

2<sup>nd</sup> February 2022

The General Manager  
Northern Beaches Council  
PO Box 882  
Mona Vale NSW 1660

Dear Sir,

**Statement of Environmental Effects  
Modification of Land and Environment Court Issued Consent  
Proceedings No 10083 of 2016  
Boston Blyth Fleming at Northern Beaches Council  
Proposed Residential Development  
Lot 1, DP 5055, No. 8 Forest Road, Warriewood**

**1.0 Introduction**

On 3<sup>rd</sup> May 2017, the Land and Environment Court of NSW (the Court) upheld an appeal and granted deferred commencement consent to the above development involving the construction of a residential development incorporating 81 dwellings and associated civil works and landscaping.

The consent has been subsequently modified to change the approved titling arrangement, to enable the staging of the approved development works and to delete the approved loft floor levels associated with townhouses 1 - 14. We note that Council is currently assessing a modification application seeking to remove the staging approved by way of the previous modification and instead modify the wording of a number of conditions relating to certain matters that need to be satisfied prior to issue of a Construction Certificate or Occupation Certificate to facilitate the staging of works within the scope of the original development consent.

We have again been engaged to prepare an application pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979 (the Act) seeking a refinement in the design and internal layout of the approved apartments and the reintroduction of the originally approved loft floor space associated with townhouses 1 - 14 which were deleted pursuant to a previous modification application.

Such refinements also include a change in apartment mix with a number of 1 bedroom apartments modified to incorporate 2 bedrooms and the larger 2 bedroom apartments modified to incorporate 3 bedrooms to reflect market demand in this particular location.

Minor changes are also proposed to the external detailing of the residential flat buildings and townhouses to accommodate the floor plan modifications proposed and to provide enhanced internal floor space and external private open space layout efficiencies. The application also seeks to locate integrated and appropriately screened air-conditioning condenser units on the roof of the approved residential flat buildings where they will not be visible from a public place and not give rise to any adverse residential amenity impacts in terms of noise.

Finally, the basement layout is also amended to improve circulation efficiencies and enhance buildability through the rationalisation of design and associated excavation. The landscape plans are modified to reflect the altered basement layout and ensure that the overall landscape outcome for the site is not compromised as a consequence of the modifications sought.

As the proposed modifications do not significantly alter the height, bulk and scale of the approved residential flat buildings and townhouses as originally approved by Court and do not in any significant manner alter the approved front, side and rear boundary setbacks, building footprints, car parking, drainage or landscaped area outcomes, Council can be satisfied that the development as modified remains substantially the same as the development originally approved.

The acceptability of the modifications sought is also addressed in the accompanying landscape plans, access report, BCA report, bushfire and ecological assessment, geotechnical report, traffic and parking review and modified BASIX Certificate with this submission also accompanied by a SEPP 65 Architect Designed Verification Statement and Apartment Design Guide compliance table.

Accordingly, the application is appropriately dealt with by way of Section 4.56 of the Act which enables Council as the consent authority to modify a Court issued consent.

## **2.0 Detail of Modifications Sought**

### **Architectural Modifications**

The modifications are depicted on Architectural plans A000(01), A001(04), A099.1(02), A099.2(02), A100.1(03), A100.02(03), A101.1(02), A101.2(02), A102.2(02), A102.1(02), A103.1(02), A103.2(02), A200(02), A300(02), A301(02), A302(02), A501(02), A502(02), A503(02), A600(01) and A700(01) prepared by ADS Architects. The modifications can be broadly summarised as follows:

## Basement

- The modification of the approved basement layout to improve circulation efficiencies and enhance buildability through the rationalisation of design and associated excavation.
- Total car parking numbers are increased from 191 to 195 spaces as a result of improved design and layout efficiencies including the removal of all previously approved tandem spaces.
- All townhouses are provided with internally accessed lock-up garages and internal lift access.
- Minor basement footprint changes and addition of service rooms.
- The introduction of a sprinkler tank and pump room.
- The introduction of a switch and communications room.
- Basement levels modified to accommodate services and structural requirements and enhance buildability.

## Townhouses

- The reintroduction of the originally approved attic level floor space deleted by way of a previous section 4.56 modification application.
- The introduction of internal stair access to lock-up garages below and internal lift access between levels.
- A general refinement in the external detailing of the townhouses.

## Building A

- Units 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 18 - Internal layout modifications.
- Units 5, 11 and 17 modified from 1 bedroom to a 2 bedroom apartments.
- Units 1, 2, 3, 6, 7, 8, 9, 12, 13, 14 and 15 - Fenestration modifications with new high sill windows.
- Units 2, 3, 5, 6, 9, 10, 11, 12, 14, 15, 16, 17 and 18 - External facade alignment modifications.
- Units 9, 10, 11, 12, 15, 17 and 18 - Balcony size and alignment modifications.
- Units 3, 6, 9, 12 and 18 modified from 2 bedroom to 3 bedroom apartments.

## Building B

- Units 19, 20, 22, 23, 25, 26, 27, 28, 29, 31, 32, 33, 34 and 35 - Internal layout modifications.
- Unit 21 modified from 1 bedroom to a 2 bedroom apartments.
- Units 19, 20, 23, 25, 26, 29, 31, 32 and 35 - Fenestration modifications with new high sill windows.
- Units 20, 21, 22, 23, 25, 26, 28, 29, 32, 34 and 35 - External facade alignment modifications.

- Units 26, 28, 29, 32, 34 and 35 - Balcony size and alignment modifications.

### Building C

- Units 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 - Internal layout modifications.
- Units 37, 38, 41, 42, 45 and 46 - Fenestration modifications with new high sill windows.
- Units 39, 40, 43, 44, 45, 46, 47 and 48 - External facade alignment modifications.
- Units 43 and 47 - Balcony size and alignment modifications.

### Building D

- Units 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 - Internal layout modifications.
- Units 49, 50, 53, 54, 55, 56, 59, 60, 61, 62, 65 and 66 - Fenestration modifications with new high sill windows.
- Units 51, 52, 53, 57, 58, 59, 63, 64 and 65 - External facade alignment modifications.
- Units 57, 59, 64 and 65 - Balcony size and alignment modifications.
- Unit 53 modified from a 2 bedroom to a 3 bedroom apartment.
- Units 50, 56 and 62 modified from 1 bedroom + study to 2 bedroom apartments.

### Roof plans

- Screened A/C condenser plant areas introduced to the roof of buildings A, B, C and D.

The modified proposal retains 16 adaptable apartments and provides for the following dwelling mix:

1 x 1 bedroom  
9 x 2 bedroom  
55 x 3 bedroom  
1 x 4 bedroom

We confirm that the existing dwelling house located on the subject property is to be retained in accordance with the terms of the original consent.

## Condition Modifications

The application seeks the modification of the following conditions:

Condition A1(a) is to be modified to reflect the modified plans and consultant reports prepared in support of this application.

Condition B28 is to be deleted to facilitate the placement of the A/C condensers on the roof of buildings A, B, C and D.

Condition B67 is to be modified to reflect the modified dwelling mix.

### 3.0 Section 4.56 of the Environmental Planning and Assessment Act 1979

Section 4.56 of the Act provides that:

- (1) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:*
  - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (b) *it has notified the application in accordance with:*
    - (i) *the regulations, if the regulations so require, and*
    - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
  - (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
  - (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

(1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

In answering the above threshold question as to whether the proposal represents “substantially the same” development the proposal must be compared to the development for which consent was originally granted, and the applicable planning controls.

In order for Council to be satisfied that the proposal is “substantially the same” there must be a finding that the modified development is “essentially” or “materially” the same as the (currently) approved development - *Moto Projects (no. 2) Pty Ltd v North Sydney Council* [1999] 106 LGERA 298 per Bignold J.

The above reference by Bignold J to “essentially” and “materially” the same is taken from Stein J in *Vacik Pty Ltd v Penrith City Council* (unreported), Land and Environment Court NSW, 24 February 1992, where his honour said in reference to Section 102 of the Environmental Planning and Assessment Act (the predecessor to Section 96):

*“Substantially when used in the Section means essentially or materially or having the same essence.”*

What the abovementioned authorities confirms is that in undertaking the comparative analysis the enquiry must focus on qualitative elements (numerical aspects such as heights, setbacks etc) and the general context in which the development was approved (including relationships to neighbouring properties and aspects of development that were of importance to the consent authority when granting the original approval).

When one undertakes the above analysis in respect of the subject application it is clear that the proposed modifications maintain the previously approved dwelling density of 81 dwellings across the subject property with an appropriate dwelling mix retained reflecting market demand for 2 and 3 bedroom dwelling houses in this particular location. The existing dwelling house located on the subject property continues to be retained as a component of development.

Although the modification seeks a general refinement in the internal and external detailing of the approved residential flat buildings their height, bulk, scale and footprint are not materially altered nor their spatial relationship with surrounding development. The changes proposed to the basement design and configuration do not compromise the traffic, parking or landscape outcomes previously approved for development on the site with the reintroduction of the attic floor space to the approved townhouses not compromising the residential amenity or environmental outcomes afforded through approval of the original application.

In this regard, the approved development remains, in its modified state, a development which will relate to its surrounds and adjoining development in a consistent fashion to that originally approved in terms of building form and landscaping with the approved residential amenity, landscape, drainage and environmental outcomes not compromised as a consequence of the modifications sought.

The Court in the authority of *Stavrides v Canada Bay City Council* [2007] NSWLEC 248 established general principles which should be considered in determining whether a modified proposal was “substantially the same” as that originally. A number of those general principles are relevant to the subject application, namely:

- The proposed use and residential density do not change,
- The previously approved built form, landscape and drainage outcomes are not significantly altered with the modifications representing a refinement in the detailing of the development as originally approved by the Court, and
- The modifications maintain or enhance the previously approved residential amenity and environmental outcomes.

On the basis of the above analysis, we regard the proposed application as being “essentially or materially” the same as the approved development such that the application is appropriately categorised as being “substantially the same” and is appropriately dealt with by way of Section 4.56 of the Act.

## 4.0 Statutory Planning Considerations

### 4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local environmental planning instrument applicable to the land. The relevant provisions of PLEP 2014 and the manner in which they relate to the site and the proposed development are assessed below.

#### 4.1.1 Zoning and permissibility

The developments permissibility when assessed against the provisions of PLEP 2014 are not compromised as a consequence of the modifications sought. The development will continue to be consistent with the objectives of the zone and to that extent there is no statutory impediment to the granting of the proposed modifications.

#### 4.1.2 Height of buildings

Pursuant to clause 4.3 of PLEP 2014 the maximum building height for development on the land is 10.5 metres.

We confirm that the works proposed to the townhouses to reinstate the upper level floor plates comply with the 10.5 metre height of building standard with the works to the residential flat buildings not materially altering the height of the development with the exception of the roof mounted condenser units and associated screening which on Building A breach the 10.5 metre height standard by approximately 200mm or 1.8%) as nominated on the plan extract at Figure 1 below.



**Figure 1** - Plan extract of Building A showing a minor 200mm breach of the building height standard by the proposed roof mounted plant and associated screening

Whilst the clause 4.6 PLEP development standard variation mechanism does not apply to an application seeking to modify a consent the acceptability of the increase in building height has been assessed against the objectives of the standard as follows:



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

Comment: Whilst the modifications result in a minor building height breach on Building A the height of the development will remain consistent with the desired character of the locality being 3 storey building forms within a landscaped setting.

The breaching element will not impact on the design quality of the development or its streetscape or residential amenity outcomes and to that extent the building, by virtue of its height and scale, will remain consistent with the desired character of the locality being an outcome accepted in the approval of the original scheme. The proposal remains consistent with this objective.

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

Comment: Whilst the modifications result in a minor increase in overall building height above Building A the height and scale of the development will remain consistent with the desired character of the locality being 3 storey building forms within a landscaped setting. In forming this opinion we note that the building height breaching element will not be readily discernible as viewed from outside the site given the intervening roof elements and available sightlines.

This submission demonstrates that the modified development is of good design quality with the development maintaining the previously approved spatial relationship to adjoining development. The proposed development, notwithstanding the building height breaching elements, will remain complimentary and compatible with the height and scale of surrounding and nearby development.

The proposal remains consistent with this objective.

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

Comment: The accompanying shadow diagrams clearly demonstrate the building height breaching element will not create any additional shadowing impact outside the site at any time on 21<sup>st</sup> June with compliant levels of solar access maintained to surrounding residential development. Notwithstanding the building height non-compliance, overshadowing has been minimised to neighbouring properties to the extent that compliant solar access is maintained.

The proposal remains consistent with this objective.

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

Comment: Having inspected the site and surrounds to determine available view lines we have formed the considered opinion that the view sharing outcomes achieved through approval of the original application are not compromised notwithstanding the building height breaching elements proposed. The proposal remains consistent with this objective.

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

Comment. The building height breaching element are not a consequence of the desire to further alter the natural topography of the site and to that extent the proposal, as modified, is consistent with this objective.

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

Comment: The minor increase in overall building height will not compromise the heritage conservation outcomes afforded through approval of the original scheme. The proposal remains consistent with this objective.

Given the ability to satisfy the objectives of the height of buildings standard we have formed the considered opinion that the strict compliance with the numerical standard is both unreasonable and unnecessary under the circumstances.

#### **4.1.3 Warriewood valley Release Area**

Pursuant to clause 6.1 of PLEP 2014 development consent must not be granted for development on land in sector 5 unless the consent authority is satisfied that not more than 94 or less than 75 dwellings will be erected on the land. The stated objectives of the clause are as follows:

- *to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Review Addendum Report,*
- *to ensure that development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates the creek line corridors,*
- *to facilitate the mitigation of odours from the Warriewood Sewage Treatment Plant on the users and occupiers of residential development in a buffer area*

This application does not seek any change to the approved dwelling density of 81 dwellings across the allotment including the retention of the existing dwelling house.

#### **4.1.4 Acid sulfate soils**

Pursuant to clause 7.1 of PLEP 2014 the site is identified as Class 5 on the Acid Sulfate Map. Having regard to the applicable considerations we have formed the considered opinion that the additional excavation proposed will not lower the watertable table on any adjoining Class 1, 2, 3 or 4 land below 1m AHD.

#### **4.1.5 Flood planning**

Clause 7.3 of PLEP 2014 applies to land at or below the flood planning level. The site is identified as being land within the Risk H3 and H5 Flood Category and subject to an Overland Flow Path – Minor. Pursuant to clause 7.3(3) (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

In this regard, the modifications sought do not alter the previously approved flood planning outcome for the site.

#### **4.1.6 Biodiversity**

Pursuant to clause 7.6 of PLEP 2014 the site is identified on Council's Biodiversity Map. Pursuant to clauses 7.6(3) and (4) and (3) before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) *whether the development is likely to have:*
  - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
  - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
  - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
  - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Further, development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (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*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

In this regard, the modifications sought do not alter the previously approved biodiversity outcomes for the site as detailed in the accompanying addendum letter prepared by AEP.

#### **4.1.7 Geotechnical hazards**

Pursuant to clause 7.7 of PLEP 2014 the south-western edge of the site is identified on Council's Geotechnical Hazard Map. In this regard, the modifications sought do not alter the previously approved geotechnical outcomes for the site as detailed in the accompanying addendum report prepared by Cardno.

## 4.2 Pittwater 21 Development Control Plan

The following sections of this statement provide a detailed assessment of the residential development against the applicable DCP provisions. The land is located within Sector 5 of the Warriewood Valley Release Area.

### Locality Statement - Warriewood Valley Land Release Area

The Locality Statement for the Warriewood Valley Land Release Area is as follows:

*Warriewood Valley is situated at the base of the escarpment, known as Ingleside Chase Reserve, between Mona Vale and Warriewood (see map). First identified as a Release Area in 1997, the Warriewood Valley Release Area previously consisted 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 Buffer Areas 1, 2 and 3, resulting in an area of approximately 190 hectares.*

*Warriewood Valley 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). When completed, it is anticipated to accommodate 6,618 residents (based on an average household occupancy of 2.7 persons per household).*

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

*Warriewood Valley 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 and open space and community services.*

*The creeklines, roads and open space areas will 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.*

*The Warriewood Valley Area is affected by various hazards. identified on various maps within Pittwater LEP 2014.*

*The Warriewood Release Area includes vegetation areas, threatened species, or areas of natural environmental significance.*

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

Given the nature of the modifications sought, the consent authority can be satisfied that the development as modified will remain consistent with the desired future character statement as outlined.

## Section D – Development Type Controls

Provision	Response
D16.1 Character as viewed from a public space	
<ul style="list-style-type: none"> <li>▪ Achieve the desired future character of the Locality.</li> <li>▪ To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment. (En, S, Ec)</li> <li>▪ To enhance the existing streetscapes and promote a scale and density that is in scale with the height of the natural environment. The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation. (En, S, Ec)</li> <li>▪ High quality buildings designed and built for the natural context and any natural hazards. (En, S)</li> <li>▪ Buildings do not dominate the streetscape and are at 'human scale'. Within residential and rural residential areas, buildings fronting Macpherson Street, Warriewood Road, Garden Street and Orchard Street are to give the appearance of being two storey maximum. Buildings fronting all other streets are to give the appearance of being three storey maximum. (S)</li> <li>▪ To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.</li> <li>▪ To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form, including parking structures, being a secondary component. Access to public places and spaces is clear and defined. (S)</li> <li>▪ To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land. (En, S)</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>▪ Buildings which front the street or creekline corridors must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.</li> <li>▪ Blank street frontage facades without windows shall not be permitted.</li> <li>▪ Walls without articulation shall not have a length greater than 8 metres to any street frontage.</li> </ul>	<ul style="list-style-type: none"> <li>▪ As previously detailed within this report the development, as modified, satisfies the desired future character of the Warriewood Valley Land Release Area Locality</li> <li>▪ The development, as modified, will not alter the visual character of the development as discernible within any established streetscape. The development, as modified, will contribute positively to the proposed future streetscape with all buildings appropriately articulated and modulated and distributed across the site in response to constraints and opportunity analysis. The buildings will sit within a landscape setting and blend into the vegetated escarpment which forms a backdrop to the site.</li> <li>▪ The development, as modified, will continue to be free from hazards as detailed with the supporting documentation and will relate appropriately to the adjacent public domain</li> </ul> <ul style="list-style-type: none"> <li>▪ All buildings will continue to appropriately address the proposed street frontages and incorporate visual stimulating and high quality faced treatments.</li> <li>▪ There are no blank street frontages.</li> </ul>

Provision	Response
<ul style="list-style-type: none"> <li>▪ Any building facade to a public place must incorporate at least two of the following design features: i. entry feature or portico; ii. awnings or other features over windows;</li> <li>▪ The bulk and scale of buildings must be minimised.</li> <li>▪ Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</li> <li>▪ Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</li> <li>▪ Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</li> <li>▪ General service facilities must be located underground.</li> <li>▪ Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</li> <li>▪ Within the following Sectors and Buffer areas, development directly fronting onto Garden Street, Macpherson Street, Orchard Street, or Warriewood Road, shall appear a maximum of 2 storeys: <ul style="list-style-type: none"> <li>▪ Sector 101</li> <li>▪ Sector 301, 302, 303</li> <li>▪ Sector 501</li> <li>▪ Sector 801</li> <li>▪ Sector 901A, 901B, 901C, 901F, 901G</li> <li>▪ Sector 10B</li> <li>▪ Buffer Area 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l</li> <li>▪ Buffer Area 2a</li> <li>▪ Buffer Area 3b</li> </ul> </li> <li>▪ Development that does not directly front onto Garden Street, Macpherson Street, Orchard Street, or Warriewood Road in the above Sectors and Buffer Areas may appear a maximum of 3 storeys.</li> </ul> <p><b>Variations – Nil</b></p>	<ul style="list-style-type: none"> <li>▪ All walls are appropriately articulated and modulated with visually interesting materials, finishes and façade treatments.</li> <li>▪ Compliant basement car parking is maintained with the quantum of car spaces proposed providing appropriately for the car parking demand generated by the development.</li> <li>▪ All building modifications are located behind the front building line and comply with the maximum width requirements as outlined.</li> <li>▪ The previously approved landscape regime is modified to reflect the amended basement configuration although the overall landscape quality of the development is maintained.</li> </ul>

Provision			Response
D16.5 Landscaped area for individual allotments			
<p><b>Land to which this control applies</b></p> <ul style="list-style-type: none"> <li>Land identified as being within the Warriewood Valley Land Release Area Residential Sectors P21DCPBCMDCP057</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>Vegetation is retained and enhanced within the building design to screen the visual impact of the built form. Landscaped areas should be predominately areas of deep soil. Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</li> <li>To conserve significant natural features of the site and contribute to effective management of biodiversity.</li> <li>The area of site disturbance is minimised. Landscaping enhances and complements the natural environment and surrounding landscape character, reinstates elements of the natural environment, reduces the visual bulk and scale of development, and complements the design of the proposed development.</li> <li>Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.</li> <li>To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.</li> <li>Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing visual and environmental qualities, biological diversity and ecological processes. New development is blended into the streetscape and neighbourhood.</li> <li>A pleasant and safe living environment that is environmentally responsive.</li> </ul> <p><b>Controls</b></p> <p>Landscaped Area</p> <p>The total landscaped area on individual residential allotments is to be in accordance with the following:</p>			<ul style="list-style-type: none"> <li>The modified proposal maintains a compliant landscaped area of 53.7% of the site area.</li> <li>Such quantum ensures appropriate opportunity to achieve the outcomes of the control as detailed on the accompanying landscape plans.</li> </ul>
Development	Minimum percentage (%) of site area	Minimum dimensions in metres	Response
<ul style="list-style-type: none"> <li>Lots less than 9m wide</li> </ul>	<ul style="list-style-type: none"> <li>25%</li> </ul>	<ul style="list-style-type: none"> <li>3m</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Lots 9m to 14m wide</li> </ul>	<ul style="list-style-type: none"> <li>35%</li> </ul>	<ul style="list-style-type: none"> <li>4m</li> </ul>	N/A



Provision			Response
<ul style="list-style-type: none"> <li>▪ Lots greater than or equal to 14m wide</li> </ul>	<ul style="list-style-type: none"> <li>▪ 45%</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4m</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ Residential flat buildings</li> </ul>	<ul style="list-style-type: none"> <li>▪ 25%</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3m (at ground level)</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ Multi dwelling housing</li> </ul>	<ul style="list-style-type: none"> <li>▪ 25%</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3m</li> </ul>	N/A
<ul style="list-style-type: none"> <li>▪ All other development</li> </ul>	<ul style="list-style-type: none"> <li>▪ 45%</li> </ul>	<ul style="list-style-type: none"> <li>▪ 5m</li> </ul>	Total across site of 53.7% Complies
<p> <ul style="list-style-type: none"> <li>▪ Due to the smaller lot sizes in Warriewood Valley and the resultant smaller dimensions of landscaped area, areas intended for landscaping should be predominately areas of deep soil.</li> </ul> <p>Deep soil areas are areas of soil unimpeded by buildings or structures. Areas above the ground level cannot be counted toward deep soil area.</p> <p><u>Residential flat buildings and multi dwelling housing</u></p> <p>Basement parking should be contained within the building footprint to maximise deep soil areas.</p> <p>Where possible deep soil areas should be co-located with areas of communal open space to provide shade and amenity for residents.</p> <p><u>Land affected by Split Zoning</u></p> <p>On lots where there is a split zoning and part of the lot is zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, the calculation for total deep soil area will be based only on that area not zoned RE1 Public Recreation, E2 Environmental Conservation or SP2 Infrastructure, and will not be based on the site area of the whole lot.</p> <p><u>Landscaping Requirements</u></p> <p>Landscaping is to be provided on residential lots as follows:</p> <p>Landscaped areas are to be predominately areas of deep soil to allow the infiltration of rain water to the water table and reduce stormwater runoff. □ The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation. □ Basement car parking should be contained within the building footprint to maximise areas for deep soil planting, □ Deep soil areas should be co-located with areas of private open space or communal open space, in the case of residential flat buildings and multi dwelling housing, to provide shade and amenity for residents. □ For lots fronting Warriewood Road, Macpherson Street and Garden Street at least two canopy trees are to be provided within the front setback. □ For lots fronting all other streets at least one small tree is to be provided within the front setback.</p> </p>			<ul style="list-style-type: none"> <li>▪ Noted</li> <li>▪ Noted. Sufficient soil depths proposed within all communal open space areas to accommodate canopy tree plantings as per landscape plans.</li> <li>▪ Subject site subdivided along zone boundary with development Lot R3 zoned portion only.</li> <li>▪ The accompanying modified landscape plans nominate landscaping of a form, density and species consistent with the control with such landscaping prepared in consultation with the project bushfire, aboriginal and ecological consultants.</li> <li>▪ Strict compliance is achieved/maintain.</li> </ul>

D16.6 Front building lines				
Development	Minimum front setback to articulation zone (metres)	Minimum front setback to garage/ carport (metres)	Minimum front setback to dwelling (metres)	Response
<ul style="list-style-type: none"> <li>All dwellings, except for those specified elsewhere in this table, fronting Warriewood Road, Garden Street and Macpherson Street</li> </ul>	<ul style="list-style-type: none"> <li>5</li> </ul>	<ul style="list-style-type: none"> <li>6.5</li> </ul>	<ul style="list-style-type: none"> <li>6.5</li> </ul>	N/A
<ul style="list-style-type: none"> <li>All dwellings, except for those specified elsewhere in this table, fronting all other streets</li> </ul>	<ul style="list-style-type: none"> <li>1.5</li> </ul>	<ul style="list-style-type: none"> <li>4</li> </ul>	<ul style="list-style-type: none"> <li>3</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Corner lots, setback to secondary street frontage for all dwellings, except for those specified elsewhere in this table</li> </ul>	<ul style="list-style-type: none"> <li>1</li> </ul>	<ul style="list-style-type: none"> <li>2</li> </ul>	<ul style="list-style-type: none"> <li>2</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Residential flat buildings and multi-dwelling housing fronting Warriewood Road, Garden Street and Macpherson Street</li> </ul>	<ul style="list-style-type: none"> <li>4</li> </ul>	<ul style="list-style-type: none"> <li>6.5</li> </ul>	<ul style="list-style-type: none"> <li>6.5</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Residential flat buildings and multidwelling housing fronting all other streets</li> </ul>	<ul style="list-style-type: none"> <li>3</li> </ul>	<ul style="list-style-type: none"> <li>4.5</li> </ul>	<ul style="list-style-type: none"> <li>4.5</li> </ul>	<p>All buildings, as modified, comply with these minimum front setback requirements.</p> <p>Compliance achieved.</p>

Control		Provision			Responses
D16.7 Side and rear building lines					
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>Achieve the desired future character of the Locality.</li> <li>The bulk and scale of the built form is minimised. Equitable preservation of views and vistas to and/or from public/private places. (S)</li> <li>To encourage view sharing through complimentary siting of buildings, responsive design and well positioned landscaping.</li> <li>To ensure a reasonable level of privacy, amenity and solar access is provided. An attractive streetscape.</li> <li>Flexibility in the siting of buildings and access.</li> <li>Vegetation is retained and enhanced to visually reduce the built form.</li> <li>Consistent setbacks from the buildings to the boundary with the street, creeklines, open space reserves and buffer strips.</li> <li>Access to the dwelling, parking area and recreation space within individual residential properties.</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>The minimum side and rear setbacks are subject to the incorporation of landscaping required under this DCP.</li> </ul> <p><u>Residential Development</u></p> <p>Side setback:</p> <ul style="list-style-type: none"> <li>For all development, minimum side boundary setbacks are to be in accordance with the following:</li> </ul>					
LOT WIDTHS	Attached or Abutting Dwelling	Zero Lot Line Dwelling	Detached Dwelling	Response	
Less than 9m	0m on both sides.  0.9m at the end of a row of	0m on zero lot boundary.  Length of zero lot line limited to 16m (excludes detached garages on rear loaded lots, including those incorporating secondary dwellings above garage). 0.9m setback applies to the remaining portion of the dwelling.	0.9m on both sides.  However if lot is burdened by a double storey zero lot wall, the setback on the burdened side is 1.2m.	N/A	

		0.9m at ground floor and 1.2m for any upper levels on other side.		
9 to 14m	<p>0m at ground floor and 1.5m at upper levels on zero lot boundary.</p> <p>Length of zero lot line is limited to 13m (excludes detached garages on rear loaded lots, including those incorporating secondary dwellings above garage). 0.9m setback applies to remaining portion of the dwelling</p>	<p>0m at ground floor and 1.5m at upper levels on zero lot boundary.</p> <p>Length of zero lot line is limited to 13m (excludes detached garages on rear loaded lots, including those incorporating secondary dwellings above garage). 0.9m setback applies to remaining portion of the dwelling.</p> <ul style="list-style-type: none"> <li>▪ 0.9m on other side.</li> </ul>	<p>0.9m on one side</p> <p>0.9m at ground floor and 1.5m for upper levels on other side.</p>	N/A
Greater than 14m and less than 16m			<p>0.9m on one side.</p> <p>0.9m at ground floor and 1.5m for upper levels on other side.</p>	N/A
Greater than 16m			<p>0.9m on one side.</p> <p>2.5m on other side.</p>	N/A
Residential flat buildings and multi-dwelling housing	<ul style="list-style-type: none"> <li>▪ As a minimum, the side setback is to be 3m on both sides.</li> <li>▪ Minimum separation distances for buildings within and adjoining other residential development are: - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms</li> </ul>			The previously approved side and rear boundary setback circumstances are maintained.

D16.9 Solar access

<p><b>Controls</b></p> <ul style="list-style-type: none"> <li>▪ Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of three (3) hours of sunlight between 9am and 3pm on June 21st (that is to at least 50% of the glazed area of those windows).</li> <li>▪ Where the principal living area within an existing dwelling currently receives sunshine during midwinter, any proposed adjacent development is not to reduce that solar access below three (3) hours.</li> <li>▪ Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 9am and 3pm during midwinter.</li> <li>▪ The existing/proposed private open space within the subject property and the existing/proposed private open space of any adjoining dwellings are to receive a minimum of three (3) hours of sunshine between 9am and 3pm during midwinter.</li> <li>▪ This shall be a reasonable area giving consideration to existing site constraints and block size. 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.</li> <li>▪ Where a development is undertaken as Integrated Housing (Approval Pathways 2a and 2b – see development control C6.11), 70% of the proposed dwellings are to receive a minimum of three (3) hours of sunlight between 9am and 3pm on June 21st to the private open space within the subject property and the windows of the principal living area (that is to at least 50% of the glazed area of those windows).</li> <li>▪ 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. Further, Council encourages new structures to reduce the solar impact onto adjoining properties.</li> <li>▪ Sunshine to clothes drying areas is to be maximised.</li> <li>▪ Any reference to adjoining buildings also includes separate dwellings on the same site in respect to multiple occupancy developments.</li> </ul> <p><b>Variations Nil</b></p> <p><b>Advisory Notes</b> - Refer to Residential Flat Design Code for solar access requirements for residential flat buildings</p>	<p>The modifications sought will not result in any additional shadowing impact.</p>
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D16.10 Private and Communal Open Space

<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Dwellings are provided with a private, usable and well located area of private open space for the use and enjoyment of the occupants. Private open space is integrated with the living areas of dwellings. Private open space receives sufficient solar access and privacy. Private open space is appropriate in design and location for shop top housing.</li> </ul> <p><b>Controls</b></p> <p><u>Private Open Space</u></p>	
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The minimum private open space area for a dwelling is to be in accordance with the following:			
Development	Minimum Area sqm	Minimum dimensions	Response
<ul style="list-style-type: none"> <li>Dwellings on lots less than 9m wide</li> </ul>	<ul style="list-style-type: none"> <li>16</li> </ul>	<ul style="list-style-type: none"> <li>3m</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Dwellings on lots between 9m and 14m wide</li> </ul>	<ul style="list-style-type: none"> <li>20</li> </ul>	<ul style="list-style-type: none"> <li>4m</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Dwellings on lots greater than 14m wide</li> </ul>	<ul style="list-style-type: none"> <li>24</li> </ul>	<ul style="list-style-type: none"> <li>4m</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Multi dwelling housing</li> </ul>	<ul style="list-style-type: none"> <li>16</li> </ul>	<ul style="list-style-type: none"> <li>4m</li> </ul>	<p>All POS areas, associated with the additional/modified apartments are of adequate size and dimension to cater for a range of passive and active recreational activities.</p> <p>Strict compliance achieved.</p>
<b>D16.11 Construction, retaining walls, terracing and undercroft areas</b>			
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>To achieve the desired future character of the Locality. To protect and minimise disturbance to natural landforms. To encourage building design to respond sensitively to natural topography.</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>Lightweight construction and pier and beam footings should be used in areas identified on the Biodiversity Map in the Pittwater Local Environmental Plan 2014.</li> <li>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</li> <li>In the provision of outdoor entertaining areas, preference is given to timber decks rather than cut/fill, retaining walls and/or terracing.</li> <li>Undercroft areas shall be limited to a maximum height of 3.5 metres. Adequate landscaping shall be provided to screen undercroft areas.</li> </ul>			<p>No changes to approved circumstance.</p>
<b>D16.12 Fences</b>			
<p><b>Controls</b></p> <ul style="list-style-type: none"> <li>In all cases, vegetation is preferable over fencing to delineate the property boundary.</li> </ul>			

<ul style="list-style-type: none"> <li>▪ Fencing of properties is restricted to side and rear boundaries only and should not detract from the streetscape or adversely impact on residential amenity.</li> <li>▪ No fencing is permitted forward of the building line of the dwelling. For corner lots, any fencing along the boundary which fronts the secondary street is only permitted behind the front building line.</li> <li>▪ If fencing exceeds one (1) metre in height and abuts a public road, it must be set back from the boundary a minimum of one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merit). This set back area shall be landscaped to screen the fence and soften its appearance from the road.</li> </ul> <p>Any fencing must:</p> <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> <li>▪ enable outlook 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> <p>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.</p> <p>Where residential lots front/face/abut are located adjacent to Avenues and Sector Streets (e.g. Macpherson, Garden and Orchard Streets, and Warriewood Road), dwelling frontages, pedestrian access and postal addresses are to be maintained to these roads. Corner blocks are exempt from this requirement, where applicable.</p> <p>Fencing adjoining these roads resulting in walled or gated communities is not permitted.</p>	<p>No changed to approved circumstance.</p>
<p>D16.13 Building colours and materials</p>	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Achieve the desired future character of the Locality.</li> <li>▪ The development enhances the visual quality and identity of the street scape. (S)</li> <li>▪ The colours and materials of the development harmonise with the natural environment. (En, S)</li> <li>▪ To provide attractive building facades which establish identity and contribute to the streetscape.</li> <li>▪ To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater.</li> <li>▪ The visual prominence of the development is minimised. (S) The development reflects the natural amphitheatre of the locality. (En, S)</li> </ul>	

<ul style="list-style-type: none"> <li>▪ Damage to existing native vegetation and habitat is minimised. (En)</li> <li>▪ Colours and materials harmonise with the escarpment (S)</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>▪ External colours and materials shall be natural tones such as green, brown and dark earthy colours.</li> </ul>	<p>No changed to approved colours and materials.</p>
<p>D16.14 Pets and companion animals</p>	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ A balance between human needs for pets / companion animals and environmental considerations.</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>▪ The need for pets and companion animals must take into account their relationship with native animals, including endangered species, and their habitat.</li> <li>▪ Pets should be contained within the owners property and/or dwelling, especially at night to prevent predation on wildlife.</li> <li>▪ Pets and companion animals must be kept in accordance with the Companion Animals Act 1998 and Council registration as required.</li> </ul> <p><b>Variations Nil</b></p> <p><b>Advisory Notes</b></p> <p>See Appendix 3 - Warriewood Valley Urban Land Release Planning Content &amp; Criteria for Background Information.</p>	<p>Noted.</p>



## Design Criteria Warriewood Land Release - Section C

Provision		Response
C1.9 Adaptable housing & accessibility		
<ul style="list-style-type: none"> <li>The design of residential development shall meet the criteria of Australian Standard AS 42991995: Adaptable Housing as follows:</li> </ul>		
Development	Percentage (%) of adaptable units (rounded up)	Minimum class under AS 42991995
<ul style="list-style-type: none"> <li>Residential development in Warriewood Valley</li> </ul>	<ul style="list-style-type: none"> <li>25%</li> </ul>	<ul style="list-style-type: none"> <li>Class B</li> </ul>
<ul style="list-style-type: none"> <li>Seniors Living</li> </ul>	<ul style="list-style-type: none"> <li>100%</li> </ul>	<ul style="list-style-type: none"> <li>Per the requirements of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> </ul>
<ul style="list-style-type: none"> <li>The development application must be accompanied by certification from an accredited access consultant confirming that the nominated adaptable dwellings are capable of being modified, when required by the occupant, to comply with AS 42991995 Adaptable Housing.</li> <li>Development shall include the design and construction of works in the public domain to ensure accessibility for the full frontage of the site to any public road and to ensure access to the site from the public domain.</li> <li>Development within areas subject to flooding must provide for access on land within private ownership. In this regard ramps must not encroach into the public domain.</li> </ul> <p><b>Variations</b></p> <ul style="list-style-type: none"> <li>Council may consider a variation to the control relating to the construction of works in the public domain where the development is a single dwelling or dual occupancy.</li> </ul>		<p><b>Response:</b> a compliant quantum of accessible apartments is maintained.</p>
C5.22 environmental sustainability		
<p><b>Uses to which this control applies</b></p> <ul style="list-style-type: none"> <li>Amusement centre Boat building and repair facility Business development Commercial premises Educational establishment Entertainment facility Function centre Health services facility Industrial retail outlet Industrial training facility Information and education facility Light industry Public administration building Recreational facility (indoor) Storage premises Vehicle body repair workshop Vehicle repair station Warehouse or distribution centre</li> </ul>		

Provision	Response
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>Apply principles and processes that contribute to ecologically sustainable development (ESD).</li> </ul> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>Any development with a gross floor area of 2,000 square metres or more must achieve a minimum four star Green Star GreenStar Design and As Built rating certified rating from the Green Building Council of Australia, where there is an applicable Green Star rating tool.</li> </ul> <p><b>Variations</b></p> <ul style="list-style-type: none"> <li>Where it can be demonstrated that the above requirement is unreasonably onerous or where no applicable GreenStar tool exists, it must be demonstrated that the development achieves sustainability outcomes equivalent to a four star GreenStar Design and As Built rating.</li> <li>Where the GreenStar Design and As Built tool is not utilised to demonstrate the level of sustainability of the proposal, a sustainability report must be submitted with the development application clearly demonstrating how the development addresses sustainability. The issues to be addressed within the sustainability report include, but are not limited to, the following: <ul style="list-style-type: none"> <li>Management of the development will be coordinated with all stakeholders, ensuring that all are aware of the required sustainable outcomes.</li> <li>Commitment to and incorporation of delivery of sustainable initiatives and performance monitoring.</li> <li>Education of users and stakeholders to foster sustainable behaviour and systems.</li> <li>Increased comfort and wellbeing of the occupant, through ventilation and thermal, visual and acoustic comfort.</li> </ul> </li> </ul>	<p>N/A</p>
<p>C6.2 integrated water cycle management</p>	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>Development is designed with an integrated approach to water management, addressing water quality and quantity, watercourse and riparian corridor, stormwater and groundwater, and likely impacts from flooding. (Ec, En) Development is designed to minimise the risk posed by flooding and adapt to climate change impacts. (En, Ec, S) Establish a network of multi-functional living creekline corridors particularly Narrabeen Creek, Fern Creek and Mullet Creek for flood conveyance, environmental flows, flora and fauna habitat, water quality improvement, cyclist and pedestrian access, and drainage, linking the Warriewood escarpment with Warriewood Wetlands and Narrabeen Lagoon. (Ec, En, S) Remnant native vegetation along creeklines, escarpment vegetation, and the Warriewood Wetlands, including stands of Swamp Mahogany, Forest and Swamp Oaks, and Angophora woodlands are conserved and restored to provide linkages and stepping stones for wildlife movement. (En) Natural creeklines are wildlife corridors with riparian vegetation, providing a functioning habitat for birds and diverse native flora. (En) A range of aquatic habitats within the creeks are protected and restored (En) Long-</li> </ul>	

Provision	Response
<p>term environmental protection of the receiving waters including the Warriewood Wetlands and Narrabeen Lagoon. (En) Various functions are integrated into the multiple use creekline corridor systems of the Warriewood Valley to achieve aesthetic, recreational, environmental and economic benefits. (Ec, En, S) Landscaping enhances the required functions of the creekline corridor and reduces the impact of utilitarian drainage structures on the open space. (Ec, En, S)</p> <p><b>Controls</b></p> <ul style="list-style-type: none"> <li>▪ Water Management Report and Accompanying Plans</li> <li>▪ A Water Management Report to be submitted with the application must demonstrate how the water cycle will be managed and integrated within the development.</li> <li>▪ 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) and relevant legislation taking into account the Narrabeen Lagoon Flood Study (September 2013 or as amended) and the Pittwater Overland Flow Flood Study (2013 or as amended).</li> </ul> <p>Elements for consideration include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ <input type="checkbox"/> Water sensitive urban design <input type="checkbox"/> Flooding implications including mainstream flooding and overland flow and flood emergency response <input type="checkbox"/> Climate change impacts on flooding and designs of stormwater management infrastructure <input type="checkbox"/> Demonstration that any new allotments to be created are above the Flood Planning Area <input type="checkbox"/> Where a creek passes through/aligns or abuts a sector, buffer area or development site, the development has integrated the creekline corridor requirements into the design of the development <input type="checkbox"/> The Inner Creekline Corridor is designed and constructed to contain the 1% Annual Exceedence Probability (AEP) flow <input type="checkbox"/> With the exception of the Inner Creekline Corridor, the water management facilities will remain in private ownership. The maintenance responsibility for this infrastructure remains with the owners of the land/development. <input type="checkbox"/> The integrated water cycle management scheme must, where relevant, be supplementary to the BASIX requirement to reduce potable water consumption. <input type="checkbox"/> Stormwater quantity management, including inter-allotment drainage systems and public (existing and/or proposed) stormwater drainage systems</li> <li>▪ <input type="checkbox"/> Groundwater impacts and mitigation measures <input type="checkbox"/> Alterations and additions to a development must consider the existing approved water cycle management already established for the development.</li> <li>▪ 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 are to accompany the Water Management Report.</li> </ul> <p><b>Flooding</b></p> <p>The flood levels are to be determined as part of the Water Management Report. The information to be obtained includes:</p> <ul style="list-style-type: none"> <li>▪ <input type="checkbox"/> 50% Annual Exceedence Probability (AEP) flood levels and with climate change impacts; <input type="checkbox"/> 20% AEP flood levels and with</li> </ul>	<p>The previously approved water cycle management outcomes are not compromised.</p> <p>The previously approved flood planning levels are maintained.</p>

Provision	Response
<p>climate change impacts; <input type="checkbox"/> 1% AEP flood levels and with climate change impacts; <input type="checkbox"/> Flood Planning Level (FPL) - equal to the 1% AEP flood level plus 500mm freeboard (as defined within Council's Flood Risk Management Policy Appendix 8 of DCP) and with climate change impacts; <input type="checkbox"/> Probable Maximum Flood (PMF) level and with climate change impacts; <input type="checkbox"/> Flow velocities for the 1% AEP flood and Probable Maximum Flood and with climate change impacts; and <input type="checkbox"/> Flood Category and Flood Hazard Classification as defined in Council's Flood Risk Management Policy (Appendix 8) and with climate change impacts.</p> <ul style="list-style-type: none"> <li>▪ Likely flood impacts from the development must also be assessed and where required, mitigated.</li> <li>▪ The filling of land will only be permitted where it can be demonstrated within the Water Management Report that: <ul style="list-style-type: none"> <li>▪ <input type="checkbox"/> 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 <input type="checkbox"/> There is no additional adverse flood impact on the subject and surrounding properties and flooding processes for any flood event up to the Probable Maximum Flood (PMF) event (including climate change impacts).</li> </ul> </li> <li>▪ 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 Appendix 8 of this DCP.</li> <li>▪ The subdivision of land requires the building of platforms for each additional allotment created to be at or above the Flood Planning Level (plus climate change). The Plan of Subdivision is to include the Flood Planning Level (plus climate change) for each new allotment created.</li> </ul> <p>Creekline Corridor</p> <ul style="list-style-type: none"> <li>▪ Where a creek passes through/aligns or 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.</li> <li>▪ The 50 metre wide Inner Creekline Corridor (25m either side of the creekline corridor), 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 Exceedence Probability (AEP) flow plus climate change. Detailed engineered plans are to be submitted with the application depicting the creek construction.</li> <li>▪ 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. The private buffer strip is to be a multifunctional corridor and may contain: <ul style="list-style-type: none"> <li>▪ - The pedestrian path/cycleway is to be 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 can be provided and retention of vegetation. The alignment of</li> </ul> </li> </ul>	<p>The previously approved creek line corridor outcomes are maintained.</p>

Provision	Response
<p>pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists. - Water quality control ponds. - Other water quality treatment measures. - Roads and impervious areas may intrude into part of the outer Creekline Corridor but will be subject to merit assessment.</p> <ul style="list-style-type: none"> <li>▪ Dwellings, garages and other vertical built structures must not be located within the private buffer strip.</li> <li>▪ 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. In areas of low use, native groundcovers should be used as an alternative to lawn.</li> </ul> <p><b>Stormwater Drainage Quantity Management</b></p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ The stormwater pipe drainage system network is to include private inter-allotment drainage systems 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.</li> <li>▪ Stormwater quantity management design details are to be submitted and taken into account in the integrated water cycle management for the development.</li> </ul> <p><b>Groundwater</b></p> <ul style="list-style-type: none"> <li>▪ 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.</li> </ul> <p><b>Alterations and Additions to Existing Development</b></p> <ul style="list-style-type: none"> <li>▪ Alterations and additions to a development must consider the existing approved water cycle management already established for the development particularly water quality, water balance and stormwater detention.</li> <li>▪ For water management requirements for residential allotments, please refer to Control D6.4.</li> </ul> <p><b>Variations</b></p> <p>The width of this the Outer Creekline Corridor (known as the 'private buffer strip') may be less than 25 metres provided the outcomes of this control are met and subject to this buffer strip having an average 25 metres width.</p> <p><b>Advisory Notes</b></p>	<p>The previously approved stormwater drainage and quality management outcomes are maintained.</p>

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<p>Warriewood Valley Urban Land Release Water Management Specification (February 2001), Narrabeen Lagoon Flood Study (September 2013), and Pittwater Overland Flow Flood Study (2013) are available on Council's website, <a href="http://www.pittwater.nsw.gov.au/flooding">www.pittwater.nsw.gov.au/flooding</a>.</p> <ul style="list-style-type: none"> <li>▪ NSW Office of Water is the approval authority with regards to groundwater. If groundwater impacts are likely as a result of the proposal, the development application will require concurrence from the NSW Office of Water and application will be considered as Integrated Development.</li> <li>▪ The creek centreline may, as a result of the design, vary within the 50m wide public Inner Creekline Corridor. See Appendix 3 - Warriewood Valley Urban Land Release Planning Context &amp;</li> </ul>	
C6.3 landscape principles	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Landscaping enhances and complements the natural environment and surrounding landscape character, reinstates elements of the natural environment, reduces the visual bulk and scale of development, and complements the design of the proposed development. Remnant bushland and wetland areas are conserved, local indigenous trees, shrubs and groundcover are retained, regenerated and promoted wherever possible. The canopy cover and the habitat value are increased. The natural landscape character of the area is improved. Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing visual and environmental qualities, biological diversity and ecological</li> <li>▪ processes. A pleasant and safe living environment that is environmentally responsive, resulting in a unified, high quality landscape character and high level of visual amenity that in turn contributes to the sense of place. New development is blended into the streetscape and neighbourhood.</li> </ul> <p><b>Controls</b></p> <p>Landscaping Principles</p> <ul style="list-style-type: none"> <li>▪ <input type="checkbox"/> Promote landscape design and planning as part of a fully integrated approach to site development; <input type="checkbox"/> Be sensitive to the site attributes and context, such as streetscape character, natural landform, soils, existing vegetation, views, land capability, and drainage; <input type="checkbox"/> Protect and, where possible, incorporate existing significant trees, remnant vegetation and natural features; <input type="checkbox"/> Protect and enhance wildlife corridors and fauna habitats; <input type="checkbox"/> Provide planting schemes that reinforce the framework of endemic canopy trees with supplementary plantings of other suitable understorey and groundcover species. These may include species that have high ornamental qualities and/or provide food and habitat for native fauna and/or have aromatic flowers and foliage. In areas of high sensitivity only locally indigenous tree species should be used for the canopy; <input type="checkbox"/> Visually integrate the built form of the development into the natural and cultural landscapes of the Warriewood Valley; <input type="checkbox"/> Manage the micro-climate, through the provision of canopy trees for shade; <input type="checkbox"/> Maximise landscaped areas for on-site infiltration of stormwater; <input type="checkbox"/> Integrate and form linkages with parks, reserves and transport corridors; <input type="checkbox"/></li> </ul>	<p>The previously approved integrated site landscape regime/ biodiversity/ communal open space outcomes are not compromised.</p>

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<p>Complement the functions of the street e.g. reinforcing desired traffic speed and behaviour; considering lines of sight for pedestrians, cyclists and vehicles; promoting safety and casual street surveillance; □ Satisfy maintenance and utility requirements and minimise their visual impact. For example, undesirable visual elements such as blank walls, service areas, loading docks, and electrical sub-stations are adequately screened with shrub and tree plantings of suitable species at appropriate spacings; □ Paving, structures, fencing and wall materials complement the architectural style and finishes of the buildings on the site.</p> <ul style="list-style-type: none"> <li>▪ Development must be designed to maximise the restoration, retention and preservation of indigenous trees, shrubs and groundcovers, as well as natural features, including rock features and watercourses.</li> <li>▪ Integration with Creekline Corridor and Public Open Space</li> <li>▪ For land adjoining creekline corridors, buffer strips and reserves, preference should be given to local species identified as food sources for native fauna. Refer to species lists contained in the Warriewood Valley Landscape Masterplan and Design Guidelines (Public Domain).</li> <li>▪ If the development site contains a section of Creekline Corridor, a landscape plan for the Creekline Corridor must be prepared. Details are to include: □ The creek and floodway particularly where the Inner Creekline Corridor is designed and is to be constructed to contain the 1% Annual Exceedence Probability (AEP) flow, □ Any revegetation to facilitate flora and fauna habitat, □ Pedestrian path/cycleway located above the 20% AEP flood level. □ The location of the pedestrian path/cycleway within the Outer Creekline Corridor where practicable, and □ If relevant, the location of any water quality control ponds and other water quality treatment measures. □ Extensive stands of <i>Casuarina glauca</i>, and groves of <i>Eucalyptus robusta</i> with other native feature trees and indigenous understorey and ground covers are to comprise a minimum of 75 % of the total creekline corridor area. In areas of low use, native groundcovers should be used as an alternative to lawn.</li> <li>▪ The alignments of pedestrian paths/cycleways and associated landscaping must provide adequate sightlines for cyclists.</li> <li>▪ Dwellings, garages and other vertical built structures must not be located within the private buffer strip (being the 25 metre wide Outer Creekline Corridor beyond the 25 metre wide Inner Creekline Corridor). Roads and impervious areas comprising of a maximum of 25% of the Outer Creekline Corridor area may be permitted subject to a merit assessment.</li> <li>▪ Landscaping of existing and proposed Public Road Reserves</li> <li>▪ 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: □ Street trees are to be planted within the road verge to be placed at 6 metre intervals; □ Species are to comply with the species list in the Warriewood Valley Landscape Masterplan; □ Species selected must not interfere with existing power lines. □ Plantings are to be 35 litre in size with 1 metre x 1 metre hole and backfilled with planting medium. □ Trees are to be staked with 2/50mm x 50mm stakes with hessian tie. □ Street trees are to be 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 exists. □ Where possible all existing trees</li> </ul>	



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<p>over 3 metres in height are to be retained within the road reserve areas. Such trees are to be protected through perimeter 1.8 metre high temporary fencing during the construction of works. <input type="checkbox"/> Grassed areas are to be turfed with Couch species (weed free) to a maximum 4% grade</p> <p><b>Landscaped Area</b></p> <ul style="list-style-type: none"> <li>▪ Due to the smaller lot sizes in Warriewood Valley and the resultant smaller dimensions of landscaped area, areas intended for landscaping should be predominately areas of deep soil.</li> <li>▪ Deep soil areas are areas of soil unobstructed by buildings or structures above or below the ground. Areas above the ground level do not contribute towards the deep soil area quantum.</li> <li>▪ Deep soil zones have important environmental benefits, such as allowing infiltration of rain water to the water table and reduction of stormwater runoff, promoting healthy growth of large trees with large canopies and protecting existing mature trees.</li> </ul> <p>In designing and siting dwellings, the following principles should be adhered to:</p> <ul style="list-style-type: none"> <li>▪ <input type="checkbox"/> Areas intended for landscaping should be predominately areas of deep soil, <input type="checkbox"/> The location of deep soil areas should, where possible, facilitate the retention of existing trees and vegetation. <input type="checkbox"/> Basement car parking should be contained within the building footprint to maximise areas for deep soil planting, <input type="checkbox"/> Deep soils areas should be co-located with areas of private open space or communal open space in the case of residential flat buildings and multi dwelling housing to provide shade and amenity for residents.</li> </ul> <p><b>Communal Open Space Area</b></p> <ul style="list-style-type: none"> <li>▪ Areas of communal open space are required to be provided within residential flat buildings and multi dwelling housing developments.</li> <li>▪ Areas of communal open space should be co-located with deep soils areas to provide shade and amenity for residents.</li> <li>▪ A landscape plan of communal open space areas is to be prepared, showing connection and utility of this communal open space area for future residents of the development.</li> </ul> <p><b>Variations Nil.</b></p> <p><b>Advisory Notes</b> This control is to complement the related provisions under Pittwater LEP 2014 and Control B4.22 of this DCP.</p> <p>For landscape guidelines associated with creekline or road reserve interface, refer to the Warriewood Valley Release Area Landscape Masterplan and Design Guidelines (Public Domain) 2014 as amended.</p>	



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C6.4 Principles Towards Ecologically Sustainable Development	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ An ecologically sustainable environment is developed and/or maintained. Ensure that development is designed on a ‘whole of development/site’ approach by applying the principles and processes that contribute to Ecological Sustainable Development (ESD). Ensure that the development (including the public domain) has incorporated the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and space management control into its design. Maximise access and adaptability of the development including the public domain for all members of the community. The land release development results in a liveable community fostering a strong sense of community and facilitates social interaction among residents.</li> </ul> <p><b>Controls</b></p> <p>Designing for ESD</p> <ul style="list-style-type: none"> <li>▪ Development should be designed and located with consideration to orientation, topography, vegetation, microclimate, adjoining development and landscape; aimed at: <ul style="list-style-type: none"> <li><input type="checkbox"/> Encouraging passive solar building design</li> <li><input type="checkbox"/> Minimising greenhouse gas emissions</li> <li><input type="checkbox"/> Promoting opportunities to monitor consumption performance, such as installation of SMART metering</li> <li><input type="checkbox"/> Providing safe connections to existing pedestrian/cycleway networks and public transport routes</li> <li><input type="checkbox"/> Integrating principles of Universal Design.</li> </ul> </li> <li>▪ The selection of building materials should be based on renewable sources, safety and amount of processing, waste output of production, emission of toxic substance or gases into the interior. Timber should be reused or come from sustainable forestry practices.</li> <li>▪ Improve the indoor environmental quality of occupants by: <ul style="list-style-type: none"> <li><input type="checkbox"/> Optimising the thermal comfort of occupants through the zoning of sections that enables individual control of heating and cooling,</li> <li><input type="checkbox"/> Installing lighting systems and fittings appropriate for the use/activity located in that part of the building(s), resulting in reduced energy consumption,</li> <li><input type="checkbox"/> Selecting materials and furniture from renewable sources/ minimal emission of toxic substance.</li> <li><input type="checkbox"/> Sub-metering of building services to enable individual tenancies to facilitate individual monitoring of consumption performance.</li> </ul> </li> </ul> <p>Integration of CPTED</p> <p>Development is designed to incorporate the following CPTED principles:</p> <ul style="list-style-type: none"> <li>▪ Principle 1 – Natural Surveillance Provide opportunities for effective surveillance (natural and technical) to reduce the attractiveness of crime targets. Good surveillance means that people can see what others are doing thereby deterring ‘would be offenders’ from committing crime in areas with high levels of surveillance. From a design perspective, deterrence can be achieved by (but not limited to): <ul style="list-style-type: none"> <li><input type="checkbox"/> Locating public services in areas of high activity.</li> <li><input type="checkbox"/> Providing clear sightlines between public and private spaces.</li> <li><input type="checkbox"/> Providing natural surveillance into communal and public areas.</li> <li><input type="checkbox"/> Locating entries that are clearly visible from the street.</li> <li><input type="checkbox"/> Avoiding blind corners in pathways,</li> </ul> </li> </ul>	<p>The application is accompanied by updated BASIX certificate. The approved ecological sustainable development outcomes are not compromised.</p>

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<p>stairwells, hallways and carparks. □ Installation of effective lighting in public spaces that does not produce glare or dark shadows.</p> <ul style="list-style-type: none"> <li>▪ Principle 2 – Access Control Physical and symbolic barriers can be used to attract, channel or restrict the movement of people and in turn, minimise opportunities for crime. Effective access control can be achieved by (but not limited to): □ Creating landscapes/ setting that channel and group pedestrians into target areas or conversely, use vegetation as barriers to deter unauthorised access. □ Designing public spaces that attract rather than discourage people from gathering. □ Providing clear entry points and ensuring buildings (or tenancies in buildings) are clearly identified by the street number (in regard to tenancies, unit number).</li> <li>▪ Solid roller shutters are not permitted as security devices to buildings or tenancies.</li> <li>▪ Principle 3 – Territorial Reinforcement This principle relies on the users of the spaces or areas feeling that they have some ownership of the public space and are therefore more likely to gather and enjoy that space. Territorial reinforcement can be achieved in the design of the development by: □ Having distinct transitions and boundaries between the public and private areas. □ Clearly defining spaces to express a sense of ownership and reduce illegitimate use/entry. Principle 4 – Space Management Public space that is attractive and well maintained is inviting to users and becomes a well-used space. Linked to the principle of territorial reinforcement, space management ensures that the space is appropriately utilised and well cared for. It may include: □ Creating a cared for image through proper and regular maintenance regimes. □ Rapid repair of vandalism and graffiti, replacement of furniture and lighting. □ Encourage design that promotes pride and sense of place for community.</li> </ul> <p><b>Social Environment</b></p> <ul style="list-style-type: none"> <li>▪ New developments and the urban spaces surrounding it should be accessible and useable for all people.</li> <li>▪ The siting and design of a building to which the general public has access shall comply with Australian Standard AS 14282009.1:Design for access and mobility – General requirements for access – New building work</li> <li>▪ Developments should be designed and constructed 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.</li> <li>▪ Dwellings should be flexible in their design to facilitate ‘ageing in place’ and change in lifecycle/circumstance.</li> <li>▪ Certain residential developments will require provision of adequate communal open spaces to facilitate: □ Opportunities for residents to meet informally, □ Opportunities for casual/passive surveillance onto these spaces as well as considering acoustic effects on adjacent dwellings.</li> </ul> <p><b>Variations Nil</b></p> <p><b>Advisory Notes</b></p>	

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<ul style="list-style-type: none"> <li>▪ Certain developments (refer to control 5.2 under Pittwater 21 Development Control Plan Preliminary (Part A)) will require referral to NSW Police where a crime risk assessment will be undertaken, having considered how the design has integrated the CPTED principles within the development.</li> <li>▪ 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.</li> <li>▪ Control C5.22 prescribes additional sustainability requirements for non-residential development of a particular size.</li> <li>▪ Control D16.9 prescribes the circumstances when communal open space areas are required as part of a development.</li> </ul>	
<b>C6.5 The Road System and Pedestrian and Cyclist Network</b>	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Sustainable transport and travel to, from and within Warriewood Valley together with less use of private motor vehicles.</li> <li>▪ To facilitate a hierarchy of interconnected streets that give, safe, convenient and clear access within and beyond Warriewood Valley.</li> <li>▪ To ensure sufficient carriageway and verge widths are provided to allow streets to perform their designated functions within the street network To accommodate public utilities, drainage systems and substantial street tree planting.</li> <li>▪ To facilitate the alignment of roads fronting areas of public open space. Safety for all road users, particularly pedestrians, cyclists, children and older people. Safe, convenient and direct access by non-motorised means from residences to public transport, employment areas, adjoining sectors, open space, community facilities and other services. Provision of a range of traffic and transport routes throughout the Valley.</li> </ul> <p><b>Controls</b></p> <p>The Road System</p> <ul style="list-style-type: none"> <li>▪ A traffic analysis report and road plans for the sector, buffer area or development sites demonstrating that the objectives within this control will be achieved must be prepared by a suitably qualified professional. The road plans must comply with the relevant specifications and cross sections in Council's Warriewood Valley Roads Masterplan.</li> </ul> <p><b>Design Requirements</b></p> <ul style="list-style-type: none"> <li>▪ All roads in Warriewood Valley must be designed with traffic calming devices to lower the vehicle speeds. Options to achieve this may include variation in width and alignment, pavement treatment, enhanced landscaping. The provision of safe crossing areas is required.</li> <li>▪ 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</li> </ul>	<p>The previously approved road, traffic and parking outcomes are not compromised as detailed within the accompanying report prepared by MLA Transport Planning. The development as modified provides appropriately for off-street parking.</p>

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<p>development site is required to ensure the majority of dwellings are within 400 metres walking distance to bus stops.</p> <ul style="list-style-type: none"> <li>▪ The street layout and design is to consider opportunities for the retention of existing significant trees with the road reserve where possible. Trees may be incorporated with small, informal spaces that provide opportunities for 'greening of the street'.</li> <li>▪ 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.</li> </ul> <p>In order to address these objectives and controls, the Warriewood Valley Roads Masterplan, adopts the following road hierarchy: □ Sub-arterial Streets - Ponderosa Parade, Macpherson Street, Warriewood Road (east of Macpherson Street), Garden Street and Boondah Road. □ Collector Streets - Foley Street, Jubilee Avenue, Vineyard Street, Warriewood Road (west of Macpherson Street), Orchard Street, Daydream Street and any new road with traffic volumes 2000 to 5000 vehicles per day. □ Local Streets - Fern Creek Road and new roads within the sectors servicing up to 2000 vehicles per day. □ Access Streets – New roads located within sectors servicing less than 300 vehicles per day. □ Laneways – New roads located within sectors which are not primary street frontages servicing up to less than 300 vehicles per day. □ Sector Entry Streets - <b>Primary entrance street to a Sector, Buffer Area or development site.</b></p> <ul style="list-style-type: none"> <li>▪ Refer to Warriewood Valley Roads Masterplan for the specifications and cross section for each road classification.</li> <li>▪ Driveway locations on Local Streets and Access Streets are to consider the impact on street trees and on street parking opportunities.</li> </ul> <p><b>Laneways</b></p> <ul style="list-style-type: none"> <li>▪ For small lot housing, laneways should be used to provide rear loaded access. Design, dimensions and materials of the laneway should promote a slow speed driving environment distinctively different from a street.</li> <li>▪ Laneways are to be provided with a suitable level of passive surveillance.</li> <li>▪ Garbage collection areas are to be incorporated into the design of laneways to ensure access along the laneway is not hindered during garbage collection periods. Garbage bins are to be located in these collection areas only during the collection period. The garbage collection area(s) are not to be used for parking or storage</li> </ul> <p><b>Temporary Roads</b></p> <ul style="list-style-type: none"> <li>▪ Where access arrangements have not been constructed in a timely manner, the construction of temporary roads may be permitted to enable an isolated property to develop ahead of the surrounding roads being constructed.</li> <li>▪ In these circumstances temporary roads are permitted subject to the following criteria being satisfied: □ The road is to cater for no greater than 300 vehicles per day; □ A minimum carriageway width of 6m is provided to cater for two-way traffic; □ The safety of all road users including service and passenger vehicles,</li> </ul>	<p>N/A</p> <p>N/A</p>

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<p>pedestrians and cyclists is not compromised by the temporary road; <input type="checkbox"/> The final road configuration is consistent with the applicable specifications and cross section within the Warriewood Valley Roads Masterplan.</p> <ul style="list-style-type: none"> <li>▪ The following information must be submitted in support of a development application proposing a temporary road construction: <ul style="list-style-type: none"> <li><input type="checkbox"/> Engineering design for the road, including details of any necessary water management, drainage and service utility provision requirements; and</li> <li><input type="checkbox"/> Traffic report prepared by an appropriately qualified professional demonstrating how the temporary road provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists.</li> </ul> </li> </ul> <p><b>Half Width Road Construction</b></p> <ul style="list-style-type: none"> <li>▪ Due to the narrow width of some sectors, buffer areas or development sites in Warriewood Valley, it may be necessary for roads to be constructed across the boundary of two adjoining properties.</li> <li>▪ Where a road is to be constructed along the boundary of two properties, the partial/half width construction of the road is permitted subject to the following criteria being satisfied: <input type="checkbox"/> A minimum carriageway width of 6m is provided to cater for two-way traffic; <input type="checkbox"/> The development potential of all adjoining allotments is maintained. The proposed development shall not, render any allotment adjoining or opposite the site of the proposed development incapable of residential development because the allotment would not meet the development standards set out in Pittwater LEP 2014 or the controls set out in this DCP; <input type="checkbox"/> The safety of all road users including service and passenger vehicles, pedestrians and cyclists is not compromised by the partial road construction; <input type="checkbox"/> Where the road classification requires a footpath be provided, this is to be provided along the first completed side of the road; <input type="checkbox"/> The final road configuration is consistent with the applicable specifications and cross section within the Warriewood Valley Roads Masterplan, as amended.</li> <li>▪ The following information must be submitted in support of a development application proposing partial road construction: <input type="checkbox"/> Engineering drawings for the partial and full width of the road, including details of any necessary water management, drainage and service utility provision requirements; and <input type="checkbox"/> A traffic report prepared by an appropriately qualified professional demonstrating how the partial road proposal provides for the safe usage of all road users including service and passenger vehicles, pedestrians and cyclists.</li> </ul> <p><b>Subdivision adjoining an existing public road</b></p> <ul style="list-style-type: none"> <li>▪ 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 width footpath or a minimum 2.1m width where a cycleway is required). All works associated with the intersection treatment (except those identified under the Warriewood Valley Section 94 Development Contributions Plan as amended) and within the public road reserve are to be carried out at full cost to the developer.</li> </ul>	<p>N/A</p> <p>N/A</p>

Provision	Response
<p><b>Roads within a Community Title subdivision</b></p> <ul style="list-style-type: none"> <li>Where a subdivision is to be created under community title, the design and construction of the road and pedestrian network shall provide for full pedestrian and vehicular access and on-road parking shall comply with the relevant specifications and cross section under the Warriewood Valley Roads Masterplan.</li> </ul> <p><b>Pedestrian and Cyclist Network</b></p> <ul style="list-style-type: none"> <li>A pedestrian and cyclist network is to be provided in accordance with the Warriewood Valley Landscape Masterplan &amp; Design Guidelines (Public Domain).</li> <li>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,</li> <li>the road verge adjacent to the road carriageway, the minimum width is 2.1m.</li> </ul> </li> <li>Within the creekline corridor the pedestrian/cycleway network is to be 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 can be provided and to ensure retention of vegetation. The alignment of the pedestrian/cycleway network must provide adequate sightlines for cyclists.</li> <li>The pedestrian/cycleway network must be accompanied by appropriate landscaping and vegetation. Details of the proposed landscaping and vegetation must accompany any development application.</li> <li>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 preferred location for this infrastructure.</li> <li>Reference should be made to Warriewood Valley Landscape Masterplan &amp; Design Guidelines (Public Domain) for further information.</li> </ul> <p><b>Variations Nil.</b></p> <p><b>Advisory Notes</b> Reference should be made to Council's Warriewood Valley Roads Masterplan, AMCORD Part 2, Design Elements: Physical Infrastructure, and to the Traffic Authority of NSW Guidelines for Traffic Facilities, Part 7.3: Shared Traffic Zones.</p> <ul style="list-style-type: none"> <li>In addition to the requirements under the Warriewood Valley Landscape Masterplan &amp; Design Guidelines, the Warriewood Valley Roads Masterplan specifies a requirement for footpaths to be provided along roads of a certain classification.</li> <li>The pedestrian and cyclist network is funded through developer contributions levied for under the Warriewood Valley Section 94 Plan.</li> </ul>	<p>N/A</p> <p>As approved. No change.</p>

Provision	Response
C6.6 Utilities Services and infrastructure Provision	
<p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Development does not have an adverse impact upon adjoining residential properties. Any adverse impact on environmentally sensitive areas or impacts of differing land uses are mitigated. Landscaped zones provide amenity buffers between incompatible land uses, such as the Warriewood Wetlands and residential areas, non-residential land uses in residential areas, and between light industrial and residential areas. A reasonable level of solar access and visual privacy to residential properties is maintained. Minimise acoustic impacts</li> </ul> <p><b>Controls</b></p> <p>Development adjoining Warriewood Wetlands</p> <ul style="list-style-type: none"> <li>▪ A minimum setback of 15 metres is to be provided between any development and the Warriewood Wetlands.</li> <li>▪ Landscaping is to be in accordance with the requirements specified in this control.</li> <li>▪ Non-residential development within residential areas or commercial/industrial development adjoining residential areas A minimum setback of 10 metres is to be provided between the proposed development and existing development.</li> </ul> <p>The following principles are to be considered:-</p> <ul style="list-style-type: none"> <li>▪ Solar access to adjoining residences should be maintained, namely: <ul style="list-style-type: none"> <li>□ Principal private open space of each dwelling and the principal private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</li> <li>□ Windows to the principal living area of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows), or if already impacted then the cumulative effect is not worsened.</li> </ul> </li> <li>▪ Ensuring that opportunities for direct overlooking into the private open space, recreation areas and living rooms of existing adjoining dwellings are mitigated by: <ul style="list-style-type: none"> <li>□ Building layout, landscaping, screening devices or increased spatial separation,</li> <li>□ Appropriate siting of windows including dimensions and glazed material,</li> <li>□ Responsive design and siting of elevated decks and verandahs.</li> </ul> </li> <li>▪ Direct views of private open space or any habitable room window within 9m may be restricted (see diagram below) by: <ul style="list-style-type: none"> <li>□ Vegetation/landscaping</li> <li>□ A window sill height 1.7m above floor level, or</li> <li>□ Offset windows</li> <li>□ Fixed translucent glazing in any part below 1.7m above floor level, or</li> <li>□ Solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are: <ul style="list-style-type: none"> <li>- Permanent and fixed;</li> <li>- Made of durable materials; and</li> <li>- Designed and painted or coloured to blend in with the house.</li> </ul> </li> </ul> </li> </ul> <p><b>Treatment of the Landscape Buffer</b></p> <ul style="list-style-type: none"> <li>▪ The buffer strips are to be extensively landscaped and where possible should incorporate:</li> </ul>	<p>N/A</p> <p>Noted and satisfied as previously detailed.</p> <p>Noted and satisfied as previously detailed.</p> <p>Noted and satisfied as previously detailed.</p> <p>Noted and satisfied as previously detailed.</p>



Provision	Response
<ul style="list-style-type: none"> <li>▪ □ Landscaped mounds with mass plantings of native trees and shrubs in suitable locations. □ Planting should consist of a framework of locally indigenous canopy trees with native shrubs and groundcovers. □ In areas of low use, native groundcovers should be used as an alternative to lawn. □ The buffer strips are to contain pedestrian/cycleway paths, with vandalresistant solar lighting, and allow casual surveillance of the path from adjacent buildings.</li> <li>▪ 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.</li> </ul> <p><b>Variations Nil.</b></p>	<p>Noted and satisfied as previously detailed.</p>



## Section B - Relevant Clauses

Control	Response
B1.4 Aboriginal Heritage Significance	
<ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ If a property, the subject of a development application, is in the vicinity of an identified or potential Aboriginal place of heritage significance or Aboriginal object then additional independent information on the potential heritage significance may be requested.</li> <li>▪ The additional information requested may take the form of a report prepared by a suitably qualified archaeologist, as well as consultation with the NSW Office of Environment and Heritage and appropriate Aboriginal groups.</li> <li>▪ If an Aboriginal site or relic is discovered, it must be reported to the NSW Office of Environment and Heritage and all works stopped.</li> <li>▪ Development must conserve the significance of any Aboriginal place of heritage</li> </ul>	<p>We rely on the previously approved Aboriginal Heritage Due Diligence Report prepared by Futurepast Pty Limited. This report concludes:</p> <p><i>This due diligence assessment concludes that, based on physical inspection, review of previous archaeological investigations in the surrounding area, the location of known sites, ground disturbance and discussions with Metropolitan LALC, the study area has a low potential for Aboriginal heritage sites or objects.</i></p> <p><i>As a result, the proposal is assessed as being unlikely to have an adverse impact upon the Aboriginal archaeological cultural heritage values of the place.</i></p>

## Section B6 – Access and car parking requirements

Provision	Response
B6.6 Off-Street Vehicle Parking Requirements – All Development other than Low Density Residential	
<p><b>Uses to which this control applies</b></p> <p>Uses to which this control applies</p> <p>Attached dwelling Boarding house Business Development Child care centre Development/subdivision of a sector, buffer area or development site in a Release Area Group home Hospital Hostel Industrial Development Multi dwelling housing Occupation/change of use of an existing premises Other Development Residential flat building Rural industry Semi-detached dwelling Seniors housing Shop top housing Subdivision Tourist and visitor accommodation</p> <p><b>Outcomes</b></p> <p>An adequate number of parking and service spaces that meets the demands generated by the development.(S) Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety. (En, S)</p> <p><b>Controls</b></p> <p><b>On-site Car Parking Requirements</b></p> <p>The minimum number of vehicle parking and service spaces to be provided within the development site for new development and extensions to existing development is to comprise the total of the following: □ The total number of spaces as set out in TABLE 1 below. □ Plus the number of on-street parking spaces lost as a direct result of the development due to access and traffic facilities requirements.</p>	<p>The previously approved road, traffic and parking outcomes are not compromised as detailed within the accompanying report prepared by MLA Transport Planning. The development as modified provides appropriately for off-street parking.</p>

#### **4.3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained at Schedule 1 of SEPP 65 and the matters contained in the Apartment Design Guide (ADG). This application is also accompanied by a Design Verification Statement and ADG compliance table demonstrating that the development satisfies the Design Principles and relevant objectives of the ADG prepared by Architecture Design Studio (NSW) Pty Limited. We also confirm that the development complies with the clause 30(a), (b) and (c) standards pertaining to car parking, internal area and ceiling heights and to that extent these matters cannot be used as grounds for refusal.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

An amended BASIX certificate accompanies the development application and demonstrates that the proposal exceeds compliance with the BASIX water, energy and thermal efficiency targets.

#### **5.0 Conclusion**

Council can be satisfied that the approved developments performance when assessed against the relevant statutory planning considerations is not compromised.

This submission demonstrates that the proposed modifications do not significantly alter the height, bulk and scale of the approved residential flat buildings and townhouses as originally approved by Court and do not in any significant manner alter the approved front, side and rear boundary setbacks, building footprints, car parking, drainage or landscaped area outcomes, Council can be satisfied that the development as modified remains substantially the same as the development originally approved Council can be satisfied that the development as modified remains substantially the same as the development originally approved and appropriately dealt with by way of Section 4.56 of the Act which enables Council as the consent authority to modify a Court issued consent.

Having given due consideration to the relevant considerations pursuant to s4.15 of the Act it is considered that the modifications, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

Yours sincerely

**BOSTON BLYTH FLEMING PTY LTD**

A handwritten signature in black ink, appearing to read 'Greg Boston', written over a white background.

**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

**Director**