



Pre-lodgement Meeting Notes

Application No: PLM2022/0211
Meeting Date: 1 December 2022
Property Address: 16 Macpherson Street WARRIEWOOD
Proposal: Development Application Prelodgement Meeting
Attendees for Council: Phil Lane, Acting Manager, Development Assessments
Anne-Marie Young, Principal Planner
James Brocklebank, Transport Engineering Coordinator
Robert Barbuto Development Engineer
Robert Blackall, Biodiversity Officer
Valerie Tulk, A Team Leader Flood Planning
David Hellot, Water Management
Ray Creer, Waste Officer
Joe Tramonte, Landscape Officer

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.

SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION



Response to Matters Raised by the Applicant

The proposal is for Community Title residential subdivision comprising 29 residential allotments, a community Lot comprising the internal access road and the area of the site located within the outer 25 metre creekline corridor and a residual Lot comprising the area of the site located within the inner 25 metre creekline corridor which will be dedicated to Council.

The applicant at the PLM requested that feedback be provided on the civil works, including flooding, water management and development engineering requirements, development contributions, urban design, waste, biodiversity and planning matters.

SEPP (RESILIANANCE AND HAZARDS) 2021

Chapter 4 Remediation

The site has an historic use as a market garden. Horticultural activities are listed in table 1 Appendix 1 of the Draft Contaminated Land Planning Guideline as an activity that may cause contamination. Pursuant to Clause 4.6 (3) of the SEPP a preliminary site investigation is required.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

PLEP 2014 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0320>

Part 2 - Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	Subdivision Roads Residential dwellings
Zone:	R3 Medium Density Residential
Permitted with Consent or Prohibited:	Permitted with development consent

Part 4 - Principal Development Standards			
Standard	Permitted	Proposed	Compliance
4.1 Minimum lot size	No minimum lot size	192sqm – 257sqm	N/A
4.3 Height of Buildings (HOB)	10.5m (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	The indicative plans suggest 8.5m.	Indicative plans suggest compliance, however, the applicant has referenced earthworks including the need for fill on the site at the PLM meeting. The applicant shall demonstrate compliance noting HOB is calculated from existing ground level, refer to definition below.



	Orchard Street, Macpherson Street, Warriewood Road or Garden Street.		
6.1 Warriewood Valley Release Area	Sector 303 Not more than 29 dwellings or less than 23 dwellings	29 dwellings	The proposal complies with the maximum density, however, the proposal needs to demonstrate that 29 dwellings can be accommodated on the site while achieving compliance with all other relevant planning controls.

Please also refer to the following Clauses: 5.2 Flood Planning, 7.1 Acid Sulfate Soils, 7.2 Earthworks, 7.4 Floodplain risk management, 7.6 Biodiversity Protection and 7.10 Essential services,

Definition of building height (or height of building) PLEP

in relation to the height of a building in metres - the vertical distance from ground level (existing) to the highest point of the building.

Clause 4.6 Variation

Clause 4.6 enables the applicant to request a variation to the applicable Development Standards listed under Part 4 of the LEP pursuant to the objectives of the relevant Standard and zone and in accordance with the principles established by the NSW Land and Environment Court.

A request to vary a development Standard is not a guarantee that the variation would be supported as this needs to be considered by Council in terms of context, impact and public interest variation.

Should the height of the development exceed the maximum building height as a result of fill a Clause 4.6 variation will be required.

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21DCP)

P21DCP can be viewed at

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Pages/Plan/Book.aspx?exhibit=PDCP>

The following notes the identified non-compliant areas of the proposal only. Any future DA should be supported with a comprehensive SEE that addresses all the WDCP requirements.

Part		
Control	Permitted	Proposed
C1- Design Criteria for Residential Development	Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping,	Lots 8 – 19 The upper floor bedroom windows have a 4m set back to the rear to boundary and 8m setback to the upper floor



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	<p>screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <p>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below</p>	<p>windows of dwellings along Chambers Circuit.</p> <p>The proposal is inconsistent with the requirements and outcomes of the control and an increase in the setback of the upper floor is required.</p>
C1.7 Private Open Space (POS)	<p>The outcome includes a requirement for private, usable and well-located area of private open space for the use and enjoyment of the occupants</p>	<p>The montages show decks; however, the floor plans do not provide any details of the useable POS which may result in a reduction of landscape open space (LOS).</p> <p>Any future DA shall include details of the usable areas of POS such as decks and service areas including bin storage and paths.</p>
C4 Design Criteria for Subdivision		
C4.1 Subdivision – Protection from Hazards	<p>All subdivision is to be designed such that adequate building platforms/building areas are provided that have a low risk due to hazards including flood, landslip, bushfire, coastline and estuarine hazards.</p> <p>The subdivision must not have any adverse affect or provide a threat on public or private infrastructure, assets and people in the vicinity.</p>	<p>Insufficient information has been submitted to demonstrate that the proposal addresses the flood hazards requirements, refer to flood comments below.</p> <p>Please also refer to the following sections of the PLEP Clause 5.21 and 7.4 and PDCP Clause A1.9, B3.11, B3.12, C6.1, the Warriewood Management for Development Policy (2020) and Considering Flooding in Land Use Planning Guideline (2021).</p>
C6.4 The Road System and	<p>A traffic analysis report and road plans and sections for the Sector, buffer area or development site,</p>	<p>Concern is raised regarding the proposed internal road and Brands Lane as a one way</p>



Part		
<p>Pedestrian and Cyclist Network</p>	<p>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 <i>Warriewood Valley Roads Masterplan</i>.</p> <p>A pedestrian and cyclist network is to be provided in accordance with the Warriewood Valley Landscape Masterplan & Design Guidelines (Public Domain).</p> <p>The pedestrian/cycleway link should be located off road, where practical. Where a pedestrian/cycleway link is located in:</p> <p>a public reserve, the minimum width is 2.5 metres; and</p> <p>the road verge adjacent to the road carriageway, the minimum width is 2.1 metres.</p> <p>The location of the pedestrian path/cycleway is variable within the creekline 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.</p> <p>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.</p>	<p>road. The proposed road and pedestrian footpath are inconsistent with the requirements and outcomes of the Warriewood Valley Masterplan, Clause C6.4 and the following DCP controls.</p> <p>C4.2 Sub-division- Access Driveway and Off-Street Parking Facilities.</p> <p>C4.3 Subdivision - Transport and Traffic Management</p> <p>C4.4 Subdivision - Public Roads, Footpath and Streetscape which requires</p> <p><i>Proposed public roads within the subdivision</i></p> <p>Where the proposed public roads within the subdivision are to be dedicated to the Council, the design and construction of the road pavement, vertical kerb and gutter, footpaths (minimum 1.5m width) or cycleways (minimum 2.1m width), street lighting and landscaping to service the lots to be created shall be for the full width between the proposed lot boundaries within the subdivision land created as a road reserve by subdivision. The design and construction of works are to be funded by the applicant.</p> <p><i>Subdivision to be created as a Community Title</i></p> <p>Where a subdivision is to be created as a community title, allowing full public access, the design and construction of the road and pedestrian networks shall provide for full pedestrian and vehicular access and on-</p>



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	<p>The pedestrian/cycleway network must be accompanied by appropriate landscaping and vegetation. Details of the proposed landscaping and vegetation must accompany any development application.</p>	<p>road parking as a public road network.</p> <p><i>Subdivision adjoining a public road reserve</i></p> <p>Where the subdivision adjoins a public road reserve, the subdivision shall include the design and construction of the perimeter road for half width construction including road pavement, vertical kerb and gutter, footpaths or cycleways (minimum 1.5m width or minimum 2.1m width where a cycleway is required), street lighting and landscaping, for full width of the development site frontage to all public road reserves and shall include any intersection to provide access the subdivision all at the full cost to the applicant.</p>
<p>C4.6 Service and delivery vehicle access in subdivision</p>	<p>Roads and accessways within the subdivision are to be designed and constructed to accommodate access for waste, recycling, service, emergency and delivery vehicles.</p>	<p>Significant concern has been raised by Council's Waste Officer regarding the road design and access for waste services, refer to comments below. As such, the proposal is inconsistent with this clause.</p>
<p>C4.7 Amenity and Design</p>	<p>The control requires:</p> <ul style="list-style-type: none"> -All properties, both existing and proposed, achieve/retain a level of amenity commensurate with the locality and the desired character of the area; -the impact on the environment of the completed development (including buildings to be constructed on the proposed lots) has an acceptable impact on the environment. 	<p>The proposal will have unreasonable impacts on the residential amenity of the dwellings to the west (Chambers Circuit) due to insufficient setback of the upper floor and a loss of privacy.</p> <p>Insufficient information has been submitted to confirm that there will be no unreasonable impact on the environment, including flooding.</p>
<p>C4.8 Landscaping on road reserve</p>	<p>Landscaping in the public road reserve is to include street trees planted to the road reserve frontage of the development placed at 6m centres.</p>	<p>Concern is raised regarding the ability to provide sufficient landscaping to meet the control. In addition, the proposal includes the removal of all trees</p>



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	<p>All existing trees over 3m in height and native vegetation and trees within the road reserve areas are to be retained where practical.</p>	<p>including significant canopy trees.</p> <p>The proposal is inconsistent with the requirements and outcomes of the control.</p>
C6 Design Criteria for Warriewood Valley Release Area		
<p>C6.1 Integrated Water Cycle Management</p>	<p>Flooding</p> <p>The flood levels are to be determined as part of the Water Management Report.</p> <p>Likely flood impacts from the development must also be assessed and where required, mitigated.</p> <p>The filling of land will only be permitted where it can be demonstrated within the Water Management Report that:</p> <p>there is no net decrease in the floodplain volume of the floodway or flood storage area within the property, for any flood event up to the 1% AEP flood event and the PMF event including climate change considerations for both design events; and/or</p> <p>there is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the PMF event including climate change impacts.</p> <p>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.</p> <p>The subdivision of land requires the building platforms for each additional allotment to be created at or above the Flood Planning Level (plus climate change). The Plan of Subdivision is to include the Flood Planning Level (plus</p>	<p>Flooding - Insufficient information has been submitted to demonstrate that the addresses the flood hazards requirements, refer to Flood comments below.</p> <p>Fill - Insufficient information has been submitted in respect of the proposed fill to assess this aspect of the development.</p> <p>Lots 19 and 20 are located within the creekline corridor which is inconsistent with the requirements and outcomes of the control.</p>



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	<p>climate change) for each new allotment created.</p> <p>Creekline Corridor</p> <p>Creekline 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 creekline corridors are intended to fulfil a multi-functional purpose, containing the pedestrian and cycle network.</p> <p>Where a creek passes through/aligns/abuts a Sector, buffer area or development site, the creekline corridor is to generally comprise a total width of 100 metres, comprising of a 50 metre wide Inner Creekline Corridor (being 25 metres either side of the centreline of the creek) and an Outer Creekline Corridor 25 metres wide each side of the Inner Creekline Corridor.</p> <p>The 50 metre wide Inner Creekline 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 Creekline 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.</p> <p>The 25 metre Outer Creekline Corridor (commonly known as the 'private buffer strip') to be provided on each side of the Inner Creekline Corridor is to be retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor (Lawson &</p>



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	<p>Treloar, 1998). The private buffer strip is to be a multifunctional corridor, appear to be part of the public domain, and may contain:</p> <p>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;</p> <p>water quality control ponds;</p> <p>other water quality treatment measures; and/or</p> <p>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.</p> <p>Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor.</p> <p>A landscape plan for the Inner and Outer Creekline Corridors is to be prepared and submitted with the application. Extensive stands of <i>Casuarina glauca</i>, groves of <i>Eucalyptus robusta</i> with other native feature trees, an indigenous understorey and ground covers are to comprise a minimum of 75% of the total creekline corridor area. Native groundcovers should be used as an alternative to lawn.</p>	
C6.7 Landscape Area (Sector, Buffer Area or Development Site)	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.	As notes above, concern is expressed about the ability to comply with the LOS requirements given that the landscape areas to each lot fail to provide details of decks /



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	<p>The minimum landscaped area directly impacts on site storage requirements for the overall water cycle management of a sector, buffer area or development site 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.</p> <p>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.</p>	<p>usable space for bin store etc which will reduce the available deep soil area. This will directly impact of the ability of the development to meet the 50% impervious area requirement.</p>
<p>C6.8 Residential Development Subdivision Principles</p>	<p>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.</p> <p>A 'break' is to be provided between every three (3) attached/abutting dwelling of the same lot width.</p> <p>Continuous runs of garages fronting laneways are to be avoided (i.e. break up through pairing, setback variation etc.)</p> <p>Lots are to be orientated to optimise solar access for dwellings and areas</p>	<p>The site has a lot width of 41m the applicant needs to justify this exception to the site amalgamation requirement.</p> <p>There is no break provided to lots 8-19 and lots 20-29 and the streetscape to these rows presents a repetitive pattern of dwellings.</p> <p>Lot 5 on the corner appears small and fails to meet the control requiring large lots on corners which address the two street frontages.</p>



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	<p>of private open space. Widest or deepest lots are to be oriented with north to the front, with the narrowest orientated with north to the rear. Larger lots should be located on corners.</p> <p>Lots less than 225m² in size or less than 9m wide are to be rear loaded, except where it can be demonstrated that:</p> <p>rear access is not practical due to the size or shape of the development site; or</p> <p>there will be no adverse impact on streetscape amenity and on-street parking.</p> <p>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. Not more than 40% of the lots created through a subdivision proposal may be of the same lot type. Lot type is determined by lot width.</p> <p>Allotments for attached and abutting dwellings are to be rear loaded, except where it can be demonstrated that rear access is not practical due to constraints arising from the shape or size of the development site.</p> <p>Where dwellings are proposed on lots with two street frontages (not corner lots), the dwellings are to present (have a street address) to the higher street classification and are to reflect the streetscape character of the higher street classification.</p> <p>The composition of attached/abutting dwellings needs to be determined at the subdivision stage to take into account the lot widths required in order for a 'break' to be provided.</p>	<p>27 lots are <225 and are not rear loaded. The applicant is required to justify an exception to the rear load requirement.</p> <p>The proposal includes attached dwellings which are required to be rear loaded. The applicant shall provide justification for an exception to the control.</p>



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	<p>A 'break' (i.e. a larger lot width, an indentation in the dwelling with a width and depth of 1.5m on both levels, a housing product of a different width, a detached housing product) is to be provided between every 3 attached/abutting dwellings of the same lot width.</p> <p>Corner lots are to be configured to allow the dwelling to address both street frontages</p>	
C6.9 Residential Land Subdivision Approval Requirements	<p>Pathway 2a and 2b – Application for subdivision and dwelling construction</p> <p>Subdivision of land creating residential lots with an area less than 225m² or a width less than 9 metres, shall include dwelling plans (floor plans, sections and elevations etc.) as part of the Development Application for subdivision, i.e. Integrated Housing approval for the subdivision and construction of the dwellings on each lot.</p> <p>Upon approval of the subdivision a Section 88B instrument will be attached to the lot restricting the built form to the approved dwelling plans.</p>	<p>A full Integrated DA is required as lots are less than 225sqm.</p> <p>The applicant has agreed to this approach.</p>
D16.5 Landscaped area for newly created lots	<p>Lots less than 9m wide 25% min 3m dimension</p> <p>Lots 9m-14m wide 35% min 3m dimension</p>	<p>The plans do not include details of usable outdoor areas such as decks. As such it is not possible to confirm compliance.</p>

SPECIALIST ADVICE

Landscape Officer

Reference Council Documents:

- Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 (WVLMGD)
- Warriewood Valley Roads Masterplan, August 2018 (WVRM)
- Pittwater 21 DCP including: C6 Design Criteria for Warriewood Valley Release Area, with reference to C6.1 Integrated Water Cycle Management; C6.2 Natural Environment and Landscaping Principles; and C6.4 The Road System and Pedestrian and Cyclist Network.

1.0 Landscape concerns:



2.0 Relevant landscape DCP controls:

C6.1 Integrated Water Cycle Management: Creekline Corridors

Creekline corridors in the Warriewood Valley Release Area are to be restored to a 'natural watercourse' that results in healthy ecosystems. The creekline corridors are intended to fulfil a multi-functional purpose, containing the pedestrian and cycle network. (note: a sharepath is not applicable for this site as the Narrabeen Creek sharepath is located within the opposite side of Narrabeen Creek - and not this side).

A 50 metres creekline corridor zone applies from Narrabeen Creek across the site.

The 25 metre wide Inner Creekline Corridor is to be brought into public ownership. This zone is a corridor that contains the creek, floodway and flora and fauna habitat.

The 25 metre Outer Creekline Corridor is to be retained in private ownership and is to perform the functions of part water quality control and a fauna/flora corridor. The private buffer strip is to be a multifunctional corridor, appear to be part of the public domain, and may contain:

- the pedestrian path/cycleway
- water quality control ponds
- other water quality treatment measures; and/or
- 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.

Note: under the PDCP the following is not permitted:

Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide Outer Creekline Corridor.

C6.2 Natural Environment and Landscaping Principles

Likewise this control, under Integration with Creekline Corridor and the Public Domain, does not permit encroachment of residential lots into the 25 metre wide Outer Creekline Corridor:

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.

Street trees within proposed Public Road Reserves shall be in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain)

C6.4 The Road System and Pedestrian and Cyclist Network - Road hierarchy shall be in accordance with the Warriewood Valley Roads Masterplan, and hence any footpaths and street tree planting shall likewise be in accordance.

Street trees within proposed Public Road Reserves shall be in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).

To ensure a consistent approach and response to the applicant, I note the following Landscape Referral requirements that are not flexible:

- 2.1-metre-wide share path along Brands Lane to connect Narrabeen Creek bridge to Macpherson Street. This is a key connection for the pedestrian and cycle network throughout the Valley, and is required under the Warriewood Valley Landscape Masterplan and Design Guidelines (page 6 Warriewood Valley Active Travel Masterplan - item 23).



- 2.1m wide share path along the Macpherson St frontage to continue across to the full frontage, and inclusive of large canopy street tree planting (page 9 of the Warriewood Valley Landscape Masterplan and Design Guidelines)
- A 1.5m wide share path to one side of the internal road and small canopy tree planting to the other side, to satisfy the Warriewood Valley Roads Masterplan and the Warriewood Valley Landscape Masterplan and Design Guidelines: page 12 section S-4 Access Street.
- Sector Entry roundabout landscape treatment in accordance with refer page 15 section S-7 of the Warriewood Valley Landscape Masterplan and Design Guidelines.
- I note the 2.1m wide sharepath is from the Warriewood Valley Roads Masterplan and the Warriewood Valley Landscape Masterplan and Design Guidelines, however AusRoads now nominates 2.5 metres but we should maintain the 2.1m under the adopted masterplans

Development Contributions Officer

16 Macphersons Street is identified as Sector 303 in the Warriewood Valley Release Area. Pittwater LEP 2014 clause 6.1(3) stipulates a dwelling range for this site of not more than 29 dwellings or less than 23 dwellings. The Warriewood Development Contributions Plan Amendment 16, Revision 4 2022 (the 'Contributions Plan') applies to the land and any future development of this site.

The documents submitted with the PLM request appear to show a Community Title subdivision to create the following:

- Lots 1 to 29 – residential allotments
- Lot 30 – outer 25m creek corridor to be part of the Community Land
- Lot 31 – inner 25m creek corridor to be dedicated to Council.

It is unclear if the future DA will also include the construction of dwellings on the residential allotments.

The following comments are provided in relation to the Contributions Plan. It is understood that additional detailed commentary will also be provided by technical officers that may include these matters.

Traffic

The Contributions Plan identifies the following public infrastructure to be provided within the vicinity of the subject property:

- Item 23 in the Traffic and Transport Schedule – Roundabout at Macpherson Street and Brands Lane

The preliminary design and investigation of this roundabout is currently underway by Council. The Contribution Plan anticipates that construction may commence in 2028/29.

Any future DA must demonstrate adequate interim vehicular access arrangements until such time as this roundabout is delivered by Council. If vehicular access to the site relies on the construction of this roundabout, the applicant may need to consider including the construction of this infrastructure in their DA. This could be the subject of a potential Planning Agreement for the delivery of works-in-kind. If the applicant wishes to pursue a Planning Agreement it is



recommended that an additional pre-lodgement meeting be held to discuss this matter in detail, prior to the lodgement of a DA.

Pedestrian Shared Path

The Contributions Plan identifies the following public infrastructure to be provided within the vicinity of the subject property:

- Item 23 in the Pedestrian and Cyclist Network Strategy – Shared path connection (on road) from Narrabeen Creek to Macpherson Street.

The construction of this shared path is anticipated to commence in 2029/30.

Council's Senior Landscape Architect has advised that this shared path is to be 2.1m wide. The DA must allow for the provision of this shared path in the design and reconstruction of Brands Lane. If the applicant wishes to include the construction of this shared path in the DA, this could be the subject of a Planning Agreement for the delivery of works-in-kind.

Creek Corridor

The Contributions Plan requires the dedication of the inner 25m creek corridor to Council. This dedication will occur via registration of a plan of subdivision and will result in a reduction in the monetary contribution payable to Council. The draft plan of subdivision identifies that Lot 31 contains the inner 25m creek corridor.

The Contributions Plan also identifies the future creek reconstruction and rehabilitation of the inner 25m corridor to contain the 1% AEP. These works are anticipated to commence in 2029/30. Control C6.1 of the Pittwater DCP requires the preparation and submission of a Water Management Report demonstrating compliance with the Warriewood Valley Water Management Specification. This must also include detailed engineering plans depicting the creek reconstruction.

From the information provided with the PLM it is unclear if the future DA will include the reconstruction/rehabilitation of the inner 25m creek corridor. If the development of this site relies on the reconstruction of the inner 25m creek corridor to contain the 1%AEP, these works should be included in the DA. If these works are proposed under the DA, this could be the subject of a Planning Agreement for the delivery of works-in-kind.

It is also noted that two residential allotments encroach on the outer 25m creek corridor. This is not supported.

Traffic Officer

The following comments are submitted regarding the proposal for a community title subdivision for 29 residential lots. The construction of Brands Lane as a One-Way Road of 7m in width is also proposed together with an internal road network.

- I have concerns regarding the location of the entry road intersecting with Brands Lane. This should either be located at the Brands Lane roundabout or relocated further to the east. In its current location there is lack of clarity over permissible movements at either end of the exit road and a potential for conflict and movements contrary to permitted traffic directions are likely. It is suggested that locating this road at the roundabout is probably the best outcome.



- Access to units 28, 29, 11 & 12 in particular is not convenient. Drivers will be required to circulate around via Brands Lane and the proposed community title accessway in order to access their homes. It is likely that they will proceed the wrong way up the accessway. Two way access along the accessway and also along Brands Lane is considered more appropriate from a traffic perspective to provide better access to homes and, as highlighted by Council's waste team, to enable servicing of waste from side loading trucks. It is noted that the Brands Lane road reserve is only 9m in width, this will mean that parking is unlikely to be achievable on Brands Lane if two way access is to be provided.
- The Warriewood Valley Roads Masterplan specifies that access streets should be min 7.5m in width between kerbs with 2.5m verges on either side (i.e 12.5m road reserve) and a 1.5m footpath on one side. While a cross section view of the community title accessway has not been provided both sides of an access street should also be kerbed and guttered. The Access Street serving lots 6 to 29 is inconsistent with the above and should be revised to comply. It is not considered appropriate to be constructed as a laneway given its length. Any departures from the WVRM requirements would need to be well supported by a traffic and parking impact report.
- The Warriewood Valley Roads Masterplan specifies that laneways shall be a minimum of 7m in width with 0.75m verge, dish drains and a carriageway no less than 5.5m in width and constructed as a 10km/h Shared Traffic Zone. The laneway serving lots 1 to 5 is consistent with these dimensions and is acceptable providing parking is banned on either side of the laneway and appropriate pavement treatments consistent with a 10km/h Shared Traffic Zone are implemented.
- Swept path plots for B85 vehicles accessing driveways along the access street should be provided with the DA. If parking is proposed opposite or adjacent to a driveway the plots shall take account of the above. The location of proposed No Parking and No Stopping should be shown. Plots for a service vehicle circulating through the internal road network will also be required.
- Swept path plots for a B85 vehicle accessing parking on lots 5 & 1 should also be plotted.
- It is assumed "No Parking" is to be signposted both sides of the laneway serving units 1 to 5. This should be shown on the DA plans.
- It is assumed that "No Parking" is to be signposted on both sides of the section of access road serving units 6 to 9. This should be shown on the DA plans.

Note: The applicant requested that consideration be given to the requirements of transport, landscape, and waste in respect of the minimum requirements for road and footpath widths. While it is preferred that a 2.5m wide footpath be provided as an absolute minimum, consideration may be given to a 2.1m wide footpath 6.0m wide road without on street parking. The applicant will be required to provide a detailed justification for any non-compliance with the relevant controls.

Waste Officer

This proposal is unacceptable. Specifically:

Road Circulation and Bin Presentation

The proposal suggests provision of a one-way, anticlockwise loop road.

Waste collection is undertaken by three axle, 10.5 metre long, heavy rigid vehicles with the bin lifter on the left hand side only.

Under this proposal the waste collection truck will not be able to service the bins from a total of 10 lots (11 thru to 19 & 5).



Lots 20 to 29 are accessible to the arm of the waste collection vehicle but under this proposal the dwellings are surrounded by parked cars.

A two-way road circulation is the only arrangement that Waste Services will support. It will allow residents to place their bins outside their own premises.

For lots 1 through to 5 there is no space provided for the presentation of bins or bulky goods in the laneway at the rear of the properties. Macpherson St frontage is not suitable due to stair access only.

For lots 20 to 29 the footpath needs to be widened to allow for the presentation of bins and bulky goods. Bins and bulky goods must be presented above the kerb. No materials or bins to be placed on the road pavement. Sufficient space is to be provided above the kerb in front of each property for 3 bins / 3 cu metres bulky goods. Step access to dwellings on Brands Lane and Macpherson St frontage requires that all waste be collected from the private roadway within the property.

Swept path analysis must be provided showing waste collection vehicles can negotiate all corners and turns with the property and the access to/from the public road.

Under Road Infrastructure

Waste collection trucks weigh 23 tonnes. The truck has 3 axles.

All under road infrastructure (e.g. osd tanks, pipes) must be capable of withstanding the load exerted by the waste collection vehicles.

Overhead Clearance.

Waste collection vehicles require a working clearance of 4.5 metres above the road pavement.

On-Street Parking

Waste Services requires all road pavements must be:

- a minimum of 6 metres wide where on-street parking is prohibited
- a minimum of 7.5m wide where on-street parking is provided/permited.

Whilst it appears on face value that on-street parking could be allowed other than on the scheduled waste collection days, this would be an unworkable proposal.

Bin collection services are currently scheduled on Fridays between the hours of 4.00am and 6.00pm. Bulky goods collection services are pre-booked and undertaken on Mondays and Tuesdays on 5 week rotating cycle. This would require all residents to be aware of the continuing collection cycle and know if bookings had been made by other residents to avoid ongoing problems with parked cars. Compounding this issue is that, as a community title roadway, Council's parking rangers have no authority to have offending vehicles moved or to issue infringement notices. Relying on the Community Association to police the parking arrangements has proven problematic at other locations.

Waste Services will not support a proposal for on-street parking on any road pavements widths less than 7.5 metres.

Brands Lane

Brands Lane will be required to be two be a two-way carriageway to match the two-way road requirement within the property.

The width of the road pavement must comply with the following waste management design requirements:



- A minimum of 6 metres wide kerb to kerb where on street parking is prohibited.
- A minimum of 7.5 metres wide where on-street parking is permitted.

Roundabout Access

The driveway exiting the property does not align with the roundabout. Waste trucks leaving the estate via the driveway would not be able to negotiate entry to the roundabout resulting in trucks on the wrong side of the road. The roundabout provides access to two driveways into a large retirement village.

Dwellings – Onsite Bin Storage

No onsite bin storage has been provided. Within each lot an area must be provided for the storage of the four waste bins provided by Council. This area must obscure the bins from view from the roadway.

The following bins will be provided by Council:

- 1 x 80 litre garbage bin – 450mm wide, 510mm wide & 840mm high (lid shut)
- 1 x 140 litre paper recycle bin – 535mm wide, 615mm deep & 915mm high (lid shut)
- 1 x 140 litre container recycle bin – 535mm wide, 615mm deep & 915mm high (lid shut)
- 1 x 240 litre vegetation bin – 600mm wide, 750mm deep & 1060mm high (lid shut)

Positive Covenant and Community Management Statement

A positive covenant must be placed on the community roadway (usually Lot 1) of the property to allow Council access to collect waste. Wording for the covenant will be provided by Council. Council will provide clauses to be inserted into the Community Management Statement regarding access for waste collection vehicles

Waste Clauses for Community management Statement

The wording for the community management statement can be found at appendix “D” in the link attached below.

Please Note – Appendix “E” will also be required for this proposal.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/building-waste/waste-management-guidelines-appendices-sep2022.pdf>

Urban Designer

Urban Design require the following additional study to be done:

1. Provide additional options for site layout and houses configuration other than the long linear scheme proposed. A 'break' is to be provided between every three (3) attached/abutting dwelling of the same lot width. Improve solar access from the north-west boundary and relief from the linear built form of the existing two storey dwellings to the north. Privacy between windows to habitable rooms between houses in the development and next-door neighbouring development should be taken into account when considering the site layout. Corner lots should generally be bigger in size to account for boundary setbacks requirements.
2. Improve variety to the façade treatment to add interest and individuality to the houses.
3. Increase landscape area to each individual house lot to incorporate outdoor paved terrace area and bins storage besides footpaths and vehicle driveways.
4. Reconfigure the 900mm separation between houses as no landscaping will grow there.



5. Integrate traffic and garbage collection requirements taking into consideration footpath and street trees within road reserves

Biodiversity Officer

The following biodiversity planning controls, legislation and guidelines apply to the subject lots, and the information submitted to Council as part of any future development application must address the requirements below as a minimum:

- Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)
- NSW Biodiversity Conservation Act 2016 (BC Act 2016) and associated regulations including the Biodiversity Conservation Regulation 2017
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 4 Koala habitat protection 2021
- PLEP cl. 7.6 Biodiversity
- PDCP 21 cl. B4.1 Category 1 Flora and Fauna and B4.3 Category 2 Flora and Fauna

(NB. The Federal Environment Department listed Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland as a threatened ecological community).

Biodiversity Assessment and Vegetation Management Requirements

The subject site has been historically subject to clearing and disturbance associated with the residential and commercial (Plant Nursery) land uses on the site. However, the site, riparian corridor and adjoining road reserve does include areas of native trees, native vegetation and fauna habitat, potentially including threatened biodiversity.

The 50 metre Riparian/Creepline corridor consists of an Inner 25 metre public creepline corridor that is solely comprised of a native flora/fauna vegetation corridor adjoining the creepline, and an Outer 25 metre private landscaped buffer setback. The Warriewood Valley Creepline Corridor and the Public Domain document establishes the requirements for the riparian corridor, and requirements in addition to those provided by the Council Landscape Team are detailed below.

The NSW government vegetation mapping for the site shows the presence of the endangered ecological community Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. This community is also listed as threatened by the Commonwealth government, although the vegetation that may be potentially impacted is unlikely to meet key diagnostic characteristics and minimum condition thresholds that apply to the Federal listing. NSW Bionet also lists several threatened species that have been previously recorded both on the site and within the surrounding locality.

In order to assess the potential impacts of the proposed development on biodiversity values, the application is to be accompanied by an ecological assessment prepared by a suitably qualified ecologist. The report must account for any direct and potential indirect impacts (e.g. native vegetation removal, demolition of man-made structures, changes in hydrology, weed invasion) upon native vegetation and fauna habitats resulting from the proposal, and document the measures taken to avoid and minimise those impacts (e.g. retention of existing trees, replacement plantings). It is recommended that the applicant prepare an assessment in accordance 'Guideline 1 - Flora and Fauna Assessment Guidelines' in the Biodiversity Guidelines for Applicants <https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/general-information/environmental-and-community-protections/biodiversity-requirements-development-applications.pdf>



The report is to provide information confirming whether or not any of the triggers for entry into the NSW Biodiversity Offset Scheme (BOS) apply, including whether the amount of native vegetation being cleared exceeds an area threshold and threatened species test of significance. If so, a Biodiversity Development Assessment Report (BDAR) prepared by an Accredited Assessor (<https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>) applying the Biodiversity Assessment Method (BAM 2020) is required.

Applicants are required to carry out a test of significance for any relevant threatened species all local development proposals that do not exceed the Biodiversity Offset Scheme Threshold. If the test of significance assessment indicates that there will be a significant impact, as discussed above the applicant must carry out a BAM assessment as this is one of the triggers into the BOS.

In relation to the riparian corridor, the applicant is to submit a Vegetation Management Plan (VMP). The VMP can be a map-based report intended to assist the landowner to manage the site to ensure that biodiversity on the site is protected, maintained and enhanced, and should be prepared by an appropriately qualified person with theoretical and practical experience in bushland restoration and management (minimum Certificate III Natural Area Restoration or equivalent). Personnel undertaking bush regeneration work must have a minimum of a Certificate II Bushland Regeneration or a Certificate III Natural Area Restoration (or equivalent). Landowners may undertake weed control and rehabilitation work under the guidance/supervision of an appropriately qualified bush regenerator. The Council Guideline 4 relates to Bushland Management Plans, and this can also be used as a reference.

The VMP must include a schedule of works prepared to guide weed removal, bushland regeneration and rehabilitation, revegetation works and ongoing management and monitoring within the relevant area of the riparian zone. Existing cleared and disturbed patches within the retained areas must be revegetated using the local native species guided by the VMP. The VMP must also include Performance Criteria, Responsibility Timeframes and a Costing of all activities. It is recommended that the landowner liaises further with Council in relation to which parts of the site the VMP should apply to (Inner Creekline, Outer Creekline, or Both), and the responsible entity for initial and ongoing implementation of the works, noting that land is to managed in accordance with the approved VMP in perpetuity.

Flooding Officer

There is insufficient information to provide detailed comments on the proposed development. However the following general guidelines apply for development on this flood prone land.

The property at 16 Macpherson St, Warriewood is affected to varying degrees by the low, medium and high flood risk precincts, with the high flood risk precinct located generally adjacent to Brands Lane and near the creek. The property is largely affected by the 1% AEP flood event, with flood storage and floodway hydraulic categories. The Flood Life Hazard Category in the Probable Maximum Flood is up to H5. This flood information is derived from the Ingleside, Elanora and Warriewood Overland Flow Flood Study (2019). The TUFLOW computer model from the flood study has been hired by the applicant.

The development application would need to address the flood requirements set out in the following documents. Details demonstrating compliance would need to be provided in the Water Management Report submitted with the DA.

- Pittwater 21 DCP - Sections C6.1, B3.11, B3.12, A1.9
- Pittwater LEP 2014 – Clauses 5.21, 7.4
- Warriewood Valley Urban Land Release Water Management Specification (2001) - Section 4.5



- Water Management for Development Policy (2020)
- Considering Flooding in Land Use Planning Guideline (2021)

Should there be any discrepancy in controls between the documents listed above, the control which is stricter is the one which applies. In general, refer first to controls listed in Section C6.1 of the DCP and the Water Management Specification, before Sections B3.11-12 of the DCP. Note that some studies referenced within these documents have now been superseded. For example, the Narrabeen Lagoon FS (1990) has been superseded by the Ingleside, Elanora and Warriewood OFFS (2019) and the Narrabeen Lagoon FS (2013). This site is far enough upstream to not be influenced by flooding in Narrabeen Lagoon, so it is the Ingleside, Elanora and Warriewood OFFS which is relevant.

Flood modelling would need to be undertaken to demonstrate that the proposed development has no impact on flooding on surrounding properties, and to demonstrate compliance with the requirements for the various design events outlined in Table 4.3 of the Warriewood Valley Water Management Specification.

Modelling would need to assess the pre- and post-development scenarios (including any basins and/or compensatory works), and must extend a sufficient distance upstream and downstream to accommodate any likely hydraulic influences such as potential overland flow paths from upstream areas or downstream culverts.

In particular:

- Flood levels, velocities and hazard classifications for each new allotment are to include consideration of climate change, ie a sea level rise of 0.9m and a rainfall intensity increase of 30%.
- The subdivision of land requires the building platforms for each additional allotment to be created at or above the Flood Planning Level (including climate change).
- Modelling is to include the PMF, 1% AEP, 20% AEP and 50% AEP events.
- Flood levels and velocities are to be shown to 2 decimal places.
- Flood impact mapping is to be presented. There are to be no adverse impacts on flood levels or velocities. Adverse impacts are defined in Section A1.9 of the DCP.
- Calculations for pre- and post-development storage are to be presented, with no net loss of flood storage below the 1% AEP flood level. Any compensatory flood storage would need to be demonstrated with detailed calculations.
- Floor levels are to be above the Flood Planning Level.
- Flood emergency response planning needs to be included. Note that the intersection of Brands Lane and Macpherson Street is very flood affected.

Development Engineer

Road and Footpaths

All roads, verges and footpaths are to be constructed in accordance with the Warriewood Valley Roads masterplan June 2018. The internal road is to be constructed as an access street with a 7.5m wide pavement and 2.5m wide verges. A 1.5m wide concrete footpath is to be provided. A 2.1m wide shared footpath is to be provided along the Macpherson Street frontage.

Macpherson Street frontage

The Macpherson street frontage is to be fully reconstructed in accordance with the Warriewood Valley Roads masterplan with the provision of kerb and gutter and indented vehicle parking. The pavement and subbase is to be fully reconstructed to the centre line of the road in accordance with Councils Auspec one design specification. Design vehicle loadings (ESAs) are to be in accordance with Auspec One. Any aerial electrical services are to be fully undergrounded.



The Brands Lane

The extension beyond the cul de sac is to be constructed in accordance with Council's Auspec one specification and designed to cater for the appropriate vehicle ESAs.

On site stormwater detention(OSD)

OSD is to be provided in accordance with the Warriewood Valley water management specification plan February 2001. All detention basin outlets are to be set above the 1 in 100 AEP storm event to prevent drowned outlets.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate/ Quote
- Survey Plan (Boundary Identification Survey)
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist
- Flood Report
- Arborist Report
- Traffic Report
- Ecological assessment
- Vegetation Management Plan (VMP)
- Preliminary Site Investigation (Contamination)
- Geotechnical Report
- Acid Sulfate Soil Management Plan

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.



Concluding comments

These notes are in response to a pre-lodgement meeting held on 1 December 2022 to discuss subdivision, civil works and the construction of 29 dwellings at 16 Macpherson Street, Warriewood. The notes reference the plans prepared by Paul Buljevic dated 28 October 2022.

It is acknowledged that the site is constrained given its history of horticultural use, flooding / drainage issues and class 4 acid sulphate mapping. The site is also one of the last sites to be developed in the Warriewood Valley and is constrained by its narrow dimension with no scope for site amalgamation. Despite these constraints the proposal represents over-development of the site given the following:

- insufficient road and footpath dimensions, including no street tree planting;
- insufficient landscaping, including no provisions for any decking, paving (other than the front path), bin storage, etc on any of the lots;
- the encroachment of lots into the creek line corridor,;
- the size of the lot / dwelling on lot 5 to the corner;
- the rear setback of the upper floor of dwellings 8 -19 and impacts on the amenity of neighbouring dwellings, and;
- the ability to provide compliant deep soil (LOS) while providing useable outdoor amenity space.

The proposal is also inconsistent with the requirements and outcomes of the planning controls relating to Warriewood Valley in respect of the road and pedestrian network, waste management, landscaping, subdivision principles, design and streetscape and amenity.

Insufficient information has been submitted to assess flooding, impacts on ecology, and the impacts of earthworks (fill) and whether the proposal can comply with the maximum height limit.

In summary, the proposal as presented is not supported.

It is strongly recommended that this proposal is not lodged as a DA given the significant and critical issues outlined in these notes. Alternative layouts with a reduction in lots must be explored.

Further prelodgement meetings are likely to be required as the design is refined.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.