 (P21DCP) and the Tree Retention Assessment in Appendix 17 (P21DCP). An arborist report may be required to satisfy this requirement.</p>	Noted - Consent is required for the removal of vegetation and sought under this DA.	Yes
<p>Requirements for other Development Applications</p> <p>When a DA required for clearing vegetation the following requirements apply:</p> <ul style="list-style-type: none"> <li>• Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</li> <li>• Where the applicant demonstrates that no reasonable alternative design exists and a tree must be removed, suitable compensatory tree planting is required. Details including proposed species and the location of replacement planting are to be provided.</li> <li>• Development must also avoid any impact on trees on public land.</li> <li>• For development applications involving the construction of new buildings and works containing Classes 2-9 (BCA), the information contained in Appendix 18 (P21DCP) is to be submitted.</li> <li>• Where trees proposed to be retained may be affected by the construction of new buildings and works of</li> </ul>	<p>Impacts to vegetation have been reduced where possible by careful siting of built form and infrastructure.</p> <p>Vegetation removed only where no alternative options exist. Suitable compensatory planting provided as part of landscape scheme to offset tree removal proposed.</p> <p>No tree on public land are impacted as part of DA.</p> <p>Relevant Arboricultural information as noted within Appendix 18 submitted with DA.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>



Classes 1 and 10, a Tree Protection Plan as per Appendix 19 (P21DCP) is to be submitted.	No Class 1 or 10 building proposed as part of DA.	
<b>B6 Access and Parking</b>		
<b>B6 Access and Parking</b>		
<b>B6.3 Off-Street Vehicle Parking Requirements</b>		
For residential development (other than a dwelling house, dual occupancy, secondary dwellings, exhibition homes and rural workers' dwellings), secure bicycle storage facilities must be provided within the building at the rate of 1 bicycle rack per 3 dwellings.	<b>Number of dwellings proposed:</b> 34 <b>Number of bicycle racks required:</b> 11 <b>Number of bicycle racks proposed:</b> 12  <b>Note:</b> Additional bicycle storage is also capable of being provided within individual garages.	Yes
For Residential Flat Buildings, the following is to be provided: <ul style="list-style-type: none"> <li>At least two (2) car parking spaces per dwellings.</li> <li>Accessible parking to be provided at a rate of 3% of required parking spaces (excluding Adaptable Housing).</li> <li>Visitor parking to be provided at a rate of 1 space per 3 dwellings rounded up</li> <li>Provision must be made for garbage collection, removalist vans and emergency services.</li> <li>A vehicle wash bay is to be provided.</li> </ul> Where there are dwellings with two (2) or more bedrooms in a development, tandem parking spaces may be permitted where all of the following criteria are met: <ul style="list-style-type: none"> <li>two (2) parking spaces have been allocated per two (2) or more bedroom apartments;</li> <li>the proportion of tandem parking spaces does not exceed 10% of the total residential parking for two (2) or more bedroom units; and</li> <li>it can be clearly demonstrated that vehicles parked are directly associated to a single dwelling/unit and that such vehicles do not restrict or impede the parking, manoeuvring or access of other vehicles;</li> <li>parking spaces are to be located as close as possible to their respective dwelling;</li> <li>rows of multiple garages and long driveways, particularly those that create a "gun barrel" effect are avoided;</li> <li>visitor parking spaces are to be easily accessible and clearly marked "Visitor";</li> <li>for developments resulting in 10 or more dwellings, Control C1.18 Car/Vehicle/Boat Wash Bays also apply; and</li> <li>Parking spaces for people with disabilities must be appropriately signposted and in accordance with Australian Standard AS/NZS 2890.6-2009: Parking Facilities – Part 6: Off-street Parking for People with Disabilities.</li> </ul>	Compliance is demonstrated as follows:  <b>Required number of resident car parking spaces:</b> 68 <b>Proposed number of resident car parking spaces:</b> 68  <b>Required number of visitor car parking spaces:</b> 12 <b>Proposed number of visitor car parking spaces:</b> 13  <b>Required number of accessible car parking spaces:</b> 6 <b>Proposed number of accessible car parking spaces:</b> 6	Yes
<b>B8 – Site Works Management</b>		
<b>B8.1 Construction and Demolition - Excavation and Landfill</b>		
Excavation and landfill on any site that includes the following:	Proposed works are subject to Councils geotechnical risk management policy,	Yes

<ul style="list-style-type: none"> <li>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</li> <li>Any excavation greater than 1.5 metres deep below the existing surface;</li> <li>Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;</li> <li>Any landfill greater than 1.0 metres in height; and/or</li> <li>Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</li> </ul> <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.</p>	please refer to Geotechnical Investigation and associated forms by JK Geotechnics.	
<b>B8.2 Construction and Demolition - Erosion and Sediment Management</b>		
Erosion and sedimentation prevention measures must be installed on all sites to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.	Sedimentation and Erosion control plan has been prepared.	Yes
Erosion and sedimentation prevention measures must be installed in accordance with Managing Urban Stormwater: Soils and Construction (Landcom 2004) on the downstream side of any works undertaken on the boundary of the site or on public lands adjoining the site to prevent the migration of sediment off the site into any waterway, drainage systems, public reserves, road reserve or adjoining private lands.	Sedimentation and Erosion control plan has been prepared to the requirement of the 'Blue Book'.	Yes
Appropriate devices are to be in place at all times to prevent the migration of sediment off the site.	Refer to the submitted sedimentation and Erosion control plan.	Yes
<b>B8.3 Construction and Demolition - Waste Minimisation</b>		
Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.	Refer to the submitted Waste Management Plan.	Yes
<b>B8.4 Construction and Demolition - Site Fencing and Security</b>		
All sites are to be protected by site fencing for the duration of the works.	Refer to the submitted Waste Management Plan.	Yes
Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the <i>Roads Act 1993</i> .	Refer to the submitted Waste Management Plan.	Yes
<b>B8.5 Construction and Demolition - Works in the Public Domain</b>		

All works undertaken within the public road reserve must be protected in a manner to ensure pedestrian and vehicular safety at all times.	Noted.	Yes						
All works undertaken on site or in the public road reserve must make provision for pedestrian and traffic flow and not adverse nuisance.	Noted.	Yes						
All works undertaken on a site or in the public road reserve must make good any damage or disruption to the public infrastructure.	Noted.	Yes						
<b>B8.6 Construction and Demolition - Traffic Management Plan</b>								
For all development where either excavated materials to be transported from the site or the importation of fill material to the site is 100m <sup>3</sup> or greater, a Construction Traffic Management Plan indicating truck movements, and truck routes is to be provided and approved by Council prior to the commencement of works.	The CTMP is unable to be provided at this time as a builder has not yet been selected and specific construction processes and traffic movements are unknown. It is accepted that such a document would need to be provided to Council's satisfaction prior to the issue of a Construction Certificate.	Yes						
All transport works must not cause adverse disruption or nuisance to adjoining residences, businesses or the street system.	N/A.							
<b>Section C – Development Type Controls</b>								
<b>C1 - Design Criteria for Residential Development</b>								
<b>C1.9 Adaptable Housing and Accessibility</b>								
<b>Adaptable Housing</b>  The design of residential development shall meet the criteria of Australian Standard AS 4299:1995 Adaptable Housing as follows: <table border="1"> <thead> <tr> <th>Development</th><th>% of adaptable dwellings (rounded up)</th><th>Minimum class under AS 4299:1995</th></tr> </thead> <tbody> <tr> <td>Residential Flat Buildings,</td><td>20</td><td>Silver level of liveable housing guidelines</td></tr> </tbody> </table>	Development	% of adaptable dwellings (rounded up)	Minimum class under AS 4299:1995	Residential Flat Buildings,	20	Silver level of liveable housing guidelines	Four (4) of the thirty-four proposed apartments are to be adaptable apartments, noting that the development would meet Silver level of the Liveable Housing Guidelines in accordance with the ADG (see <b>Appendix B</b> ).	Yes
Development	% of adaptable dwellings (rounded up)	Minimum class under AS 4299:1995						
Residential Flat Buildings,	20	Silver level of liveable housing guidelines						
<b>C1.12 Waste and Recycling Facilities</b>								
All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A WMP (prepared by Dickens Solutions) has been submitted that would address all phases of the development. As indicated by the plans, waste storage facilities are to be located within the basement carpark; bins would be transferred via a dedicated lift to a temporary storage area for collection.	Yes						
<b>C1.13 Pollution Control</b>								
Residential development must be designed, constructed, maintained and used in a proper and efficient manner to prevent air, water, noise and/or land pollution.	The development has been designed to prevent any pollution or contamination of the surrounding area.	Yes						

Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.	Noted. The client would be accepting of a condition to ensure that all equipment on the site operates at levels that would satisfy relevant legislation and criteria.	Yes
<b>C1.15 Storage Facilities</b>		
Refer to the assessment of the ADG (see <b>Appendix B</b> ); storage in accordance with the ADG will be provided.		
<b>C1.17 Swimming Pool Safety</b>		
Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Able to comply and will be addressed at Construction Certificate stage.	Yes
<b>C1.18 Car/Vehicle/Boat Wash Bays</b>		
A designated wash bay is to be incorporated on the site where developments have more than ten units.	One (1) car wash bay will be provided within the basement.	Yes
The wash bay must be designed and constructed so as to not allow polluted waters to enter the stormwater drain and stormwaters do not enter the sewer.	Capable of compliance.	Yes
<b>C6 - Design Criteria for Warriewood Valley</b>		
<b>C6.1 Integrated Water Cycle Management</b>		
<b>Water Management Report and Accompanying Plans</b> The Water Management Report, submitted with the application, must demonstrate how the water cycle will be managed and integrated with the development. 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 as amended) and relevant legislation taking into account the Narrabeen Lagoon Flood Study (September 2013 as amended) and the Pittwater Overland Flow Flood Study (2013 as amended).	Refer to the Engineering Report submitted with this application. Both water quantity and quality management have been detailed.	Yes
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 (refer to "Landscape Area" in Control C6.7) are to accompany the Water Management Report.	Refer to the water management plans submitted with this application.	Yes
<b>Flooding</b> The flood levels are to be determined as part of the Water Management Report. The information to be obtained includes: <ul style="list-style-type: none"> <li>the 50% Annual Exceedance Probability (AEP) flood levels with climate change impacts including sea level rise combined with increase rainfall volume;</li> </ul>	Modelled as the 2 Year ARI event from the Narrabeen Lagoon Flood Study Climate change sensitivity test modelled using the 1% AEP +CC downstream boundary and 30% increase in rainfall volume (Figure D-1 of the submitted flood report).	Yes

<ul style="list-style-type: none"> <li>the 20% AEP flood levels with climate change impacts including sea level rise combined with increase rainfall volume;</li> </ul>	Modelled as the 20% AEP event from the Narrabeen Lagoon Flood Study Climate change sensitivity test modelled using the 1% AEP +CC downstream boundary and 30% increase in rainfall volume (Figure D-2 of the submitted flood report).
<ul style="list-style-type: none"> <li>the 1% AEP flood levels with climate change impacts including sea level rise combined with increase rainfall volume;</li> </ul>	Modelled as the 1% AEP event from the Narrabeen Lagoon Flood Study Climate change sensitivity test modelled using the 1% AEP +CC downstream boundary and 30% increase in rainfall volume (Figure D-3 of the submitted flood report).
<ul style="list-style-type: none"> <li>the Flood Planning Level (FPL) - equal to the 1% AEP flood level plus freeboard (as defined within clause A1.9 of this DCP) with climate change impacts including sea level rise combined with increase rainfall volume;</li> </ul>	FPL set as the modelled 1% AEP event + 0.5m Freeboard Climate change sensitivity test modelled using the 1% AEP +CC downstream boundary and 30% increase in rainfall volume.
<ul style="list-style-type: none"> <li>the Probable Maximum Flood (PMF) level with climate change impacts including sea level rise combined with increase rainfall volume;</li> </ul>	Modelled as the PMF event from the Narrabeen Lagoon Flood Study Climate change sensitivity test modelled using the 1% AEP +CC downstream boundary and 30% increase in rainfall volume (Figure D-4 of the submitted flood report).
<ul style="list-style-type: none"> <li>the flow velocities for the 1% AEP flood and Probable Maximum Flood with climate change impacts including sea level rise combined with increase rainfall volume; and</li> </ul>	Flow velocities modelled for a range of events based on the Narrabeen Lagoon Flood Study and presented as velocity vectors in the flood mapping figures. Flow velocities presented in Appendix A and B. Climate change impacts presented in Appendix D of the submitted flood report.
<ul style="list-style-type: none"> <li>the Flood Category and Flood Hazard Classification as defined in clause A1.9 of this DCP with climate change impacts including sea level rise combined with increase rainfall volume.</li> </ul>	Flood categorisation and flood hazard results produced using the 1% AEP results.
<ul style="list-style-type: none"> <li>Flood Hazard is classified as either Low Hazard or High Hazard.</li> </ul>	Flood categorisation and flood hazard mapping presented in Appendix A and B of the submitted flood report.
Likely flood impacts from the development must also be assessed and where required, mitigated.	Flood modelling for a range of events shows no additional adverse flood level impacts on the subject and surrounding properties for any event up to the PMF event including climate change impacts.
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 Flood Risk Management Policy	Minimum flood level requirements are obtained from the Flood Planning Level (FPL). The proposed development structure is located above the FPL and meet the requirements for development in

	accordance with the Flood Hazard and Flood Category.	
<b>Creek line Corridor</b> Creek line corridors in the Warriewood Valley Release Area are to be restored to a 'natural watercourse' that results in healthy ecosystems whilst maintaining their capacity for flood conveyance during high flows as stipulated in the Warriewood Valley Urban Land Release Water Management Specification (2001). The creek line corridors are intended to fulfil a multi-functional purpose, containing the pedestrian and cycle network.	All allotments are to be located outside of the 50m inline creek line, and will be retained as a flora and fauna habitat; no residential development is proposed within this area. An extension of the walk/cycle way will connect to the existing pathway on adjoining sites. Refer to the submitted landscape and engineering plans for further information.	Yes
The 50 metre wide Inner Creek line Corridor (25m either side of the centreline of the creek), to be brought into public ownership, is a corridor that contains the creek, floodway and flora and fauna habitat. The Inner Creek line Corridor is to be designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow plus climate change. Detailed engineered plans are to be submitted with the application depicting the creek construction.	Public ownership requirements have been noted and the Inner Creek line Corridor has been designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow plus climate change.	Yes
The 25 metre Outer Creek line Corridor (commonly known as the 'private buffer strip') to be provided on each side of the Inner Creek line Corridor is to be retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor (Lawson & Telaar, 1998). The private buffer strip is to be a multifunctional corridor, appear to be part of the public domain, and may contain: <ul style="list-style-type: none"> <li>the pedestrian path/cycleway 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 and retention of vegetation. The alignment of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists;</li> <li>water quality control ponds;</li> <li>other water quality treatment measures; and/or</li> <li>roads and other impervious areas traditionally sited in the public domain, for up to 25% of the outer Creekline Corridor area subject to merit assessment.</li> </ul>	A 25m private buffer strip has been provided on the northern side of the Inner Creek Corridor which performs the functions of water quality control and a fauna/flora corridor. The corridor also contains part of the pedestrian path/cycleway which connects to the existing pathway network to the east and west of the site and enables the retention of existing important vegetation.	Yes
Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor.	No part of the residential developments and structures are proposed within the outer creek line corridor.	Yes
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 creek line corridor area.	Refer to the landscape plan that forms part of the application package which details landscape treatment of creekline corridors.	Yes



Native groundcovers should be used as an alternative to lawn.		
<b><i>Stormwater Drainage Management</i></b> The design of the stormwater management system (quantity and quality) is to be included in the integrated water cycle management scheme for the development.	Refer to the Engineering Report submitted with this application. Both water quantity and quality management have been detailed.	Yes
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.	Refer to the Engineering Report submitted with this application. Both water quantity and quality management have been detailed.	Yes
The stormwater pipe drainage system network is to include private inter-allotment drainage systems that are 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.	Refer to the Engineering Report submitted with this application. Both water quantity and quality management have been detailed.	Yes
<b><u>Water Quality Management, Assessment and Monitoring</u></b>  All development stages are to meet or exceed the water quality acceptance criteria within the Warriewood Valley Urban Land Release Water Management Specification (2001) for site discharges. Validation of the acceptance criteria is required by water and sediment quality monitoring and reporting.  Sediment and pollution control facilities are to be designed, installed and maintained so that upon completion of construction the facilities will prevent, discourage and intercept accidental and deliberate discharge of harmful substances in Warriewood Valley waterways.	Refer to the Engineering Report submitted with this application. Both water quantity and quality management have been detailed.	Yes
<b><i>Groundwater</i></b>  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.	Preliminary testing indicates that the development is unlikely to intercept groundwater; nonetheless, the DA been lodged as integrated development pursuant to Section 91 of the <i>Water Management Act 2000</i> , and concurrence is sought from DPI&E). Refer to the documentation prepared by NG Child and Associates for further information.	
<b>C6.2 Natural Environment and Landscaping Principles</b>		
<b><i>Integration with Creekline Corridor and the Public Domain</i></b> For land adjoining creek line corridors, buffer strips and reserves, preference should be given to local species identified as food sources for native fauna. Refer to the species lists contained in the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).	Locally indigenous species have been specifically selected from the Warriewood Valley Landscape Masterplan and Design Guidelines.	Yes

<p>If the development site contains a section of Creekline Corridor, a landscape plan for the Creekline Corridor must be prepared. Details are to include:</p> <ul style="list-style-type: none"> <li>the creek and floodway, particularly the Inner Creekline Corridor, being designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow;</li> <li>a planting schedule (location, density and plant selection) to facilitate flora and fauna habitat;</li> <li>the location of the pedestrian path/cycleway within the Outer Creekline Corridor, where practicable, and above the 20% AEP flood level;</li> <li>if relevant, the location of any water quality control ponds and other water quality treatment measures;</li> <li>extensive stands of <i>Casuarina glauca</i>, and groves of <i>Eucalyptus Robusta</i> with other native feature trees, indigenous understorey and ground covers, which are to comprise a minimum of 75% of the total creek line corridor area;</li> <li>creek line interface such as details of boulder retaining walls instead of sheer block walls or steep batters; and</li> <li>the landscaping treatment of the 25 metre wide Outer Creekline Corridor to appear as part of the public domain.</li> </ul>	<p>The creek and floodway have been designed and constructed to contain the 1% Annual Exceedance Probability (AEP) flow. Planting schedule provided for creekline corridor which incorporates recommendations of the Flora and Fauna Assessments.</p> <p>The location of the pedestrian path/cycleway within the creekline corridor has been shown and is in accordance with Council's desired location/alignment. No waterway control ponds proposed.</p> <p>Existing stands of <i>Casuarina glauca</i> and <i>Eucalyptus robusta</i> to be maintained and supplemented by additional locally indigenous species through the creekline corridor.</p> <p>Existing creekline interface to be maintained as existing. Landscaping within the 25m wide outer creekline corridor presents as part of the public domain area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>The alignments of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists.</p>	<p>The alignment of the pedestrian path/cycleway is in accordance with Council's desired location/alignment and allows clear sightlines for pedestrians and cyclists.</p>	<p>Yes</p>
<p>Any part of residential lots, dwellings, garages, fences and other vertical built structures (wholly or in part) must not encroach into the 25 metre wide Outer Creekline Corridor.</p>	<p>No residential lots, dwellings, garages, fences and other vertical built structures encroach the 25-metre-wide Outer Creekline Corridor.</p>	<p>Yes</p>
<p><b>Landscaping of existing and proposed Public Road Reserves</b> 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:</p> <ul style="list-style-type: none"> <li>street trees planted within the road verge placed at 6-12 metre intervals, dependent on the plants location and species;</li> <li>species selected in accordance with the species list in the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain);</li> <li>species selected must not interfere with existing or proposed power lines;</li> <li>street trees 35-500 litre in size dependent of species and plant location;</li> </ul>	<p>Street trees provided along Lorikeet Grove planted at 10m intervals.</p> <p>All species selected have been chosen from Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain). Species selected include mature dimensions that will not interfere with any powerlines. Street trees have been specified at 75L pot size.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> <li>street trees 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 currently exists;</li> <li>where possible, all existing trees over 3 metres in height are to be retained within the road reserve areas, with consideration to health and condition. Such trees are to be protected through perimeter 1.8 metre high temporary fencing during the construction of works; and</li> <li>grassed areas are to be turfed with couch species (weed free) to a maximum 4% grade.</li> </ul>	<p>Street trees will not impede or obstruct the free passage of pedestrians along the roadway verge.</p> <p>No existing trees within the Lorikeet Grove road extension area are capable of retention.</p> <p>Areas of turf within the roadway verge do not exceed 4% grade.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Landscaped Area</b></p> <p>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.</p>	<p>Detailed Landscape plans have been submitted with the DA with species specifically selected from Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain).</p>	<p>Yes</p>
<p>Due to the smaller lot sizes anticipated in Warriewood Valley and the resultant smaller dimensions of landscaped area, areas intended for landscaping should be predominately areas of deep soil. Minor overhangs and protrusions such as Juliette balconies will be considered on merit. Planter boxes and rooftop gardens are not considered to be areas of deep soil.</p>	<p>All areas of landscaping have been provided as deep soil with the exception of some small raised planters required above the basement necessary to achieve adequate soil depth/volume for installation of soft landscaping.</p>	<p>Yes</p>
<p><b>C6.3 Ecologically Sustainable Development, Safety and Social Inclusion</b></p>		
<p><b>Designing for ESD</b></p> <p>Development should be designed and located with consideration to orientation, ventilation, topography, vegetation, microclimate, adjoining development and landscape, that incorporates:</p> <ul style="list-style-type: none"> <li>passive solar building design;</li> <li>a reduction in greenhouse gas emissions;</li> <li>opportunities to monitor consumption performance, for example through the installation of SMART metering;</li> <li>safe connections to the existing pedestrian/cycleway networks and public transport routes; and</li> <li>principles of Universal Design.</li> </ul> <p>Sub-metering of building services to enable individual tenancies to facilitate individual monitoring of consumption performance is required.</p>	<p>The RFBs have been designed to provide passive solar design and natural ventilation.</p> <p>The orientation of the Torrens allotments would enable future developments on those sites to incorporate such measures.</p>	<p>Yes</p>
<p><b>Integration of CPTED</b></p> <p>Development is designed to incorporate the following CPTED principles:</p> <ul style="list-style-type: none"> <li>Natural Surveillance</li> <li>Access Control</li> <li>Territorial Reinforcement</li> <li>Space Management</li> </ul>	<p>CPTED provisions have been incorporated, noting secure access provisions that would be provided for all apartments and basement parking areas, and that all communal areas are capable of being observed from the apartments. Through-access of the site will not be provided to the general public.</p>	<p>Yes</p>

<b>Universal Design and Adaptive Reuse</b> The principles of Universal Design must be integrated into new developments and the urban spaces surrounding, ensuring access and utility for people.	Universal design measures are adopted into the development.	Yes
Developments and the public domain, must comply with Australian Standard AS 1428:2009.1: Design for access and mobility – General requirements for access – New building work.	To comply; refer to the submitted plans for further information.	Yes
Developments should be designed and constructed to serve 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 turn, maximise the longevity of building stock.	Noted and applied	Yes
Dwellings should be flexible in their design to facilitate 'ageing in place' and change in lifecycle/circumstance. 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.	Noted and applied; four adaptable apartments are proposed.	Yes
Residential accommodation in mixed use, shop top housing, residential flat buildings and multi dwelling housing developments require the provision of adequate communal open spaces to facilitate opportunities for: <ul style="list-style-type: none"> <li>its residents to meet informally; and</li> <li>casual/passive surveillance onto these spaces.</li> </ul>	Not applicable.	N/A
The design and location of the communal open space areas must consider the likely noise impacts generated from these areas.	Noted. The communal open space is centrally located and would therefore minimise impacts to surrounding areas. Use of the swimming pool will be restricted to hours that ensure minimal disturbance to RFB residents.	Yes
<b>C6.4 The Road System and Pedestrian and Cyclist Network</b>		
<b>The Road System</b> A traffic analysis report and road plans and sections for the Sector, buffer area or development site, demonstrating that the outcomes within this control will be achieved, must be prepared by a suitably qualified professional and submitted with the application. The road plans must comply with the relevant specifications and cross sections in Council's Warriewood Valley Roads Masterplan.	A traffic analysis is presented through the contents of this report by a suitably qualified professional.	Yes
Council shall not grant consent to development on land adjoining Pittwater Road or Mona Vale Road if the development proposes vehicular access to Pittwater or Mona Vale Roads.	N/A	N/A
The design and construction of the road and pedestrian network shall, regardless of the form of subdivision and	Full pedestrian and vehicular access is provided to each lot.	Yes

future ownership of the road(s), provide full pedestrian and vehicular access and on-street parking and function as a public road network.	<p>On-street parking provision is not affected on Lorikeet Grove as it is a local road which does not require a separate on-street parking lane.</p> <p>Loss of on-street parking provision on Warriewood Road (north of Macpherson Street) will be minimised as much as possible through minimisation of driveway crossovers; the four (4) adjoining lots will have two (2) adjacent driveways to maximise on-street parking opportunities for the public.</p>	
<p><u>Design Requirements</u></p> <p>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) is to be provided with vehicular access to individual lots within the subdivision being from internal roads within that subdivision. Internal roads linking separate existing sites are to be provided.</p>	<p>Aside from individual driveways to the proposed Torrens Title allotments, an access driveway located on Lorikeet Grove will link proposed RFB development to Warriewood Road (a local collector road) via Lorikeet Grove, which links the site to Warriewood Road (a local collector road and sub-arterial road) via its intersection at the Hill Street roundabout (i.e. adjacent to the Arcare development to the southeast of the site) and via Bubalo Street to the east of the site.</p>	Yes
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 walking distance to bus stops.	Not applicable.	N/A
The street layout and design is to consider opportunities for the retention of existing significant trees within the road reserve where possible. Trees may be incorporated with small, informal spaces that provide opportunities for 'greening of the street'.	Not applicable.	N/A
All roads in Warriewood Valley must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required. All 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. The road system is to cater for adequate vehicular access for waste removal services.	<p>Traffic calming devices are not required at Lorikeet Grove as it is not an arterial or subarterial road. It is a local road which will not carry a large number of vehicles.</p> <p>The four (4) lots with the adjacent driveways on Warriewood Road (north of Macpherson Street) will not require traffic calming devices.</p> <p>As only one (1) dwelling house is proposed on each of the four (4) lots addressing Warriewood Road, there will be a low number of trips entering and exiting</p>	N/A

	Warriewood Road, thereby minimising impacts.	
Driveway locations on Sub-arterial Roads, Collector, Local and Access Streets are to consider the impact on street trees and on street parking opportunities.	No on-street parking opportunities will be lost on Lorikeet Grove due to the proposed driveway locations.  Loss of on-street parking provision on Warriewood Road (north of Macpherson Street) will be minimised as much as possible. The four (4) adjoining lots will have two (2) adjacent driveways which will ensure maximum on-street parking opportunities.	Yes
<b><i>Subdivision adjoining an existing public road</i></b> 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 wide footpath or a minimum 2.1m wide where a cycleway is required).	Complies; refer to the submitted plans for further information.	Yes
All works associated with the intersection treatment (except those identified under the Warriewood Valley Section 94 Development Contributions Plan as amended) and any works within the public road reserve are to be carried out at full cost to the developer.	Noted.	-
<b><i>Pedestrian and Cyclist Network</i></b> A pedestrian and cyclist network is to be provided in accordance with the Warriewood Valley Landscape Masterplan & Design Guidelines (Public Domain).  The pedestrian/cycleway link should be located off road, where practical. Where a pedestrian/cycleway link is located in: <ul style="list-style-type: none"> <li>a public reserve, the minimum width is 2.5 metres; and</li> <li>the road verge adjacent to the road carriageway, the minimum width is 2.1 metres.</li> </ul>	The location of the pedestrian path/cycleway within the creekline corridor has been shown on the submitted landscape plans and is in accordance with Council's desired location/alignment and minimum widths.	Yes
The location of the pedestrian path/cycleway is variable within the creek line corridor to ensure connectivity with existing sections of the path and facilitate retention of vegetation so long as the pedestrian path/cycleway is 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 alignment of the pedestrian/cycleway network must provide adequate sightlines for cyclists.	The path of the cycleway varies to connect to that on surrounding sites.	Yes
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 location for this infrastructure.	Refer to the submitted plans.	Yes



The pedestrian/cycleway network must be accompanied by appropriate landscaping and vegetation. Details of the proposed landscaping and vegetation must accompany any development application.	Refer to the submitted plans.	Yes
<b><i>Approval for works on the public road reserve under Section 138 of the Roads Act 1993</i></b> Any new road, regardless of ownership, connecting to the existing public road network, will require separate approval from Pittwater Council as the Roads Authority under the <i>Roads Act 1993</i> .	Noted; such approval will be sought at the Construction Certificate stage.	Yes
<b><i>Access Driveways</i></b> Driveways shall be designed and constructed to: <ul style="list-style-type: none"> <li>• provide safe access and reduce the impacts of stormwater run-off to any public land;</li> <li>• the minimum practical pavement width needed to facilitate access and turning movements; and</li> <li>• minimise the area of impervious pavement within the land.</li> </ul> The cost for Access Driveways construction and maintenance and adjustment of any utility service is the responsibility of the Applicant.	Complies in terms of safe access.  Complies.  Complies.	Yes

<p><u>Access Driveway Location</u></p> <p>Access Driveways shall be designed and located to provide adequate sight distance to maximise pedestrian and vehicular safety as follows:</p> <ul style="list-style-type: none"> <li>• minimum clear distance along the road frontage edge of kerb of 50 metres for 40 and 50 km/h speed limit roads measured from a point on the centreline of the driveway 2.5 metres from the face of kerb; and</li> <li>• minimum clear distance along the frontage footway of 5 metres, measured from a point on the centreline of the driveway 2.5 metres from the edge of footway area closest to property boundary.</li> </ul>	<p>Complies.</p> <p>Complies.</p>	<p>Yes</p>									
<p>Ancillary structures within the public road reserve may be considered where the intended purpose is to structurally support the access driveway only however, encroachment into the road reserve is to be minimised. Suspended driveways must not use the existing road structure for support.</p>	<p>N/A</p>	<p>N/A</p>									
<p><u>Access Driveway design, widths and profiles</u></p> <p>The maximum width of an Access Driveway for dwelling houses, dual occupancies and secondary dwellings shall be as follows:</p> <table border="1" data-bbox="159 976 820 1207"> <tr> <th>Building line to boundary</th><th>Minimum Width at Boundary</th><th>Width at kerb</th></tr> <tr> <td>Nil to 3.5m</td><td>3m</td><td>Width at boundary plus 0.5m</td></tr> <tr> <td>Greater than 3.5m to 6.5m</td><td>4m</td><td>4.5m</td></tr> </table>	Building line to boundary	Minimum Width at Boundary	Width at kerb	Nil to 3.5m	3m	Width at boundary plus 0.5m	Greater than 3.5m to 6.5m	4m	4.5m	<p>All driveway widths will comply with AS/NZS 2890.1:2004 and AS 2890.2-2018</p>	<p>Yes</p>
Building line to boundary	Minimum Width at Boundary	Width at kerb									
Nil to 3.5m	3m	Width at boundary plus 0.5m									
Greater than 3.5m to 6.5m	4m	4.5m									
<p>Access Driveway profiles shall conform to the profiles as illustrated in Appendix 10 - Driveway Profiles. The Access Driveway is to be structurally adequate for its intended use. All structural elements within the road reserve must be certified by a Structural Engineer. In addition, where the land is identified on the Landslip Hazard Map, the design of all structural elements must satisfy the Landslip Hazard Controls.</p>	<p>All driveway profiles will comply with AS/NZS 2890.1:2004 and AS 2890.2-2018</p>	<p>Yes</p>									
<p>Access Driveways are to be in accordance with:</p> <ul style="list-style-type: none"> <li>• Australian Standard AS/NZS 2890.1-2004: Parking Facilities Part 1: Off-Street Car Parking.</li> <li>• Australian Standard AS/NZS 2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities except as qualified in this control.</li> </ul>	<p>Access driveways will be constructed in accordance with all relevant standards.</p>	<p>Yes</p>									
<p>Turning movements are to be in accordance with the turning paths for a B85 vehicle (Australian Standard AS/NZS 2890.1-2004: Parking Facilities - Part 1: Off-Street Car Parking).</p>	<p>Complies with AS/NZS 2890.1:2004</p>	<p>Yes</p>									

<p>Provision is to be made for vehicles to enter and leave the site in a forward direction, where:</p> <ul style="list-style-type: none"> <li>the internal driveway grade exceeds 1:4 (V:H);</li> <li>the land abuts a roadway subject to high pedestrian use (e.g. School, Commercial Centre); and/or</li> <li>driveways are more than 30m in length.</li> </ul> <p>Access Driveways are to match in with adjacent constructed footpaths or alternatively adjacent constructed footpaths are to be adjusted to provide a continuous surface with no trip points with a maximum 1:14 (V:H) transition.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p>	Yes
<p><u>Access Driveway Construction and Finishes</u></p> <p>All Access Driveways shall be constructed with an impervious pavement and gutter crossing construction.</p>	Proposed and capable of compliance at the Construction Certification stage.	Yes
Gutter crossings are to be in plain concrete.	Proposed and capable of compliance at the Construction Certification stage.	Yes
Access Driveways are to be either in plain concrete or a cosmetic finish consisting of concrete, asphaltic concrete or paver construction in dark earthy tones, (Cosmetic Access Driveways on a public road reserve are subject to a Deed of Agreement releasing Council in respect to liability and damage to the driveway by any means).	Proposed and capable of compliance at the Construction Certification stage.	Yes
Where retaining walls and structures are visible from a public place, preference is given to the use of textured finishes of dark earthy tones or sandstone-like finishes.	Capable of compliance at the Construction Certification stage.	Yes
<b>C6.5 Utilities, Services and Infrastructure Provision</b>		
New development including the creation of new allotments is to be fully serviced by electricity, reticulated water and sewer, gas and communications.	The site is already serviced by all necessary infrastructure, and would be provided to all allotments and dwellings within the development.	Yes
All services, including telecommunications and cable television, are to be provided underground, within the road reserve (proposed and/or existing) and on the development site itself including lots being created by the subdivision. The undergrounding of the services is at the full cost to the developer.	Underground of infrastructure within the Warriewood Road road reserve is proposed.	Yes
Common trenching of services is encouraged, and consideration must be given to the location of underground services and landscape planting.	Common trenching is proposed where necessary.	Yes
All development is to be designed and constructed to allow internal access for telecommunications, intelligent lighting and home automation facilities from underground street electrical and telecommunications cabling without costly retro-fitting. Buildings are to be designed to enable sufficient riser capacity and sufficient space within ceilings to permit connection to a central point for communications wiring for televisions, telephones, satellite, computers and burglar alarms. Consideration should be given to the provision of a	To comply where required.	Yes

"patch panel" in dwellings. This is a central point for communications wiring with conduits to various points such as living rooms and bedrooms.		
Infrastructure integral to the development must take into consideration that the water management facilities and the internal road network are likely to remain in private ownership, including access arrangements and lifecycle costs associated with the maintenance and management of the infrastructure.	Noted and factored into the water management facilities.	Yes
Infrastructure required for the development not listed in the Warriewood Valley Section 94 Plan, is to be provided by the proponent and will not be subject to credit against the developer contributions payable to Council. This includes works within Council's (existing or proposed) public road reserve.	Noted.	Yes
<b>C6.6 Interface to Warriewood Wetlands or non-residential and commercial/industrial development</b>		
<b>Development adjoining Warriewood Wetlands</b> A minimum setback of 15 metres (buffer strip) is to be provided between any development and the Warriewood Wetlands.	Development does not adjoin Warriewood Wetlands.	N/A
Landscaping is to be in accordance with the requirements specified in this control.	Development does not adjoin Warriewood Wetlands.	N/A
<b>Landscape treatment of the Buffer Strip</b> The buffer strips are to be extensively landscaped and where possible should incorporate: <ul style="list-style-type: none"> <li>landscaped mounds with mass plantings of native trees and shrubs in suitable locations;</li> <li>planting should consist of a framework of locally indigenous canopy trees with native shrubs and groundcovers;</li> <li>native groundcovers should be used as an alternative to lawn; and</li> <li>the buffer strips are to contain pedestrian/cycleway paths, with vandal-resistant solar lighting which allow for casual surveillance of the path from adjacent buildings.</li> </ul>	Development does not adjoin Warriewood Wetlands.	N/A
A landscape plan for the buffer strip 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.	Development does not adjoin Warriewood Wetlands.	N/A
<b>C6.7 Landscape Area (Sector, Buffer Area or Development Site)</b>		
Where a sector, buffer area or development site has a frontage to a creek, a minimum 35% of the site area is to be landscaped area.	Landscaped area 37.5% provided.	Yes
The minimum landscaped area directly impacts on site storage requirements for the overall water cycle management of a sector, buffer area or development site	Impervious area >50% provided.	Yes

based on the Warriewood Valley Urban Land Release Water Management Specification (2001). This policy assumes 50% impervious area for a sector, buffer area or development site, therefore the Water Management Cycle model must account for the quantum of built upon area. Where the proposal's impervious area exceeds 50%, a reassessment of the site storage requirements should be undertaken and measures to address the difference must be clearly outlined.		
Landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table to reduce stormwater runoff, promote the healthy growth of large trees with large canopies and protect existing mature trees. Deep soil areas are areas of soil unobstructed by buildings or structures above or below the ground. The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation.	Landscaped areas are predominantly deep soil with the exception of some small raised planters required above the basement necessary to achieve adequate soil depth/volume for installation of soft landscaping.	Yes
<b>C6.8 Residential Development Subdivision Principles</b>		
Lots should be rectangular. Where lots are irregular in shape, they are to be large enough and orientated appropriately to enable a future dwelling to meet the controls in this DCP.	Except for some angled front and rear boundaries (which are due to the existing road alignments), all Torrens Lots are to be regularly shaped. The orientation, area and dimensions of those lots would enable future development to be in accordance with Council requirements.	Yes
In instances where the permitted maximum dwelling yield for the sector, buffer area or development site is to be achieved, the retention of existing dwellings on large lots greater than 500m <sup>2</sup> , particularly along Warriewood Road, is not desired as it is not in keeping with the desired future character and limits the ability to achieve the adopted density. Lots suitable for housing typologies that reflect the streetscape character of existing housing on the opposite side of Warriewood Road, for example dual occupancies (attached or detached), should be sited fronting Warriewood Road.	Existing dwellings are to be demolished; approval will be sought by a separate consent.	Yes
Lots less than 225m <sup>2</sup> in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that: <ul style="list-style-type: none"> <li>rear access is not practical due to the size or shape of the development site; or</li> <li>there will be no adverse impact on streetscape amenity and on-street parking.</li> </ul>	Not proposed.	N/A
The minimum width of a rear loaded lot is to be 4.5 metres.	Not applicable.	N/A
Where dwellings front two roads, dwellings are to present to the higher street classification and are to reflect the streetscape character of the higher street classification. Appropriate presentation to the higher street classification is to include a front door, front entry articulation such as a porch, letterbox and direct pedestrian access to the higher street classification from the dwelling. A front building setback is also applicable.	No corner allotments are proposed, noting that side boundaries of proposed lots 3 and 4 address a driveway access point, and not a public road.	N/A

<b><i>Subdivision of existing small and narrow lots</i></b> 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.	The three buffer zones are to be amalgamated to provide a combined frontage of 83.78 metres.	Yes
Through site amalgamations however there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.	As above.	Yes
Sectors, buffer areas and development sites with an effective lot width less than 60 metres should ideally pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.	As above.	Yes
<b><i>Lot Diversity Requirements</i></b> A range of residential lot types (varying in area, frontage, depth and access) should be provided to ensure a mix of housing types and dwelling sizes.	All residential allotments proposed different areas and dimensions.	Yes
With the exception of development applications for an Integrated Housing development (refer to control C6.9 Residential Land 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. If the application is to be staged and a single stage does not demonstrate that not more than 40% of the lots are the same lot type, an indicative plan of the remaining lot types proposed under the remaining stages is to be submitted, indicating compliance with the above.	The proposal is a mix of integrated housing and undeveloped allotments. As indicated above, the 11 proposed Torrens allotments are to contain different areas and dimensions to facilitate a range of dwelling designs and sizes.	Yes
Lot type is determined by lot width. Lot width is measured from one side boundary to the other at the primary street front building line not including access handles. Lots of different lot types must have to have a difference in their lot widths of at least 2 metres.	Noted. Proposed lot widths are to vary between 9 and 21.85 metres.	Yes
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 visually dominated by garages and to reasonably optimise on street parking opportunities.	Not proposed.	
<b><i>Titling arrangements</i></b> The design of the subdivision must consider the future ownership, access and management of the internal road network, water management facilities and any other infrastructure associated with the development that, in turn, informs the form/type of subdivision proposed.	The super lot is to be strata subdivided while the standalone allotments are to be Torrens Titled.	Yes



Details of proposed requirements for services and infrastructure, including garbage collection and emergency services, access and maintenance necessary for the subdivision to function are to accompany the development application.	Documentation showing access and waste collection considerations have been submitted with this DA package.	Yes
<b>Additional requirements for specific development types</b> <u>Residential Flat Buildings and Multi-dwelling housing</u>		
The minimum dimensions of a lot proposed to contain a residential flat building (but not multi dwelling housing) is 30 metres in any direction.	The site would provide minimum 75.76m dimensions.	Yes
Residential Flat Buildings and Multi Dwelling Housing developments with 10 or more dwellings are to provide at least: <ul style="list-style-type: none"> <li>• 10% studio apartments/units;</li> <li>• 10% 1 bedroom apartments/units; and</li> <li>• 10% 2 bedroom apartments/units.</li> </ul>	34 dwellings are proposed. 20 (i.e. 59%) apartments would contain four bedrooms and 14 (i.e. 41%) would contain three bedrooms. <p>It should be noted that the proposed RFBs are not 'traditional' type flat building, in that two of the three storeys contain two-storey terrace style apartments (as opposed to a development containing a range of smaller apartments).</p> <p>It is intended that the overall subdivision (i.e. both the RFBs and future allotments on the Torrens lots) would provide family dwellings in a range of configurations as follows:</p> <ul style="list-style-type: none"> <li>• Detached dwellings (i.e. on the Torrens lots),</li> <li>• Terrace-style dwellings, and</li> <li>• Apartments.</li> </ul> <p>Such family living arrangements are reflected by the large size of the terrace dwellings and the oversized private open space areas. Such development is also unique within this area, noting that other subdivisions within the release area north of Narrabeen Creek contain development that consists predominately of attached/detached dwelling houses and RFBs.</p> <p>The proposal subsequently provide additional housing choice to families moving to the area. Further, it should be noted that other approved RFB developments within release areas north of Narrabeen Creek have already provided a substantial number of one and two-bedroom apartments as follows, examples include:</p> <ul style="list-style-type: none"> <li>• DA2018/0607, which included 2 x 1-bedroom apartments and 8 x 2-bedroom apartments, and</li> <li>• DA2018/1826, which included 4 x 1-bedroom apartments and 22 x 2-bedroom apartments.</li> </ul>	No

	<p>There are subsequently a large number of smaller apartments within the immediate surrounding area that cater to smaller households (noting that RFB developments within wider area to the south of Narrabeen Creek also provide smaller apartments).</p> <p>With regard to the above, and noting that the relevant outcomes of the controls are satisfied, the variation is considered to have merit and is worthy of support.</p>	
<b>C6.9 Residential Land Subdivision Approval Requirements</b> In the context of the DCP, the proposal would form 'integrated' development, in that it proposes residential development on some of the allotments. The submitted documentation is in accordance with the 'Pathway 2' controls where relevant, and would subsequently satisfy the provisions within this section of the DCP.		
<b>C6.10 Additional Specifications for development of Buffer Area 1a to 1m</b>		
<b><i>Subdivision and lot layout</i></b>  Individual buffer sectors with effective lot widths less than 60 metres should pursue opportunities for amalgamation to facilitate orderly planning and development outcomes and the efficient use of land. The Indicative Layout Plan included further in this control identifies Council's preferred site amalgamations.	The three existing allotments are to be amalgamated to provide a combined frontage of 83.78 metres. The lots to be amalgamated are dictated by development of adjoining allotments to the east and west of the site.	Yes
Denser housing typologies, including Residential Flat Buildings and Multi Dwelling Housing, should be located on the north eastern side of Lorikeet Grove, in close proximity to the creek line corridor.	The RFBs are to be located on the northern side of Lorikeet Grove. These buildings are to be centrally located within the proposed super lot and will therefore not adjoin Lorikeet Grove. Whilst the RFBs would not directly adjoin the road reserve, apartment at the southern end of both buildings would be capable of observing the road approach to the super lot and associated communal area, while dwellings on Torrens Lots to the south of the RFBs would be capable of overlooking the Lorikeet Grove road reserve.	Yes
Where it is not possible to align Lorikeet Grove directly along the creek line corridor, Residential Flat Buildings and Multi Dwelling Housing products should be proposed adjoining these areas which will facilitate casual surveillance.	See above.	Yes
Lots suitable for housing typologies that reflect the streetscape character of existing housing on the opposite side of Warriewood Road, for example dual occupancies (attached or detached), should be sited fronting Warriewood Road. The retention of existing dwellings on lots greater than 500m <sup>2</sup> in size along Warriewood Road is not desired as it is not in keeping with the future desired character and limits the ability to achieve the adopted density.	Large (i.e. 609m <sup>2</sup> ) Torrens lots capable of accommodating large detached dwellings would be located adjacent to Warriewood Road. Such lot typologies would reflect that of existing development on both sides of Warriewood Road.	Yes

<p><u>Access Arrangements</u></p> <p>Lorikeet Grove extension is to traverse Buffer Areas 1a to 1l, and be:</p> <ul style="list-style-type: none"> <li>designed and constructed as a Local Road under the Warriewood Valley Roads Masterplan and comply with the specifications and cross section; and</li> <li>generally in accordance with the alignment of Lorikeet Grove on the Indicative Layout Plan below.</li> </ul>	<p>Noted and applied. The layout of the road corridor is dictated by the road extensions on both adjoining allotments</p>	<p>Yes</p>
<p>A maximum of two new public roads are to directly connect to Warriewood Road and Lorikeet Grove. Each new connection road is to comply with the specifications and cross section for a Local Road under the Warriewood Valley Roads Masterplan, as amended. One road connection is to be located across the boundaries of Buffer 1g, 1h and 1i. The second road connection is to be located within Buffer 1l, adjacent to Hill Street. The traffic management device for both proposed road intersections with Warriewood Road is to be in accordance with the Indicative Layout Plan contained further within this control.</p>	<p>The proposal is not consistent with the indicative layout plan, in that a roadway connecting Warriewood Road to Lorikeet Grove would not be located within the boundaries of the subject site. It should be noted that the indicative road layout envisions the amalgamation of 41, 43, 54 and 49 Warriewood Road, however 41 Warriewood Road has already been separately developed.</p> <p>The constructed subdivisions approved at 25, 41 and 85 Warriewood Road have all included the construction of full/half width roads; three roads connecting Warriewood Road and Lorikeet Grove have therefore already been constructed. If the construction of an additional (i.e. fourth) through-road within the subject site were proposed, it would create a second full-width road intersection within a 120-metre section of Warriewood Road. It is therefore submitted that the proposed layout is suitable for both the proposed subdivision and the locality more broadly, and is supported by the traffic assessment submitted as part of this application.</p>	<p>Yes</p>
<p>The number of driveways along Warriewood Road is to be minimised. This can be achieved through shared driveways for dwellings that front Warriewood Road.</p>	<p>Two (2) adjacent driveways have been proposed for the four (4) lots with a frontage to Warriewood Road</p>	<p>Yes</p>
<p>All other access roads within Buffer Areas 1a to 1l must be designed with traffic calming devices to lower vehicle speeds, which may incorporate pavement treatment and enhanced landscaping. The provision of safe crossing areas is required.</p>	<p>The subject site is within buffer area 1g.</p> <p>Traffic calming devices will not be required at Lorikeet Grove as it is not an arterial or subarterial road (i.e. it is a local road which will not carry a large number of vehicles).</p> <p>The adjacent driveways with a frontage to Warriewood Road (north of Macpherson Street) will not require separate traffic calming devices. As only one (1) dwelling house is proposed on each of the four (4) lots, there will be a low number of trips entering and exiting Warriewood Road which will not result in any discernible traffic impacts.</p>	<p>Yes</p>

No new vehicular access including driveways, is permitted onto Macpherson Street to ensure a safe approach to the bridge across Narrabeen Creek.	Not applicable.	N/A
A traffic analysis report will need to accompany any subdivision Development Application, taking into account the new East-West connection of Lorikeet Grove, and if applicable, the new North-South connections with Warriewood Road. Where the access arrangements have not been constructed in a timely manner, the construction of temporary roads may be permitted to enable the isolated property to develop ahead of the required roads being constructed. This will be assessed on a merit basis.	<p>A traffic and parking analysis is provided; refer to the traffic and parking report prepared by TEF consulting and submitted with this DA.</p> <p>Vehicular access to the RFB development is to be provided via Lorikeet Grove, which links the site to Warriewood Road (a local collector road and sub-arterial road) via its intersection at the Hill Street roundabout (i.e. adjacent to the Arcare development to the southeast of the site) and via Bubalo Street to the east of the site.</p> <p>As currently-vacant sites further to the west of the subject site are progressively subdivided, additional links will be provided to Warriewood Road via Lorikeet Grove, Brands Lane and Bella Vista Court.</p> <p>The construction of temporary roads is therefore not required.</p>	Yes
<p><b>Location of Pedestrian and Cycleway Network</b></p> <p>The alignment of the pedestrian and cycleway network is to be generally in accordance with the Indicative Layout Plan below.</p>	<p>The location of the pedestrian path/cycleway within the creekline corridor has been shown on the submitted landscape plans and is in accordance with Council's desired location/alignment and minimum widths.</p>	Yes
<b>Section D – Locality Specific Development Controls</b> <b>D16 – Warriewood Valley Locality</b>		
<b>D16.1 Character as viewed from a public place</b>		
<p><b>Presentation to a public place</b></p> <p>For the purpose of this control “public places” is considered to be areas within the public domain that are accessible to the general public, and may include roads and streets, the creek line corridor, parks and reserves.</p>	Noted.	-
The facades of buildings presenting to any public place must address these public places, provide visual interest, have a street presence and incorporate design elements (such as roof forms, textures, materials, arrangement of windows, modulation, spatial separation, landscaping etc.) that are compatible with any design themes existing in the immediate vicinity. Blank facades that front public places are not supported.	The RFBs will contain a variety of finishes, textures and high levels of articulation. Whilst consistent with build element controls, it is worth noting that the RFBs will also be heavily screened from the public domain by development on surrounding allotments and the future development on the proposed Torrens title allotments.	Yes
<p>Building function is to be expressed by the facade. Any building facade and front setback to a public place must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>pedestrian entry feature including a footpath;</li> <li>awnings or other features over windows;</li> </ul>	The RFBs do not directly address the public domain, however the ends of both buildings will contain contrasting finishes and architectural treatments.	Yes

<ul style="list-style-type: none"> <li>front entry feature or portico that highlights the location of the front door;</li> <li>front feature balconies on upper floors; and</li> <li>gables, dormer windows or the like that provide architectural interest to the roof form, visible from the street.</li> </ul>		
Clear visual connection must be achieved between the public place and the front setback/front façade of the building.	Clear visual connection from the public domain is provided.	Yes
Walls without articulation shall not have a length greater than 8 metres to any street frontage.	No unarticulated elements longer than 8 metres are proposed.	Yes
The bulk and scale of buildings must be minimised.	The RFBs have been designed to comply with height, bulk and scale metrics when measured from finished ground levels.	Yes
Landscaping is to be integrated with the building design to screen and soften the visual impact of the built form. The height and scale of the landscaping in the setback area to the public place must be proportionate to the height and scale of the building.	Complies; refer to the landscape plans accompanying this application.	Yes
<b><i>Concealment of building plant or communications equipment, services and servicing areas</i></b>  General service facilities must be located underground or suitably concealed.	Services are to be located underground.	Yes
Stormwater, sewer, gas, electrical or communication service pipe or conduit should not be visible from the public place including building facades (and balconies/carpark entry points) visible to any public place.	To comply.	Yes
Plant and equipment boxes, air conditioning units and lift over-runs are to be integrated internally into the design fabric of the built form of the building. All noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar are to be located and designed to protect the acoustic privacy of workers, residents and neighbours. The location of air conditioning units shall be indicated on development assessment plans for approval at the time of Development Application lodgement. Council does not encourage air conditioning units on the roof of development.	As indicated with the accompanying clause 4.6 variation request (see <b>Appendix A</b> ), the lift overruns would protrude the roofs, however they would be centrally located with the building and are lower than the adjacent 'steps' in the roof. The overruns would therefore not be visible from the public domain. All other plant equipment is to be internalised.	Yes
Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened from public view.	To comply.	Yes
Open and external storage areas, service/loading areas and garbage storage areas are to be screened from view from any public place and should not encroach on parking areas, driveways or landscaped areas.	Temporary bin storage/collection areas would be located between the southern end of Block D and the southern boundary of the super lot, and as such would be screened from the public domain.	Yes

External storage areas are not to interfere with the amenity of the locality due to smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, or otherwise.	The temporary storage area will have no impact on the amenity of surrounding areas.	Yes																		
<b>Parking structures presentation</b>  Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.	All parking areas to be located within the basement.	Yes																		
<b>16.5 Landscaped Area for Newly Created Individual Allotments</b>																				
<b>Minimum Landscaped Area Requirements</b>  The total landscaped area on individual allotments is to be in accordance with the following requirements: <table border="1"> <thead> <tr> <th>Residential Development</th><th>Minimum of site area (%)</th><th>Minimum dimensions (m)</th></tr> </thead> <tbody> <tr> <td>Residential Flat building</td><td>25</td><td>3m (at ground level)</td></tr> <tr> <td>Multi-dwelling housing</td><td>25</td><td>3m</td></tr> <tr> <td>All other dwellings on lots less than 9m wide</td><td>25</td><td>3m</td></tr> <tr> <td>All other dwellings on lots 9m to 14m wide</td><td>35</td><td>4m</td></tr> <tr> <td>All other dwellings on lots greater than or equal to 14m wide</td><td>45</td><td>4m</td></tr> </tbody> </table>	Residential Development	Minimum of site area (%)	Minimum dimensions (m)	Residential Flat building	25	3m (at ground level)	Multi-dwelling housing	25	3m	All other dwellings on lots less than 9m wide	25	3m	All other dwellings on lots 9m to 14m wide	35	4m	All other dwellings on lots greater than or equal to 14m wide	45	4m	<b>Superlot area:</b> 7,048m <sup>2</sup> <b>Required landscape area:</b> 25%, or 1,751m <sup>2</sup> <b>Proposed landscape area:</b> 1,787.25m <sup>2</sup> (2504%), inclusive of minimum areas.  If minimum dimensions were excluded, then 2,228.03m <sup>2</sup> (i.e. 31.6%) of the site would consist of soft/landscaped areas. Further, as indicated above the super lot would provide 1,370.16m <sup>2</sup> (i.e. 19.4%) of deep soil area, which is well in excess of the minimum 7% requirement. Further, it is important to note that these calculations include spaces within the laneway access to Warriewood Road and the access handle-type driveway; while they would contribute to the overall site area, the dimensions of these areas would not be capable of accommodating 3 metre dimensions in both directions. As such, the layout of the super lot satisfies the outcomes of the control.  The Torrens Lots are to be developed at a later stage, though the lot areas and dimensions would enable compliance with these requirements.	No
Residential Development	Minimum of site area (%)	Minimum dimensions (m)																		
Residential Flat building	25	3m (at ground level)																		
Multi-dwelling housing	25	3m																		
All other dwellings on lots less than 9m wide	25	3m																		
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All other dwellings on lots greater than or equal to 14m wide	45	4m																		
<b>Landscaping Requirements</b> General landscaping requirements include: <ul style="list-style-type: none"> <li>The minimum depth of the landscaped area within the front setback is to be in accordance with the dimensions specified in control D16.6 Front building lines.</li> <li>The infiltration of rain water into the water table to reduce stormwater runoff should occur and where possible, development should facilitate the retention of existing trees and vegetation, as well as provide opportunities for new canopy tree planting.</li> <li>Basement car parking should be contained within the building footprint to maximise areas for deep soil planting.</li> <li>At the time of planting, trees are to have a minimum container size of 45 litres, complying with the requirements of Specifying Trees: A Guide to Assessment of Tree Quality (Natspec, 2003).</li> </ul>	The site does not contain a traditional 'front' setback area.  The basement carpark level has been retained with the building footprints above where possible. The size of landscaped areas would enable infiltration into the water table.  Vegetation within areas to be occupied by the proposed allotments and road corridor extension consist mostly of weeds/exotic species. Proposed landscaping treatment are to consist predominantly of locally endemic species.	Yes																		





<ul style="list-style-type: none"> <li>Understorey plant species, in conjunction with the tree planting, are to screen 50% of the built form when viewed from the street after five (5) years from the date of issue of the occupation certificate. In order to achieve this, all understorey planting is to have a minimum container size of 200mm at the time of planting. Consideration shall be given to the appropriate use of exotic shrub planting at a maximum of 30% of the total shrub schedule.</li> <li>Council encourages the retention and replanting of existing endemic tree species. All replacement trees shall be indigenous to the local area (refer to Warriewood Valley Landscape Masterplan &amp; Design Guidelines (Public Domain)), and where suitable, shall be habitat trees for endangered fauna. Applicants are encouraged to retain and protect areas of each site in their natural state.</li> </ul>		
<p><b><i>Landscape plan preparation</i></b></p> <p>All Development Applications, except for interior works, must include a landscape plan prepared in accordance with Appendix 9 - Landscaping and Vegetation Management. The landscape plan is to illustrate the design intent of the landscape proposal and its relationship to the architectural, civil and hydraulic design. The landscape plan shall include (but not be limited to) the following information:</p> <ul style="list-style-type: none"> <li>existing site information: site boundaries, fences, underground and overhead services, easements, drainage and rights-of-way;</li> <li>existing vegetation to be retained or removed, as co-ordinated with an Arborists Report;</li> <li>the proposed architectural layout, and any impact on the landscape proposal, including existing and proposed finished ground levels;</li> <li>the proposed civil layouts, including road, driveways, footpaths, cut and fill, parking areas that may impact on landscape proposals, including existing and proposed finished ground levels;</li> <li>proposed services that may impact on landscape proposals;</li> <li>proposed drainage design, including location of stormwater lines, pits, water detention systems and overland surcharge paths;</li> <li>proposed surface treatment to all landscape and open space areas, including hard and soft treatments. The landscape plan must illustrate the extent of items such as paving, podiums, retaining walls, fencing, paths, decks, stairs, lighting, garden beds, lawns and the like, including existing and proposed ground levels;</li> <li>planting design including layout of the proposed design, featuring trees, shrubs and groundcovers. The plan must contain a schedule of plant species to be used, including quantities and pot sizes for all planted areas. The plant schedule is to include the botanical name, quantities, pot sizes, plant spacing, staking and mature size;</li> <li>all proposed trees are to be a minimum planted size of 45 litres;</li> </ul>	<p>Refer to the landscaping package and arboricultural assessment prepared by CPS for further information on compliance with these controls. Such documents have been prepared with regard to other consultant reports submitted with this application.</p>	<p>Yes</p>

<ul style="list-style-type: none"> <li>all proposed shrubs are to be a minimum planted size of 200mm pot;</li> <li>standard construction and detail drawings such as sections through mass planting beds, street tree planting details and retaining wall details; and</li> <li>the landscape plan shall be illustrated at a minimum scale of 1 to 200.</li> </ul>		
<b>D16.6 Front building lines</b>		
<p>The following minimum front building lines shall apply:</p> <p><b>All development fronting Warriewood Road, Garden Street and Macpherson Street.</b></p> <ul style="list-style-type: none"> <li>Minimum front setback to articulation zone (metres) from front boundary: 5m</li> <li>Minimum front setback to garage/carport (metres) from front boundary: 6.5m</li> <li>Minimum front setback to dwelling (metres) from front boundary: 6.5m</li> </ul> <p><b>All other dwellings but not Residential Flat Buildings or Multi Dwelling Housing fronting all other streets.</b></p> <ul style="list-style-type: none"> <li>Minimum front setback to articulation zone (metres) from front boundary: 1.5m</li> <li>Minimum front setback to garage/carport (metres) from front boundary: 4m</li> <li>Minimum front setback to dwelling (metres) from front boundary: 3m</li> </ul> <p><b>Residential Flat Buildings or Multi Dwelling Housing fronting all other streets other than Warriewood Road, Garden Street and Macpherson Street.</b></p> <ul style="list-style-type: none"> <li>Minimum front setback to articulation zone (metres) from front boundary: 3m</li> <li>Minimum front setback to garage/carport (metres) from front boundary: 4.5m</li> <li>Minimum front setback to dwelling (metres) from front boundary: 4.5m</li> </ul>	<p>The site does not contain a 'front' setback area as the super lot (excluding the access handle) would not directly address a road frontage. For reference however, at its closet points the RFBs would be set back at least 4 and 7 metres from the northeast and southwest boundaries respectively.</p>	Yes
<b>D16.7 Side and rear building lines</b>		
<p>The minimum side and rear building lines are subject to the incorporation of landscaping required under this DCP and adequate separation distances between buildings.</p>	<p>Noted. Landscaping is to be incorporated within setback areas, and sufficient separation is to be provided; see below.</p>	Yes
<p>In certain circumstances, setbacks greater than the minimum requirements detailed in the table below may be necessary to retain significant vegetation or to provide acceptable separation to the adjoining existing development.</p>	<p>Noted.</p>	-
<p>Required setbacks:</p> <ul style="list-style-type: none"> <li>Side setbacks: Minimum 3 metres</li> <li>Rear setbacks: Minimum 3 metres</li> </ul>	<p><b>Proposed setbacks:</b></p> <ul style="list-style-type: none"> <li>Southeast: Minimum 9.5m</li> <li>Northwest: Minimum 7.6m</li> <li>Northeast: Minimum 4m</li> <li>Southwest: Minimum 7m</li> </ul>	Yes
<b>D16.8 Spatial Separation</b>		
<p>The minimum spatial separation is to be in accordance with the following:</p>	<p><b>Proposed separation:</b></p> <ul style="list-style-type: none"> <li>Minimum 24.4m (to Block C and Block D building lines)</li> </ul>	Yes

<b>Residential Flat Buildings, Residential component in the Mixed Use developments, Shop Top Housing, Seniors Housing, and Multi Dwelling Housing (3 storeys or greater)</b> <ul style="list-style-type: none"> <li>Minimum side spatial separation in metres: 6m for habitable rooms and balconies, and 3m for non-habitable rooms.</li> <li>Minimum rear spatial separation in metres: 6m for habitable rooms and balconies, and 3m for non-habitable rooms.</li> </ul>	See above for distances to proposed internal boundary setbacks.	
<b>D16.9 Solar access</b>		
<b>Solar access received by the proposed residential development:</b> <ul style="list-style-type: none"> <li>Minimum solar access to windows to the principal living area between 9am and 3pm on June 21 <ul style="list-style-type: none"> <li>Integrated Housing (Approval Pathways 2a and 2b) under control C6.11: 70% of the proposed dwellings - 2 hours</li> <li>Residential development not elsewhere defined in this table: 2 hours</li> </ul> </li> <li>Minimum solar access to private open space area between 9am and 3pm on June 21 <ul style="list-style-type: none"> <li>Integrated Housing (Approval Pathways 2a and 2b) under control C6.11: 70% of the proposed dwellings - 2 hours</li> <li>Residential development not elsewhere defined in this table: 2 hours</li> </ul> </li> </ul>	<p>The internal solar access plans indicate that 28 of the 34 (i.e. 82% of proposed apartments) will receive at least two hours of direct solar access to both living and private open space areas on June 21; refer to the ADG Assessment (<i>Appendix B</i>) for further information.</p> <p>While dwellings are not proposed on the Torrens Lots, given the likely setbacks of such future development based on DCP requirements, the design and orientation of the RFBs will permit at least 2 hours solar access to all allotments to the southwest and southeast of the super lot.</p> <p>It is acknowledged that the orientation of the four Torrens Lots addressing Warriewood Road are not ideal for providing optimal solar access, however the orientation of such lots is dictated by that of the site and the design of the surrounding road network. Further, impacts associated with site orientation will be mitigated via larger setbacks to provide increased solar access to the rear of those sites.</p> <p>Even if the Warriewood Road allotments were excluded, Regardless, 35 of the maximum 43 dwellings (i.e. 81%) permitted on the site will receive at least two hours of solar access to living and private open space areas between 9am and 3pm on June 21.</p>	Yes
Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 9am and 3pm during midwinter.	The proposal would not reduce the ability of proposed/future developments on the site to provide solar access to such features.	Yes
Sunshine to clothes drying areas is to be maximised.	Sufficient clothes drying areas are to be provided for all dwellings and allotments.	Yes
<b>Impact of proposed development on existing adjoining residential development</b> Where the principal living area and private open space within an existing adjoining dwelling currently receives sunshine	While the final design of dwellings on the adjoining site to the southeast (i.e. 41 Warriewood Road) are not known, based on the shadow plans and minimum DCP setback requirements on the adjoining site, the	Yes

during midwinter, any proposed adjacent development is not to reduce that solar access below three (3) hours.	proposed development will not reduce solar access to dwellings and associated principal private open space areas on adjoining sites to less than three hours. The other adjoining site is located to the northwest and as such will not be affected by the proposal in this regard.													
Where an existing structure already impinges upon the solar access of an adjoining property to a greater degree than that specified, any new structures or modifications must maintain that existing solar access as a minimum. However, Council encourages new structures to reduce the solar impact onto adjoining properties.	N/A.	N/A												
Where the adjoining residential land is vacant, at least 50% of the rear yard area of the adjoining land is to receive sunshine in accordance with this control.	The proposed development will maintain at least 50% solar access to all proposed allotments within the subject site and existing allotments on adjoin sites; refer to the submitted solar access plans.	Yes												
<b>D16.10 Private and Communal Open Space Areas</b>														
The minimum private open space area and dimension are to be in accordance with the following:	All allotments not being developed by this proposal would contain dimensions capable of compliance. Refer to the DCP Part 6.11 ADG Assessment ( <i>Appendix B</i> ) for further information for the private and communal open space areas associated with the proposed RFBs.	Yes												
<table><tr><th>Development</th><th>Minimum area of POS (m²)</th><th>Minimum dimensions of POS (m)</th></tr><tr><td>Integrated housing under control C6.11</td><td>16</td><td>3</td></tr><tr><td>Development on lots between 9 and 14m</td><td>20</td><td>4</td></tr><tr><td>Development on lots greater than 14m wide</td><td>24</td><td>4</td></tr></table>			Development	Minimum area of POS (m²)	Minimum dimensions of POS (m)	Integrated housing under control C6.11	16	3	Development on lots between 9 and 14m	20	4	Development on lots greater than 14m wide	24	4
Development			Minimum area of POS (m²)	Minimum dimensions of POS (m)										
Integrated housing under control C6.11			16	3										
Development on lots between 9 and 14m	20	4												
Development on lots greater than 14m wide	24	4												
<b>Design and siting of private open space areas</b>														
Dwellings are to be designed so that private open space is directly accessible from internal living areas enabling it to function as an extension of internal living areas and is to have good solar orientation (i.e. orientated to the north, north east or north west where possible). Private open space for new dwellings is not to be in positions such that it 'borrows' amenity by overlooking adjoining dwellings.														
Private open space areas should include provision of clothes drying facilities suitably screened from the street and public places. Private open space is to include gas BBQ points and external power points, where possible.	Clothes drying facilities are capable of being provided.	Yes												
The primary orientation of balconies is to be to the street or rear boundary. Balconies are not to be fully recessed into the building form. Balconies should not form the dominant architectural expression of the building.	Balconies are oriented to the boundaries, and would not be recessed into the building.	Yes												

For dwellings above ground, private open space is to be provided by balconies.	Balconies are to be provided for Level 2 apartments.	Yes
For ground floor dwellings, private open space is to be provided as a terrace or garden.	Garden and terraces provided for all terrace apartments.	Yes
Balconies adjacent to the rear boundary must be designed to limit overlooking and maintain privacy to adjoining residences.	Excessively large setbacks have been proposed to limit overlooking; where smaller setbacks are proposed, they have incorporated 800mm planters to maximise privacy on adjoining sites.	Yes
<b>Communal Open Space Area</b> For Residential Flat Buildings and Multi Dwelling Housing, 25% of the site area is to be communal open space. The communal open space should be located in areas of deep soil and have good solar orientation, but also provide opportunities for shade.	Refer to the ADG Assessment ( <b>Appendix B</b> ) for further information regarding communal open space, associated features and a discussion of COS area.	No
For Residential Flat Buildings and Multi Dwelling Housing containing 20 or more dwellings, the communal open space is to contain a children's play area and permanent seating.	Permanent seating and a children's play area (in addition to other facilities such as a swimming pool) are provided.	Yes
<b>D16.11 Form of construction including retaining walls, terracing and undercroft areas</b>		
Lightweight construction and pier and beam footings should be used in areas identified on the Biodiversity Map in the Pittwater Local Environmental Plan 2014 to minimise the site disturbance.	N/A	N/A
Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials. In creek line corridors, sandstone boulder walls are to be used instead of standard retaining walls to provide a more natural environment that allows fauna to traverse the boulder wall.	Refer to the materials schedule and landscape concepts for further detail.	Yes
Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.	N/A	N/A
In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.	Outdoor entertaining areas are not proposed.	N/A
<b>D16.12 Fences</b>		
In all cases, vegetation is preferable over fencing to delineate the property boundary.	Note.	Yes
Fencing is not permitted forwards of the building line. Boundaries between public and private land should be delineated by vegetation such as low hedges, garden beds or the like.	Boundary fencing (aside from rear boundary fences) on Torrens Lots is not proposed.	N/A
Any fencing must: <ul style="list-style-type: none"> <li>allow native animals to move between and to areas of environmental sensitivity and areas of habitat value;</li> </ul>	The proposed fencing for the superlot will enable active and passive surveillance, and would not inhibit waste collection and/or mail distribution. Fencing design to facilitate the	Yes

<ul style="list-style-type: none"> <li>enable casual surveillance from buildings for safety and surveillance;</li> <li>assist in highlighting entrances and in creating a sense of community identity;</li> <li>be compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas; and</li> <li>complement any facilities and landscaping in public areas.</li> </ul>	passage of wild animals could imposed via a condition of consent.	
Side and rear boundary fencing must not exceed 1.8 metres in height. Fencing must be located on the ground level (existing) of the property boundary, not raised by retaining walls or the like.	Fencing for the super lot would be limited to 1.8 metres.	Yes
Where residential lots front/face/about Macpherson, Garden and Orchard Streets, and Warriewood Road, dwelling frontages, pedestrian access and postal addresses must be maintained to these roads. Corner lots are exempt from this requirement, where applicable.	The Torrens Lots will not be developed as part of this proposal, and any future development on those allotments will be subject to separate consent(s).	N/A
Fencing resulting in walled or gated communities is not permitted.	Not proposed.	Yes
<b>D16.13 Building colours and materials</b>		
<p>External colours and materials shall be natural tones such as green, brown and dark earthy colours, as shown below:</p>  <p>White, light coloured, red or orange roofs and walls are not permitted.</p> 	The development would be largely finished by dark, earthy and neutral tones, with some lighter-coloured contrasting features. Refer to the material schedule and 3D images for further details regarding colour.	Yes



**D16.14 Pets and companion animals**

The need for pets and companion animals must take into account their relationship with native animals, including endangered species, and their habitat.	Noted.	-
Pets should be contained within the owners property and/or dwelling (dependant on animal), especially at night to prevent predation on wildlife.	Noted. The client would be accepting of a condition for a restriction on title with regard to retaining pets indoors at night.	Yes
Pets and companion animals must be kept in accordance with the <i>Companion Animals Act 1998</i> and Council registration as required.	Noted.	-