

Strategic Planning Referral Response

Application Number:	DA2020/1517
Date:	10/03/2021
To:	Anne-Marie Young
Land to be developed (Address):	Lot 2 DP 349085 , 45 Warriewood Road WARRIEWOOD NSW 2102 Lot 1 DP 349085 , 49 Warriewood Road WARRIEWOOD NSW 2102

Officer comments

Applicant's Description of the DA

The subject Development Application DA2020/1517 seeks consent to tree removal, subdivision, residential development and civil works. Specifics and details of the proposed development, in accordance with the information provided in the Statement of Environmental Effects, prepared by Creative Planning Solutions in April 2020, as follows:

- Demolition and tree removal
 - remove forty-seven (47) trees
 - demolition of existing structures is not part of this proposal
- Subdivision
 - part of the proposal will include a thirteen (13) lot subdivision of the site. The subdivision would create:
 - One allotment (Lot 12 - 7004sqm) that would contain the proposed residential flat building and associated works. This allotment would be strata subdivided,
 - Eleven allotments that would become Torrens-Title residential allotments, and
 - One (Lot 13 – 9325sqm) allotment containing the creekline corridor
 - 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.
- Residential development
 - Lot 12 (7004sqm) will be developed containing two (2) three-storey residential flat buildings (RFBs). Each RFBs would contain seventeen (17) dwellings for a total of thirty-four (34) residential apartments.
 - The Torren-Title allotments addressing Warriewood Road and Lorikeet Avenue would not be developed as part of this application and would be individually developed as separate future consents.
 - seventy-seven (77) car parking spaces are proposed within the basement levels of the RFBs.
 - vehicular access to the basements would be provided via Lorikeet Grove
 - two pedestrian linkages to be provided from both Warriewood Road and Lorikeet Grove
- Civil works
 - water collection and catchment facilities that include a large Onsite Stormwater Detention (OSD) system and an infiltration basin within the creekline reserve

- earthworks, flood mitigation measures, vehicular access/parking facilities
- construction of Lorikeet Grove and cycle way between the subdivisions at 41 and 53 Warriewood Road

The Site – Referral commentary

The subject development comprises two properties wherein a dwelling house exist, namely at Lot 2 DP 349085 (45 Warriewood Road) and Lot 1 DP 349085 (49 Warriewood Road). The third parcel of the development site contains an open drainage channel and is 1.9m wide, this parcel is owned by Northern Beaches Council.

A section of Narrabeen Creek is located at the rear of all 3 parcels.

The Warriewood Valley Development Contributions Plan (Amendment 16, Revision 3) 2018, known as the 'WV Contributions Plan', applies to the subject property. This Plan, prepared in accordance with legislative requirements, provides the mechanism by which development contributions can be levied on developments within the catchment area for the WV Contributions Plan. Additionally, it addresses the public services and facilities that will be required to meet the needs of the future residents and workers of the Release Area.

Assessment of the DA2020/1517

I have reviewed the documents submitted with the DA. The DA as submitted seeks approval to subdivide the 3 individual lots under Torrens Title.

Based on the DA as submitted, I offer the following commentary:

The submitted "Lot Layout Plan" details the 12 residential lots (Lots 1 to 11 inclusive ranging in size from 226m² to 826m²) and Lot 12 having a site area of 7004m², a road reserve 1357m² (no notation as a lot) and Lot 13 with site area 9325m² (containing the section of Narrabeen Creek and water management facilities for the residential development).

Lots 8 to 11 inclusive, directly front and access Warriewood Road. These lots are essentially of a size that has the potential to be the subject of a Complying Development Certificate for a dwelling house or worse, dual occupancy on each lot. In such circumstances, the resulting implications to the water management established for the overall subdivision or if dual occupancy is pursued, then the maximum permitted dwellings are exceeded, thereby is prohibited development.

There needs to be a clear distinction between the inner creekline corridor and the outer creekline corridor, with the inner creekline corridor land 25 metres wide (measured from the centre line of the creek) to be dedicated to Council. An offset in the total monetary contribution will be calculated in accordance with the WV Contributions Plan.

Any water management facilities for the subdivision and overall residential development is not to be in the inner creekline corridor land. As the 'infiltration basin' is on Lot 13, in effect in the outer creekline corridor land, it is unknown as to the ownership and maintenance responsibility of the basin and the land known as Lot 13. Council does not accept any future ownership or responsibility of the basin or outer creekline corridor land.

Landscape plans by Creative Planning Solutions dated 24.04.2020 indicate the location of the shared pathway on Lot 13 and is supported by the council's landscaped architect. This pathway is to connect to the pathways approved/built on immediately abutting sites; forming part of the overall

pedestrian/cycleway network in Warriewood Valley.

The pedestrian path directly accessed from/on Warriewood Road is for the benefit of residents within the proposed development however safety concern is raised as the connecting pathways within the communal open space directs you to the communal swimming pool and specific building/ dwelling entries. Consideration should be made in ensuring this pathway from Warriewood Road does not result in unsafe conditions for residents within this development.

Traffic has confirmed that a newly constructed bus bay is within proximity of this property, and the proposed driveways for Lots 8 to 11 should not interfere with this bus bay.

The DA as submitted is unclear as to whether construction will be undertaken in stages and should be clarified with the applicant, especially as payment of the total contribution payable to Council is prior to the issue of any Construction Certificate or Subdivision Certificate (including the CC for any civil works or if the 3 individual parcels are being consolidated in the first instance, requiring a Subdivision Certificate for the consolidation).

Accordingly, the applicant should be advised of the following matters for their consideration:

a. Proposed Lots 8 to 11 inclusive directly front and access Warriewood Road. These lots are essentially of a size that has the potential to be the subject of a Complying Development Certificate for a dwelling house or worse, dual occupancy on each lot, resulting in adverse implications to:

- the water management established for the overall subdivision (including the calculated impervious area requirement for each new lot) or
- permissibility if dual occupancy is pursued as this can result in exceeding the total maximum 45 dwellings permitted for these sites (labelled buffer areas 1h, 1g and 1f under the Pittwater LEP 2014), and is prohibited development.

b. The inner creekline corridor land to be dedicated to Council will occur by way of subdivision. Prior to dedication, all creek corridor land to be dedicated to the Council must be free from weeds and contaminated material. Any remediation works on this land will be at the developer's cost and must be completed and signed off by a professional with relevant qualifications.

The value of the inner creekline corridor land is in accordance with the Warriewood Valley Contributions Plan, and this value will already be deducted from the total monetary contribution payable to Council.

c. The outer 25m creekline corridor (commonly known as the 'private buffer strip') will be in private ownership, is to perform the functions of part water quality control and a fauna/flora corridor private ownership and appear to be part of the public domain.

d. The section of shared pathway (off-road) being sited on the outer creekline corridor is identified Infrastructure/asset) in the Warriewood Valley Contributions Plan.

However, the land on which this section of shared pathway (off-road), being the outer creekline corridor land, is not identified in the Warriewood Valley Contributions Plan.

e. The pedestrian pathway directly accessed from/on Warriewood Road is for the benefit of residents within the proposed development and is not identified in the Warriewood Valley

Contributions Plan.

Nonetheless, safety concern is raised as the connecting pathways within the communal open space directs you to the communal swimming pool and specific building/ dwelling entries. Consideration should be made in ensuring this pathway from Warriewood Road does not result in unsafe conditions for residents within this development. Details on the access for general use and maintenance on the land containing the pathway should be provided.

f. In the event Council is supportive of the DA and the applicant is of the mind to construct the shared pathway in the outer creekline corridor connecting to the pedestrian path within the Lorikeet Grown Road reserve and the inner creekline corridor rehabilitation works (being infrastructure listed in the Warriewood Valley Contributions Plan), there is an opportunity to do so through a Planning Agreement in the form of a Works-In-Kind agreement being entered into with Council. Discussions should be held with Council before the monetary contribution is paid to Council.

The applicant is to also confirmation the following matters:

1. Staging sequence of the DA, in terms of consolidation and subdivision under Torrens Title and construction staging.
2. Details of the total area of the lot containing the inner creekline corridor land, and the lot containing the Lorikeet Grove reserve (on an amended Plan of Subdivision to be submitted to Council) and timing of creek rehabilitation work to Fern Creek, construction of section of Lorikeet Grove, and transfer of such lots containing such into council ownership.

The amended Plan of subdivision is to specifically demonstrate that any private infrastructure is not on land being transferred into Council ownership.

3. Details of the outer creekline corridor lot including dimensions and site area, and the ongoing ownership and maintenance requirements and details of all infrastructure required to service this subdivision, namely:
 - A. The water management facilities and any other private infrastructure for the residential lots;
 - B. Access into inner 25m creekline corridor for maintenance in Council benefit; and
 - C. The section of pedestrian/cycleway path (off-road), from the Lorikeet Grove road reserve that connects to the pedestrian/cycleway path on 34 Lorikeet Grove, giving access and maintenance to Council benefit.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

The proposal is therefore unsupported.

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Responsible Officer.

Strategic Planning Conditions:

Nil.