

Statement of Environmental Effects

Development Application

2 Macpherson Street, Warriewood

24 Lot Community Title Subdivision

16 August 2019

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Karimbla Construction Services (NSW) Pty Ltd and is submitted to the Northern Beaches Council in support of a Development Application (DA) in relation to Lot 25 Section C in DP5464, 2 Macpherson Street, Warriewood.

This Development Application seeks consent 24 Lot Community Title Subdivision to accommodate future residential development. This Development Application follows a separate Development Application that was approved by the Land and Environmental Court on 31 May 2019 for civil works to prepare the site and render it suitable for future development.

The works proposed under this application include:

- Proposed Lot 1 – Private access loop road and creek buffer lot;
- Proposed Lots 2 – 23 – future residential lots under community title; and
- Proposed Lot 24 – Land to be dedicated to Council, being the 25-metre inner creek line corridor.

A portion of the subject site (proposed Lot 24) is identified as Item 1m in the Warriewood Valley Development Contributions Plan Amendment 16, Revision 3, 2018; therefore, a reduction in the payment of Section 7.11 contributions is required as part of this application.

Under Section 4.46 of the Environmental Planning and Assessment Act 1979, the subject site is defined as “*Integrated Development*”. Accordingly, the application will be referred to the NSW Rural Fire Service (RFS) and NSW Office of Water.

This Statement of Environmental Effects will address the proposal in the context of the applicable planning legislation and policy:

- Pittwater Local Environmental Plan 2014
- Pittwater Development Control Plan 2014
- Warriewood Valley Water Management Specification (February 2001)
- Warriewood Valley Landscape Masterplan & Design Guidelines (Public Domain).

This Statement of Environmental Effects describes the site, its surrounding area and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A ACT).

This report should be read in conjunction with the supporting documentation attached in **Annexures 1-16**.

2 Background

2.1 Previous Applications

A Development Application (N0398/17) for the civil works including cut and fill to create a suitable building platform for future development, private road, drainage works and environmental management works was lodged to Council on 1 September 2017.

The application was approved by the Land and Environmental Court on 31 May 2019.

2.2 Planning Proposal

On 11 November 2016, a planning proposal for 2 Macpherson Street, Warriewood to amend the Pittwater LEP 2014 was lodged with Council to permit 22 dwelling lots on the site.

On 26 October 2018, the Planning Proposal was formally gazetted to permit 22 lots on the site.

3 Site Characteristics

3.1 The Site

The subject site is located on the corner of Macpherson Street and Warriewood Road and is legally described as Lot 25 Section C in DP5464 being 2 Macpherson Street, Warriewood. The site is an irregularly shaped parcel of land and has a total area of approximately 2.3 hectares and a street frontage of over 120 metres to Macpherson Street. The subject site was formerly a plant nursery (Foley's Nursery) and remains largely as vacant undeveloped land.

The subject site is located within the Warriewood Valley Urban Release Area, identified in Section A4.16 of the Pittwater Development Control 2014 as a precinct for future development. The Warriewood Valley Urban Release Area is situated at the base of the escarpment, known as Inghelise Chase Reserve, between Mona Vale and Warriewood.

The sites locational context is shown at **Figure 1**.

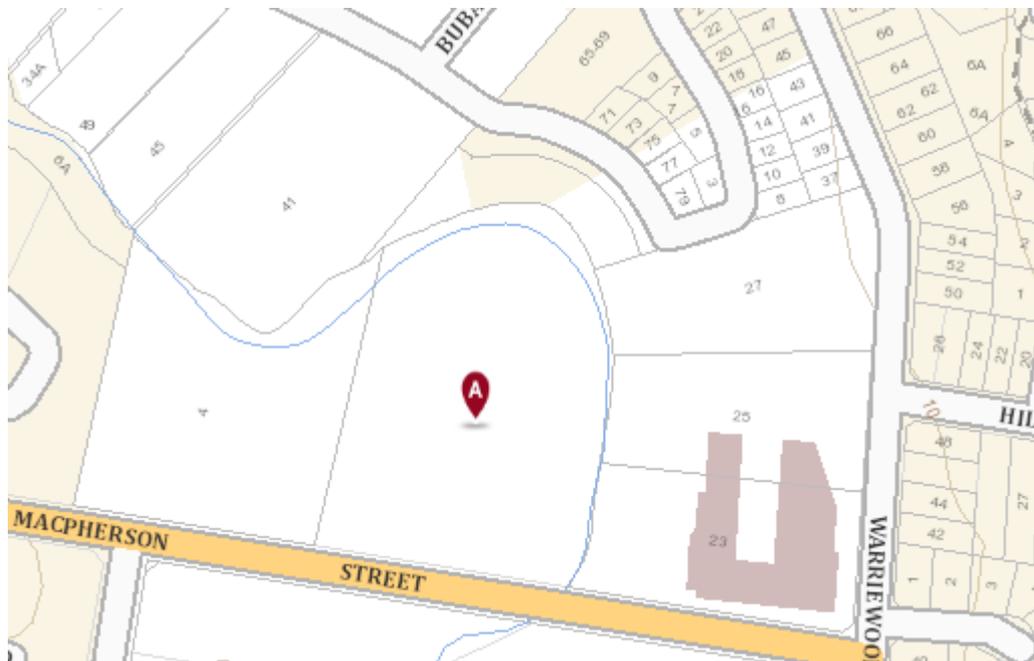


Figure 1: Site Map (Source: Land Registry Services, 2019)

3.2 Surrounding Development

The character of the immediate locality is predominately residential in nature and consists of a range of low to medium density residential development. The immediate northern and eastern neighbouring sites are currently undergoing residential construction as shown in **Figure 2** and described in the list below.

- North: The site to the immediate north of the subject site is a housing estate known as 'Karinya'.
- East: The site is bound to the east by three lots encompassing 23-27 Warriewood Road (also zoned R3 Medium Density Residential). The two sites are separated by Narrabeen Creek.
- South: Across Macpherson Street to the south, a sewage treatment plant is operated by Sydney Water. This lot is zoned SP2 Infrastructure. There is no pavement along either side of Macpherson Street on southern frontage to Macpherson Street.

- West: Land to the immediate west is undeveloped and characterised by mature vegetation. Further west, are two aged care facilities known as Anglicare Warriewood Brook and ARV Marcus Loane House,

An aerial photo identifying the site is shown at **Figure 2** and a Site Survey is included in **Annexure 1**.



Figure 2: Aerial Photo (Source: Near maps, October 2018)

At present, the Northern Beaches Council is currently in receipt of a Development Application (DA2018/1826) for the construction of a mixed residential development, comprising a residential flat building, semi-detached dwellings and dwelling houses with associated internal road, site works, landscaping and community title subdivision at 25 & 27 Warriewood Road, Warriewood.

A Development Application (N0611/16) was approved by the Sydney North Planning Panel on the 13 July 2017 for the construction of a residential aged care facility containing 130 sole occupancy high care rooms, subdivision and associated civil works, and the extension of a public road (Lorikeet Grove) at 23, 25 & 27 Warriewood Road, Warriewood.

Development Applications (DA2018/1826) and (N0611/16) are located on the eastern portion of the site and are outlined in yellow. This is shown in **Figure 2**.

3.3 Environmental Constraints

The site is subject to a number of environmental constraints which have influenced the extent of land identified for future residential development. The low-lying portions of the site are flood affected and include riparian vegetation which limits the development potential of these parts of the site.

The DA has considered these environmental constraints and consequently proposes that these parts of the site sit outside the residential lots.

Bushfire Prone Land

The north-west parts of the subject site are mapped as containing Bush Fire Prone Land (Category 0 – Vegetation Buffer). This is shown in **Figure 3** below.

The proposed lots in the subdivision will maintain a 10-20 metre managed asset protection zone (APZ). The APZ will generally be cleared of existing vegetation.

A full Bushfire Assessment Report has been included in **Appendix 11** of this document for referral to the NSW Rural Fire Service.

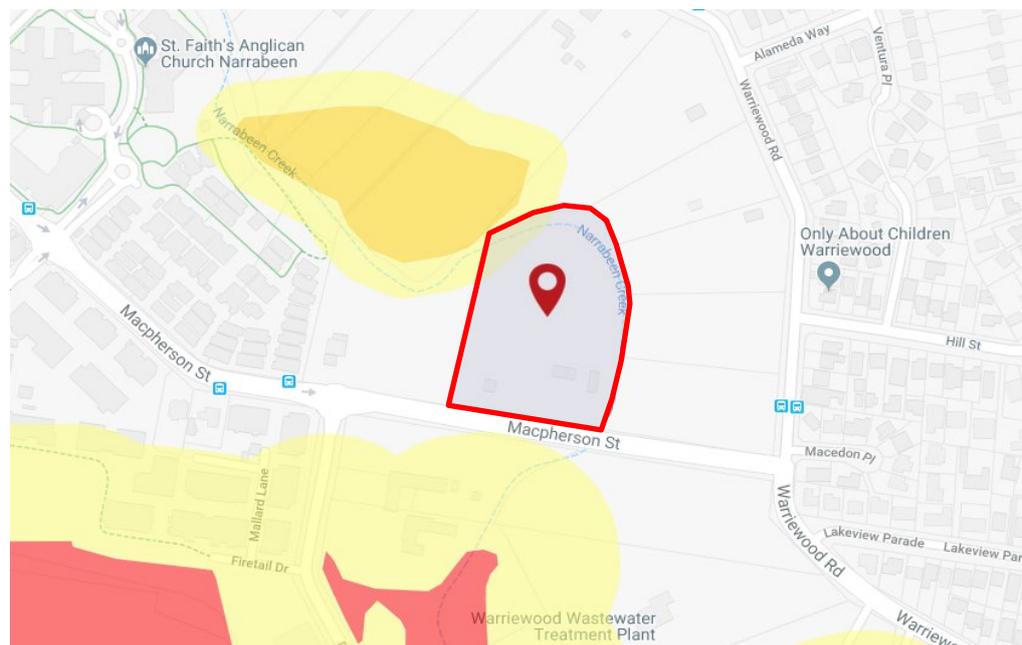


Figure 3: Bushfire Prone Land Map (Source: NSW Rural Fire Service 2019)

Riparian Corridor

In accordance with the requirements of the Pittwater 21 Development Control Plan allowance has been made for a 25-metre inner creek line zone comprising land to be dedicated to Council; and a 25-metre outer creek line zone which will be retained.

The subdivision plan has been designed to allow for future residential development to proceed without the need for built development to extend into the 25-metre outer creek zone.

Topography and Flooding

Immediately to the north and north east of the subject site is an existing Riparian Creek Corridor - Narrabeen Creek. The site generally slopes down from the north western boundary to the south Eastern corner following the existing alignment of Narrabeen Creek. A central portion of the site has been raised and levelled and is currently surrounded by undeveloped land. Levels across the site range from 1.4m AHD in the northern section of the site (within the creek) to a high point of 3.7m AHD within the central portion of the site.

3.4 Access

The site is currently serviced by Macpherson Street which will support access to and from the site. Pedestrian and vehicular ingress/egress to the site is proposed via a one-way road system which will comprise a 7.5-metre-wide access road (private residential street to be retained within community title ownership) with pavement on either side providing access to the development from Macpherson Street.

The proposed civil works have been approved under DA N0398/17.

3.5 Utility Services

Existing infrastructure and utility services that are available to the site were considered and approved under DA N0398/17. The relevant service providers were consulted during the project and their requirements were incorporated into the detailed design of the development

The proposed civil and infrastructure works were approved under DA N0398/17.

3.6 Residential Dwellings

The DA involves the creation of development lots for future residential dwellings. Separate development applications will be lodged for future buildings

4 Overview of the Proposed Development

4.1 Proposed Development

Development Consent is required for the following proposal, as detailed in the drawings prepared by B & P Consulting Surveyors, titled "Subdivision Plan" drawing number 22053, Rev H dated 06 August 2019.

This Development Application (DA) includes residential subdivision, streetscape and associated civil works. The works are further outlined below.

4.2 Subdivision Arrangement

The application seeks to subdivide the subject site into 24 community title lots (22 residential and 2 residue). The subdivision layout is illustrated within **Figure 4**.

- Proposed Lot 1 – Private access loop road and creek buffer lot;
- Proposed Lots 2 – 23 – future residential lots under community title; and
- Proposed Lot 24 – Land to be dedicated to Council, being the 25-metre inner creek line corridor.

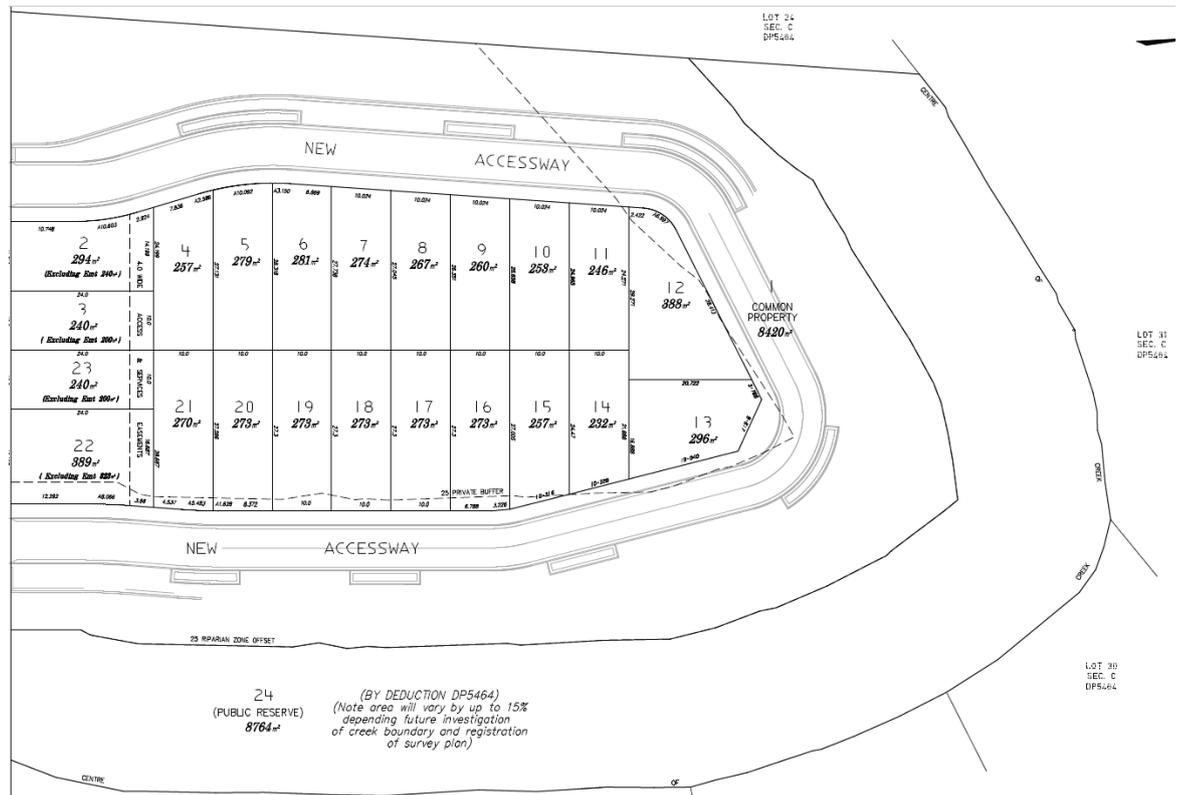


Figure 4: Proposed Subdivision Layout

The proposed lots range in size between 240 sqm to 389 sqm, with lot frontages between 10 to 28m. The proposed subdivision layout plan is provided in **Annexure 2**.

The lot sizes and configurations will allow for a range of dwelling types to be built; 18 of the 22 proposed residential lots would have direct access to the public road network; 4 of the proposed residential lots will be benefited by a 4.0m wide access and service easement.

All the proposed residential lots are greater than 225 metres in area and have a lot width that is equal to or greater than 9m. An Indicative Building Envelope Plan (**Refer to Annexure 3**) has been submitted and demonstrates that future residential dwellings can be accommodated on the site.

Indicative driveway locations have also been identified on the Indicative Building Envelope Plan. Two driveway locations have been drafted for corner lots and would be determined by future purchasers depending on the orientation of the future dwelling. This DA does not seek approval for final dwelling forms, which will be subject to separate future applications.

4.3 Landscape Works

Landscaping Works proposed as part of the application include:

- Kerb to lot boundary;
- Streetscape – turf, pathway and trees.

A revised Landscape Plan that illustrated the extent of works has been submitted as part of the subdivision, refer to **Annexure 10**.

4.4 Civil Works

A bulk of the civil works including cut and fill to create a suitable building platform for future development, private road, drainage works and environmental management works was approved by the Land and Environmental Court on 31 May 2019 under DA (N0398/17).

The proposed subdivision will include works such as footpaths, location of services (light poles/water/sewer/gas), ESC as required and the substation. Refer to Civil Package and Report and in **Annexures 6 & 7** for further information.

4.5 S7.11 Contributions

In accordance with the Warriewood Valley Development Contributions Plan (WVDCP) Amendment 16, Revision 3, 2018 the following contributions rates are applicable to the proposed development.

Development Type	Contribution Rate	Per New Residential Lot	Total
Residential Subdivision 22 lots	\$67,967	\$67,967 * 21	\$1,427,307

Under Chapter 5 of the WVDCP portions of land within the subject site have been identified as being part of the Multi-functional Creek Line Corridor Strategy.

The works involve the rehabilitation and reconstruction of the creek line at Location 2.72 and the dedication of creek line corridor land at Location 1m. These works were approved under Development Application N0398/17. AS this application generates the nexus to apply S7.11 contributions (i.e. creation of new lots), it is appropriate that the credit for the creek line works and land dedication are also applied under this application.

Based on the drawings prepared by B & P Consulting Surveyors, titled "Subdivision Plan" drawing number 22053, Rev H dated 06 August 2019, the 25m Inner Creek Corridor has a total area of 8,764sqm. This conflicts with the Warriewood Valley Development Contributions Plan which states that the 25m Inner Creek Corridor has a total area of 6751sqm; **a shortfall of 2,013sqm**.

Based on the WVDCP the total value of works that apply to the site are **\$1,362,854** see calculations below. (Refer to Page 50 and 96 of Contributions Plan). It should be noted these works are based on a site area of 6751 sqm.

Multi-functional Creek Line Strategy (Rehabilitation works)			
Location/ Item Number	Project Description	Expenditure (2018/19)	Commencement Year
2.72	Narrabeen Creek at Buffer 1m	\$1,120,298	2020/21

Property	Land to be dedicated (sqm)**	Rate (2018/19)*	Land value (2018/19)
Buffer 1m	6,751	\$29.27	\$242,556

Based on site area of **8,764sqm**, the following rates would apply to **Location 2.72 and Location 1m**.

Item Number	Rate	New Calculation	Total
2.72	= \$29.27	\$29.27 * 8764	\$256,522.28
Buffer 1m	Expenditure/area (\$1,120,298/6751) = \$165.94	\$165.94 * 8764	\$1,454,298.16
			\$1,710,820.44

Based on the revised rates, we request that the total cost of works **\$1,710,820.44**, are credited towards the contribution rates applicable to each dwelling. Based on 21 new residential lots, the total contribution fee is **\$1,427,307**.

We therefore request that that a condition of consent requiring the payment balance of **(\$1,710,820.44 - \$1,427,307) \$283,513.44** be paid to the applicant following the completion of rehabilitation and reconstruction of the creek line works.

5 Environmental Planning Assessment

The proposed development has been assessed in accordance with the matters of consideration listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

5.1 Integrated Development

Pursuant to Section 4.46 of the Act, before granting development consent to 'Integrated Development', the consent authority must obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development.

5.1.1 Rural Fire Services Act 1997

The proposal is classified as integrated development, as the site is classified as bushfire prone. Authorisation under section 100B of the Rural Fires Services Act 1997 is required for the proposed residential purposes.

Conacher have prepared a bushfire protection assessment and find (**Annexure 11**) the bushfire risk posed to the development can be mitigated as appropriate bushfire protection measures will be in place and managed in perpetuity.

The assessment has concluded that the proposed development will provide compliance with PBP (RFS, 2006) in regards to APZs and Bushfire Attack Levels (AS3959).

5.2 State Environment Planning Policy

5.2.1 State Environmental Planning Policy 55 – Remediation of Land

State Environmental Policy No. 55 – Remediation of Land (SEPP 55) provides a State-wide planning approach for the remediation of land. SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk and harm to human health and environment.

SEPP 55 requires that prior to determining a DA, the consent authority must consider if the land is contaminated and if contaminated, satisfied that the land is suitable in its current state (or will be made suitable after remediation) for the purpose for which the development is proposed to be carried out.

The potential for contamination within the site has been previously investigated under DA N0398/17 and has been confirmed to be suitable for redevelopment. An amended Validation Report has been submitted as part of the application. Refer to **Annexure 4**.

5.2.2 State Environmental Planning Policy (BASIX)

The proposed development does not include BASIX affected buildings; therefore, a BASIX Certificate is not required for the purpose of this development.

5.2.3 State Environmental Planning Policy (Infrastructure) 2007

The proposed development is a community title subdivision of 24 lots. Under Schedule 3 of the SEPP, the proposal does not trigger a referral to the RMS because it does not propose more than 22 residential lots.

5.3 Pittwater Local Environmental Plan 2010

Pittwater Local Environmental Plan 2014 (PLEP) is the principal environmental planning instrument that applies to the site. The following assesses the proposed development against the key controls within the LEP.

5.3.1 Zoning and Permissibility

Under the Pittwater Local Environmental Plan 2014 (PLEP2014), the subject site is zoned R3 Medium Density Residential (see **Figure 5**). The Development Application for the community title subdivision of land for the purpose of residential accommodation. Under the PLEP2014, residential subdivisions are permissible with development consent.

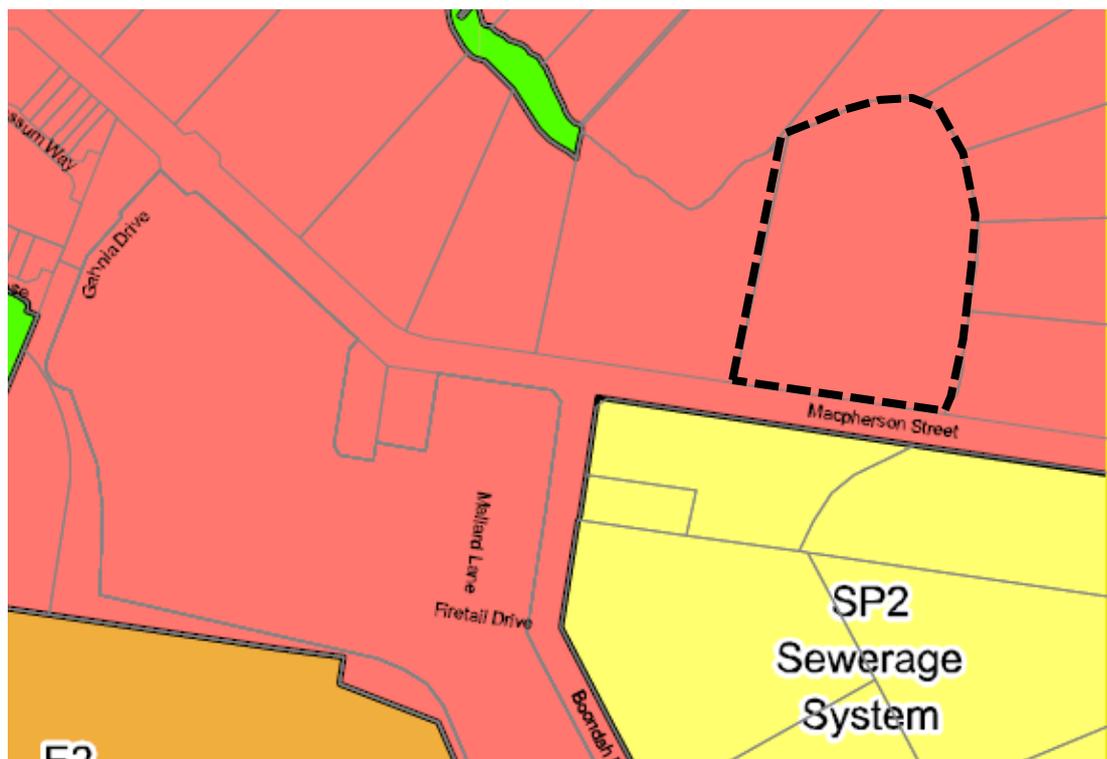


Figure 5: Zoning Map (Source: Pittwater LEP 2014)

The objectives of the R3 Medium Density Residential Zone are to:

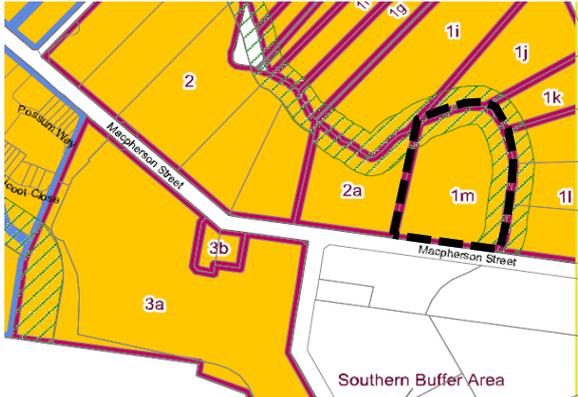
- provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

The proposed development is permissible in the R3 Medium Density zone of the PLEP2014 and fully aligns with the zone objectives. The proposed development will provide housing options for the Warriewood Valley Release Area, allowing free standing traditional homes on small allotments.

On the basis of an assessment of the objectives for the 'R3' zone, it is considered that the proposed subdivision is a compatible form of land use within the surrounding locality.

5.3.2 Pittwater Local Environmental Plan 2014 (PLEP) Provisions

The following table provides an assessment of the proposed development against the relevant clauses contained within the PLEP 2014

Part 6 Urban Release Areas	
<p>Clause 6.1 Warriewood Valley Release Area</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) 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,</p> <p>(b) 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.</p> <p>(c) (Repealed)</p>	<p>The subject site is located within The Warriewood Valley Release Area and is identified as Buffer 1m as shown below.</p> 
<p>(2) This clause applies to the land in the Warriewood Valley Release Area.</p>	<p>Noted</p>
<p>(3) Development consent must not be granted for development on land in a buffer area or sector or at an address mentioned in Column 1 of the table to this clause unless the consent authority is satisfied that the total number of dwellings shown opposite that buffer area, sector or address in Column 2 of that table will be erected.</p>	<p>Under Clause 6.1 (3) not more than 22 dwellings are allowed on the subject site.</p> <p>The Development Application proposes the 24 Lot Community Title Subdivision to accommodate future residential development; 22 lots will be for future residential dwellings and the remaining 2 lots will be for the private access loop road + creek buffer lot and the 25m inner creek line corridor which will be dedicated to Council.</p>
<p>(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following:</p> <p>(a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,</p> <p>(b) the water quality and flows within creek line corridors,</p> <p>(c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.</p>	<p>The subject site is characterized by a creek line corridor located at the rear of the subject site known as 'Narrabeen Creek'.</p> <p>A Development Application (N0398/17) for the civil works including cut and fill to create a suitable building platform for future development, private road, drainage works and environmental management works was approved by the Land and Environmental Court on 31 May 2019.</p> <p>A Vegetation Management Plan and Water Quality Monitoring Plan outlines key measures to ensure future residential development will not have any significant adverse impacts on aquatic and riparian vegetation, habitats and ecosystems within creek line corridors; the water quality and flows within creek line corridors; and the stability of the bed, shore, and banks of any watercourse within creek line corridors. Refer to Annexure 9 and 12 for these reports.</p>

Part 7 Additional local provisions	
Clause 7.1 Acid Sulfate soils	<p>Development consent for the carrying out of works on the subject site has been approved under DA N0398/17.</p> <p>An Acid Sulfate Soil Management Plan was submitted as part of this application and presents the approach and methodology of acid sulfate soil management at the site during stormwater management works, revegetation for the riparian zone and Narrabeen Creek and the proposed works therein.</p> <p>The proposed development application is for subdivision only and does not propose any site works.</p> <p>The Acid Sulfate Soil Management Plan was approved under DA N0398/17 is included in Annexure 5.</p>
Clause 7.2 Earthworks	<p>Not applicable. The proposed development application is for subdivision only and does not propose any earthworks.</p> <p>The proposed earthworks and drainage have been approved under DA N0398/17.</p>
Clause 7.3 Flood planning	<p>Not applicable. The proposed development application is for subdivision only and does not propose any development works.</p> <p>It should be noted a Flood Impact Assessment was approved under DA N0398/17 and is attached at Annexure 8</p> <p>This study addresses the suitability of the site for future residential development and has study has confirmed that residential development can be accommodated on the site.</p>
Clause 7.4 Floodplain risk management	<p>Not applicable. The proposed development application is for subdivision only and does not propose any development works.</p> <p>A Flood Impact Assessment which includes a section on Flood Emergency Management Planning has submitted as part of the application. Refer to Annexure 8.</p>
Clause 7.6 Biodiversity	<p>The potential impacts of the future residential development on flora and fauna have been investigated. Refer to Annexure 13.</p>
Clause 7.10 Essential service	<p>The proposed development will have access to an adequate supply of water, electricity, as well as adequate means for the disposal and management of sewerage.</p> <p>Existing infrastructure and utility services that are available to the site were considered and approved under DA N0398/17. The relevant service providers were consulted during the project and their requirements were incorporated into the detailed design of the development. Refer to Annexure 6 & 7.</p>

5.4 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

There no draft environmental planning instruments or relevant development controls plans that affect the proposed development at the time of preparing this SEE.

5.5 Section 4.15(1)(a)(iii): Development Control Plans

5.5.1 Pittwater 21 Development Control Plan

Pittwater Development Control Plan 21 applies to development across the Local Government Area

In particular, Part D outlines the controls applicable to land within the Warriewood Valley Release Area. The relevant provisions that relate to the proposed subdivision are addressed in the DCP compliance schedule at **Annexure 15**.

Overall the proposal achieves a high level of compliance with the requirements of the DCP.

5.6 Section 4.15(1)(a)(iiia): Planning Agreements

No planning agreements have been entered into in respect of the site or the proposed development.

5.7 Section 4.15(1)(a)(iv): Regulations

The Development Application has been made in accordance with the requirements contained in Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000*.

5.8 Section 4.15(1)(b): Likely Impacts

The likely impacts of the development including environmental impacts on both the natural and built environment, and the potential social and economic impacts of the proposal have been assessed.

Natural Environment

Appropriate environmental management and mitigations methods are incorporated into the proposal to ensure that there are no significant detrimental impacts to the surrounding environment.

Built Environment

The subdivision works proposed as part of the application

The proposed subdivision will ensure that any future built form is sited on the allotments will be consistent with those located within the Warriewood Valley Release Area.

Any proposed built form is subject to a future Development Application that would be assessed according to Council's LEP and DCP requirements.

Social and Economic Impact

The proposed development is considered to be suitable for the subject site and will result in positive social and economic impacts.

The proposed subdivision will contribute to the provision of new employment during the construction period and will ensure that a future built form is sited on appropriate allotments and will provide a new dwelling for the housing market in a much sought after location.

5.9 Section 4.15(1)(c): Suitability of the Site

The land is appropriately zoned to permit the proposal and meets the long-term objective of the zone and the objectives of the Pittwater Local Environmental Plan 2014

The proposed residential subdivision provides an opportunity to increase the supply of low-density dwelling forms, in an area that is well sought after and to a site that is capable.

5.10 Section 4.15(1)(d): Submissions

In accordance with Council's policy, the application will be placed on public exhibition and submissions invited from any interested parties. As part of the assessment process, Council will take into consideration any matters raised in any submissions received in response to the public exhibition period.

5.11 Section 4.15(1)(e): The Public Interest

The public interest would be served by approval of this subdivision, as it will allow for additional housing opportunities in an area that is well sought after and to a site that is capable of providing low density dwelling forms.

It is considered that the proposal is conducive to Council's policies and does not result in any unreasonable impacts to adjoining properties. Under the circumstances of the case, it is considered that the proposal is acceptable and should be supported.

6 Conclusion

The proposal seeks Council's consent for consent 24 Lot Community Title Subdivision to accommodate future residential development at 2 Macpherson Street, Warriewood.

The proposal satisfies the relevant heads of consideration under Section 79(C) of the *Environmental Planning & Assessment Act, 1979*. The proposed development is consistent with the underlying objectives of the existing planning controls applicable to the subject site.

Our assessment of the proposed development concludes that:

- The proposal is permissible pursuant to the Pittwater LEP and demonstrates a high level of consistency and compliance with the relevant provisions of that instrument.
- The proposed development will not result in any unreasonable traffic or amenity impacts while the social and economic benefits to be gained from the proposal are significant.

As outlined within this report, the proposed development is considered to be an appropriate response to the site. The proposal will ensure that the site can contribute to the provision of new residential development within the Warriewood Valley Release Area consistent with its zoning.

Accordingly, the application should be recommended for approval.

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