

## Strategic Planning Referral Response

Application Number:	DA2020/1480
Date:	16/02/2021
To:	Anne-Marie Young
Land to be developed (Address):	Lot 1 DP 5055 , 8 Forest Road WARRIEWOOD NSW 2102

### Officer comments

#### Applicant's Description of the DA

The subject Development Application DA2020/1489 seeks consent for development on the subject property, the full description as per the submitted Statement of Environmental Effects, prepared by Boston Blyth Fleming Pty Ltd in November 2020, reads as follows:

#### **3.1 Proposed demolition works**

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

#### **3.2 Proposed subdivision**

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

##### *Proposed Lot 1*

*This Lot comprises a Community Scheme in which:*

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

### *Proposed Lot 2*

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

### *Proposed Lot 3*

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

### **3.3 Proposed landscape/ environmental rehabilitation works**

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

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

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

### **3.4 Proposed civil works**

*The application proposes the construction of a 6 metre wide private road from Jubilee Avenue*

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

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

## **The Site**

A dwelling house exists on the subject site, currently unsewered land. The site is accessed from Jubilee Avenue via a privately-owned bridge. This bridge, privately owned and maintained, is on Council-owned land.

A section of Narrabeen Creek is located at the northern boundary.

In 2017, the Development Application (N0440/15) was approved for the subdivision of land and construction of a residential development incorporating 81 dwellings and associated civil and landscape works. The proposal comprises 66 apartments within 4 residential flat buildings, 14 dwellings in multi dwelling housing and the retention of the existing dwelling house. A Construction Certificate or Subdivision Certificate is yet to be issued. A condition was imposed requiring monetary contribution payment and the dedication of the inner creek line corridor, which remains unsatisfied. The consent became operative from 14 Sep 2017 upon satisfying the deferred commencement conditions, and it has not lapsed or withdrawn.

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.

The development site is one of 2 properties identified as Sector 5 under Pittwater LEP 2014 (also known as Sector 501 under the WV Contributions Plan and Warriewood Valley Strategic Review Report).

## **Assessment of the DA2020/1489**

I have reviewed the DA as submitted, and offer the following commentary:

1. The development site is in the Warriewood Valley Release Area and it is confirmed that utility services are anticipated.

Appropriate conditions regarding the servicing arrangements typically required for any new allotment in the Warriewood Valley Release Area are to be imposed on a development consent; with a Section 73 Certificate and service connections being in place before the Subdivision Certificate is issued.

2. It is unclear if the DA will be staged in terms of:

a) The subdivision particularly as there are two forms of subdivision title described.

b) The construction phases for the purposes of timing of the monetary contribution amount payable to Council (as the adopted Contributions Plan seeks payment prior to **any** Construction Certificate issued or a Subdivision Certificate if a Construction Certificate is not required)

c) In conjunction with point b) above, the timing of works within the inner creekline corridor area on the plans prepared by Jackson Teece Chesterman Willis Pty Ltd dated 16/09/20 (includes written notations referring to staging of such) are inconsistent with other submitted plans/documentation with the DA eg. Other DA plans and the draft Plan of Subdivision prepared by Anthony Guy Mitchell.

The timing of the inner creekline corridor works affect the calculation of the monetary contribution amount payable to council as well timing of when the inner creekline corridor land is transferred into Council ownership.

As the development site is an individual allotment, there is an assumption that the subdivision of this lot to create 3 lots will firstly be under Torrens Title subdivision. Additionally, 1 of the proposed lots incorporates the inner creekline corridor land to be dedicated to Council (an identified item under the WWV Contributions Plan); however, there are no details on timing of transfer.

The application proposes rehabilitation works to this section of Narrabeen Creek although Council's Stormwater, Floodplain Engineering team confirm the inner creek corridor at this location already has capacity to contain 1% Annual Exceedance Probability (AEP) flow plus climate change; and further creek reconstruction work are unlikely to facilitate this subject development.

Nonetheless, the inner creekline corridor land to be dedicated to Council must:

- Firstly be free from weeds and contaminated material; and 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 prior to the dedication to Council. If the removal of those weeds causes bank instability, the area is to be stabilised preferably with (low cost) soft stabilisation methods such as coir logs, geotechnical fabric, and plantings.

It is insufficient to simply remove the weeds as this will immediately result in erosion of the banks and regrowth of weeds, creating a significant maintenance burden for Council.

- Not contain any private infrastructure/structure(s) on or immediately abutting the inner creekline corridor land. Currently the plan shows a section of the private road on the inner creekline corridor land, and the detention basin abutting the same

The application proposes the construction of a 8-metre-wide private road from Jubilee Avenue through the site for future connection to Forest Road through No. 4 Forest Road to the south. Proposed lot 2 - inner creekline corridor can likely be accessed via Jubilee Avenue; however, the confirmation of this

would be required.

It is noted that a section of proposed 8m private access road encroaches into the inner creekline corridor land (being land to be dedicated to Council). Council is not supportive of any private infrastructure within the inner creekline corridor land as this places undue responsibility for maintenance of the private road on Council. Referrals have been sent for commentary on traffic and transport; and consideration of the Integrated Water management for Warriewood Valley (flood planning and creekline corridor reconstruction/rehabilitation), wherein:

- Regardless no discussion is made on the location of the access road and basin (private infrastructure for the development) on the inner creekline corridor land, the applicant is to be advised that Council does not support dedication of the inner creekline corridor land if it contains any private infrastructure on/abutting such land.
- A response from Traffic Engineers is still to be provided.

**In the event Traffic support the location of the private road, further discussion needs to be undertaken with Project Leader – Water Management and Manager Strategic Place Planning to consider the implications of any private infrastructure sited on land being dedicated to Council.**

From the DA description, it is assumed that the proposed Torrens Title Lot 1 will be resubdivided under Community Title to create 18 residential lots and a community lot. Of the 18 residential lots, proposed Lot 19 in resubdivision Torrens Title Lot 1 will be subject to a future DA (for a residential flat building where the number of dwellings is unknown for the purposes of the DA and the calculation of development contributions payable under this DA).

As such, confirmation is sought from the applicant to the following:

1. Is the assumption that the subject property is firstly being subdivided under Torrens Title to create 3 lots correct.
2. Staging sequence of the development, in terms of construction staging and subdivision.
3. Details of the total area of the inner creekline corridor land known as Torrens Title Lot 2 (on an amended Plan of Subdivision to be submitted to Council) and timing of transfer into council ownership and creek rehabilitation work to Narrabeen Creek.

The amended Plan of subdivision is to specifically demonstrate that any private infrastructure including structures is on or immediately abutting Torrens Title Lot 2, being land to be dedicated to Council.

4. Details regarding the ongoing ownership and maintenance requirements and details of all infrastructure required to service this subdivision, namely:
  - (i) Access into the subdivision from Jubilee Avenue including proposed Torrens Title Lot 2 (containing the inner creekline corridor that is to be dedicated to Council).
  - (ii) All private infrastructure in Community Lot 1 under resubdivision Torrens Title Lot 1.

Additionally, the applicant should be advised of the following matters:

1. The development contribution amount levied under this DA will be calculated on the 17 residential allotments only - being proposed Lots 2 to 18 inclusive under resubdivision Torrens Title Lot 1 – as they show building footprint for individual dwelling on these allotments (where, if approved, will be on the stamped-approved Plan of Subdivision).

Proposed Lot 19 in resubdivision Torrens Title Lot 1 is to accommodate a future residential flat building that is subject to a future DA. As such, development contributions for the creation of Proposed Lot 19 is not levied under the current DA (as there are no dwellings contemplated under this DA), but will be levied when the DA for the future residential flat building (and the number of dwellings confirmed) on same is considered and determined by Council.

2. The proposed dedication of the inner creekline corridor to Council being part of this DA:

a) Concern is raised regarding the location of private infrastructure on or immediately abutting the inner creekline corridor land, namely a section of private road on and detention basin(s) abutting the inner creekline corridor land.

Council will not accept any private structures on or immediately abutting/aligning land that will be transferred into Council ownership.

b) Council confirms that the value of the inner creekline corridor land (as set out in the Contributions Plan) will directly offset the total monetary contribution payable to Council calculated under this DA, being on the proposed 17 residential allotments only (proposed Lots 2 to 18 inclusive under resubdivision Torrens Title Lot 1).

In this regard, the future DA for proposed Lot 19 to accommodate a residential flat building will be subject to the development contribution rate applicable at the time. The total amount payable (based on the quantum of dwellings approved on this Lot) will not be offset by inner creekline corridor land that was transferred to Council under another consent.

c) The inner creekline corridor land proposed to be dedicated to Council must firstly 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 prior to the dedication to Council.

3. The outer creekline corridor area encroaches into 3 proposed residential lots (shown on plan as Lots 10, 18 and 19) and is not to contain any part of residential lots, dwellings, garages, fences and other vertical built structure. The width of the Outer Creekline Corridor may at any one point be less than 25 metres provided that an average 25 metres width is maintained and that outcomes of control C6.1 Integrated Water Cycle Management of Pittwater 21 Development Control Plan are met.

#### **For the Assessment Officer to Action:**

In the event the location of the private road is supported by Traffic, further discussion needs to be made with Project Leader – Water Management and Manager Strategic Place Planning to consider the implications of any private infrastructure sited on land being dedicated to Council.

The proposal is therefore unsupported.

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

**Strategic Planning Conditions:**

Nil.