



northern
beaches
council

Application No: PLM2019/0278
Meeting Date: 17 December 2019 10:45AM
Property Address: 25 & 27 Warriewood Road WARRIEWOOD
Proposal: Construction of a mixed residential development, comprising two residential flat buildings, 11 semi-detached dwellings, an associated internal road, site works, landscaping and Community and Strata title subdivision
Attendees for Council: Claire Ryan – Principal Planner
Tony Collier – Principal Planner
Dominic Chung – Senior Urban Designer
Attendees for applicant: David Kettle – DFP Planning Consultants
Janelle Pirone – Knowles Group
Adrian McKinnon Knowles Group
Mark Allen - VIA Architects

General Comments/Limitations of these Notes

These notes have been prepared by Council on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only. These notes are an account of the specific issues discussed and conclusions reached at the pre-lodgement meeting. These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority. A determination can only be made following the lodgement and full assessment of the development application.

In addition to the comments made within these notes, it is a requirement of the applicant to address ALL relevant pieces of legislation including (but not limited to) any SEPP and any applicable clauses of Pittwater Local Environment Plan 2014 and Pittwater 21 Development Control Plan within the supporting documentation of a development application including the Statement of Environmental Effects.

You are advised to carefully review these notes. If there is an area of concern or non-compliance that cannot be supported by Council, you are strongly advised to review and reconsider the appropriateness of the design of your development for your site and the adverse impacts that may arise as a result of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

Design and staging amendments to the approved development (DA2018/1862)

The development involves the following:

- Replacement of the two level basement of the residential flat building with a single level basement and relocating visitor car parking from the basement to at-grade parking spaces.
- Relocating the internal road by shifting it eastwards and creating a central landscaped area between the residential flat building and semi-detached dwellings.
- Amending the design of the semi-detached dwellings, which are associated with the internal road relocation.
- Deleting Dwelling House 12 (Lot 12) and consolidating this land with the completed residential care facility, which immediately adjoins Lot 12. The land will become a landscape feature to the residential care facility and intersection of Warriewood Road and Lorikeet Grove.
- The staging component includes the consolidation of previously approved Lot 12 into Lot 1 for the approved and already constructed residential care facility, proposed as the first step in the sequencing of the consent. Following that, the development is proposed to be constructed in two stages:
 - The first stage will be the construction of the residential flat building and the internal road and its visitor car parking spaces and landscaping of the central open space.
 - The second stage will be the construction of the dwelling houses.

The proposal is supportable, given the overall improvement to the built form for the site and the opening up of the central part of the site for communal use.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 (PLEP 2014)

Note: PLEP 2014 can be viewed at the [NSW Government Legislation Website](#)

Zoning and Permissibility	
Definition of proposed development: (ref. PLEP 2014 Dictionary)	<p>Residential Flat Building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.</p> <p>Semi-Detached Dwellings means a dwelling that is on its own lot of land and is attached to only one other dwelling.</p>
Zone:	R3 Medium Density Residential (see Clause 6.1 in 'Other Applicable Clauses' below)
Permitted with Consent or Prohibited:	<p>Residential Flat Building: Permitted with consent.</p> <p>Semi-Detached Dwellings: Permitted with consent.</p>



Principal Development Standards	
Clause 4.1 Minimum Subdivision Lot Size	
Standard	Proposed
<p>The clause does not apply in relation to the subdivision of any land by:</p> <p>a) the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>; or</p> <p>b) any kind of subdivision under the <i>Community Land Development Act 1989</i>.</p>	<p>As discussed in the pre-lodgement meeting, this clause is not applicable to the subject site. Density is otherwise managed by Clause 6.1 of the PLEP 2014.</p>
Clause 4.3 Height of Buildings	
Standard	Proposed
10.5m	<p>Residential Flat Building (North): 6.0m to 9.5m.</p> <p>Residential Flat Building (South): 8.0m to 9.5m.</p> <p>Semi-Detached Dwellings: 7.2m to 9.0m (approx)</p>
<p>Comment</p> <p>The height of the residential flat buildings are not proposed to change from that originally approved under DA2018/1826. The only exception indicated at the meeting would be to include a marginal increase within the roof space to accommodate air conditioning units.</p> <p>The heights of the semi-detached dwellings are also indicated to remain as approved under DA2018/1826.</p> <p>Therefore, the heights proposed at the pre-lodgement meeting are supported.</p>	

Other applicable clauses within PLEP 2014
<p>4.6 Exceptions to Development Standards</p> <p>Any variation to Clause 4.3 (Height of Buildings) which breaches the permitted height is to be addressed by a Request to Vary the Development Standard under Clause 4.6.</p> <p>Please be aware that a request to vary a development standard is not a guarantee that a variation would be granted.</p>
<p>6.1 Warriewood Land Release Area</p> <p>Clause 6.1(3) of PLEP 2014 prescribes a dwelling yield for land within the Warriewood Valley Release Area. This dwelling yield is not a development standard that can be varied, but rather a threshold that must be met for the development to be permissible on the land.</p> <p>The subject site is located within Buffer Area 1L, with a nominated dwelling yield of “not more than 67 dwellings or less than 43 dwellings”.</p> <p>Clause 6.1(4) prescribes that development consent must not be granted unless the consent authority is satisfied that the proposed development will not have any significant adverse impact upon opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within the creekline, water quality and flows within the creekline, and the stability of the bank</p>



within the creekline.

Comment

The proposed residential development will provide 43 dwellings at the subject site (which is a reduction from 44 dwellings approved under DA2018/1826), consistent with this dwelling yield, and as such, the proposal is permissible with consent.

Given that the development does not exacerbate any impacts upon opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within the creekline, water quality and flows within the creekline, and the stability of the bank within the creekline (as approved under DA2018/1826), the consent authority can be satisfied that the proposed development will not result in any further impacts upon the creekline.

7.1 Acid Sulfate Soils

The site is predominantly located within Class 5 Acid Sulfate Soils, with a minor part of the site at the south-western corner consisting Class 4 Acid Sulfate Soils.

As the development proposes to amend the approved basement car park by reducing the extent of excavation by 1 level, the development is considered to satisfy Clause 7.1 as it involves an improvement to the already approved DA2018/1826 (which included 2 basement levels).

Notwithstanding, the Geotechnical Investigation submitted with DA2018/1826 is to be updated to addresses the amended proposal in context to the Acid Sulfate Soil profiles of the site.

7.2 Earthworks

The development includes an alteration of the Level 1 basement car park in order to accommodate the residential car parking spaces that were accommodated in the former Level 2 basement car park.

Therefore, the changes involve an expansion of the Level 1 basement car park to the boundary adjacent to the sewer easement. Given that the soil profiles are clay, it is not envisaged that damage would occur to the sewer pipeline within the easement. However, the Geotechnical Investigation submitted with DA2018/1826 is to be updated to addresses the new basement excavation and its proximity to the sewer pipeline (including any recommendations to mitigate impact).

7.3 Flood Planning

The site is currently identified as being prone to flooding.

The earthworks approved under development application N0611/16 (which relevantly included approval to subdivide the site into 4 lots, associated civil works and the construction of the Lorikeet Grove road reserve) will result in an increase to levels across the site, such that the site will not be flood affected once subdivided/created.

The proposal presented in the pre-lodgement meeting does not alter that approval.

7.4 Floodplain Risk Management

The development proposed at the pre-lodgement meeting includes communal facilities (BBQ and children's play area) within the centre of the site.

Although the residential flat building and the semi-detached dwellings have already approved under DA2018/1826, the Water Management Report submitted with DA2018/1826 is to be updated to address the flood level of the site, how the built forms have been designed to respond to the Flood Planning, Level and how the afore-mentioned communal facilities will be



appropriately managed and evacuated in a flood event.

7.6 Biodiversity

The western quarter of the site is subject to Clause 7.6 in that it is located within land identified as 'Biodiversity' on Council's Biodiversity Map.

With the exception of the removal of a basement level beneath the residential flat building, there is no change to the development within this quarter of the site as was approved under DA2018/1826. Therefore, it is considered that the development, as proposed in the pre-lodgement meeting would continue to comply with Clause 7.6.

Notwithstanding, the Development Application is to demonstrate that all remediation works within the riparian corridor in accordance with Eco Logical Australia 2016. 23-27 Warriewood Road, Warriewood-Vegetation Management Plan approved under consent N0611/16.

7.10 Essential Services

The development application is to provide evidence that the following services are available (or that adequate arrangements have been made to make them available) when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

PITTWATER 21 DEVELOPMENT CONTROL PLAN (P21 DCP)

Note: P21 DCP can be accessed via Council's Website www.northernbeaches.nsw.gov.au

Section A: Shaping Development in Pittwater

A4 Localities (Warriewood Valley)

The site is located within the Warriewood Valley locality.

Given the overall similarity of the proposal to the approved development, it is considered that the proposal would continue to be consistent with the context and desired character of the locality.

Section B: General Controls

The proposal involves changes which are an improvement to the development approved under DA2018/1826.

Given the overall similarity of the proposal to the approved development, the General Controls which were satisfactorily addressed in DA2018/1826 are to be satisfactorily addressed in any forthcoming Development Application.

Section C: Development Type Controls

The proposal involves changes which are an improvement to the development approved under DA2018/1826.



Section C: Development Type Controls

Given the overall similarity of the proposal to the approved development, the Development Type Controls which were satisfactorily addressed in DA2018/1826 are to be satisfactorily addressed in any forthcoming Development Application.

Section D: Locality Specific Development Controls

The proposal involves changes which are an improvement to the development approved under DA2018/1826.

Given the overall similarity of the proposal to the approved development, the Locality Specific Development Controls which were satisfactorily addressed in DA2018/1826 are to be satisfactorily addressed in any forthcoming Development Application.

Specialist Advice

Referral Body	Comments
Urban Design	<p>The proposed changes to the previously approved Development Application can be supported provided the following issues are addressed:</p> <ol style="list-style-type: none"> 1. The 3m gaps between the townhouses are treated appropriately with soft landscape and cloth drying areas. Care should be taken to ensure the long, narrow and tall resultant space does not become unusable and become neglected by the residents. 2. The larger central common garden area proposed as a result of the townhouse lots made shorter is a positive improvement to the overall site layout. Soft landscape treatment to create a semi-public garden spaces for use by the residents would be preferred to physical barriers like fences, walls and gates. 3. The relocation of the air-conditioner condenser units from the balconies and terraces area to the basement and roof top area should ensure that adequate screenings are provided so that they are hidden and do not create nuisance. Ease of access for maintenance should be considered in the relocation. 4. The proposal to open up the large glazed windows in the apartments on the western elevation to take advantage of the views to the creek corridor should consider the western sun exposure. The substitution of western sun-shading external blinds to other form of sun shading treatment should be accompanied with updated 'BASIX' calculations and specifications. 5. The new DA to be submitted should capture the changes from the currently approved DA clearly in the new set of documents to facilitate and expedite the approval and checking process.
Bushland & Biodiversity	<p><u>Relevant provisions</u> Pittwater LEP Clause 7.6 Biodiversity. The development is to be designed, sited and managed to avoid any significant adverse environmental impact.</p>



Specialist Advice	
	<p>Coastal Management SEPP 2018 – Coastal Wetland Proximity Area</p> <p><u>General comments</u> The proposal is for the construction of 11 apartments and a residential flat building on already cleared land.</p> <p>It is noted that Sydney Water are currently investigating the preferred sewerage connection option for this site as well as surrounding sites. Biodiversity would prefer pumping to the street.</p> <p><u>Required DA documentation</u> The Statement of Environmental Effects is to address the provisions of the Coastal Management SEPP – Coastal Wetland Proximity Area.</p>
Coast & Catchments	<p>As water quality was dealt with in the subdivision, there is no need for this development to meet water quality requirements.</p> <p>The development does need to limit total impervious area so that the entire development doesn't exceed 65% impervious.</p> <p>Groundwater is very shallow in this area from a very large coastal sands aquifer, therefore the geotechnical report will need to include testing for groundwater. If significant flows are identified, the geotechnical engineer will need to detail how they intend to manage dewatering during construction.</p>
Landscape	<p>General comments</p> <ul style="list-style-type: none"> • The proposed central landscaped area between the residential flat building and the townhouses, and the deletion of townhouse 12 will provide be beneficial to the landscape outcomes of the proposal • The proposal to relocate visitor car parking from the basement to at-grade area impacts the landscape outcomes. <p>Overall, on balance, the proposal creates additional open space landscape areas of benefit to the community.</p> <p>Landscape DA Requirements <u>Reference Council Documents</u></p> <ul style="list-style-type: none"> • Warriewood Valley Landscape Masterplan and Design Guidelines, August 2018 (WVLMDG) • Pittwater 21 DCP, including D16.1, D16.5, D16.6, and D16.12 <p>Landscape Plans are required at development application to provide detailed demonstration of the landscape outcomes achieved by the proposal that satisfies the above controls, including:</p> <ul style="list-style-type: none"> • Stage 1 – to demonstrate the landscape elements proposed within the area including hard and soft landscape materials.



Specialist Advice

- Stage 2 – The Residential Apartment Building, facing Lorikeet Grove / Riparian zone shall achieve a similar landscape outcomes to the current DA approval.

The central landscape area incorporating at grade car parking, paths and common open space shall be designed to provide community recreational benefits including a children's play area, and passive recreation zones with user comforts such as shade structures, picnic benches, seating and bbq's, set within lawn and garden areas with canopy tree planting.

- Stage 3 – The townhouses facing Warriewood Road must contain vegetation that will dominant over the built form. Landscape treatment is to be integrated with the building design to screen and soften the visual impact of the built form. The height and scale of the landscaping in the front setback area must be proportionate to the height and scale of the building. A similar landscape design to the current DA approval is anticipated.

Fencing is not permitted forwards of the building line. Boundaries between public and private land should be delineated by vegetation such as low hedges, garden beds or the like.

The Laneway architecture is prominent and planting to the garden along the laneway as depicted on the plans will be required. It is anticipated that a tall columnar type plant species be used to soften the built form.

Other

Tree Protection Plan

A Tree Protection Plan shall be submitted with the DA on the methodology to protect all existing road verge landscaping including street trees, gardens and grass areas.

Documentation to accompany the Development Application

All documentation submitted with DA2018/1826 is to be updated and submitted with any forthcoming Development Application (being the subject of this pre-lodgement).

This information is to include (but not limited to):

- Statement of Environmental Effects;
- Request to vary a development standard under Clause 4.6 of the PLEP 2014;
- Cost of works estimate/ Quote;
- Quantity Surveyor Report to verify cost of works;
- ASIC Statement;
- Plans:
 - A4 Notification Plans (include a separate written statement which lists the changes made from DA2018/1826);
 - Site Analysis Plan;



Documentation to accompany the Development Application

- Site and Boundary Survey;
- Staging Plan(s);
- Site Plan(s);
- Floor Plans;
- Elevations;
- Sections (including sections through the area indicated as a height breach);
- Civil Works/Road Design Plan;
- Stormwater Management Plan;
- Subdivision Plan (if proposed to realign the approved subdivision boundaries);
- Landscape Plans and Landscape Design Statement;
- Tree Protection Plan;
- Excavation and Fill Plan;
- Waste Management Plan (Construction & Demolition);
- Waste Management Plan Ongoing;
- Certified Shadow Diagrams;
- BASIX Certificate(s);
- Energy Performance Report(s);
- Schedule of colours and materials;
- Arboricultural Impact Assessment Report;
- Photo Montage(s);
- Model;
- Erosion and Sediment Control Plan / Soil and Water Management Plan;
- Geotechnical Report;
- Acid Sulfate Soil Report;
- Coastal Assessment Report;
- Flood Risk Assessment Report;
- Water Table Report;
- Overland Flows Study;
- Water Sensitive Urban Design Strategy;
- Waterway Impact Statement;
- Traffic and Parking Report;
- Construction Traffic Management Plan;
- Construction Methodology Plan;
- Access Report;
- SEPP 65 Report (including a Design Verification Statement); and
- Integrated Development Fees (if the development is identified as Integrated Development).

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 17 December 2019 to discuss amendments to the construction of a mixed residential development, comprising two residential flat buildings, 11 semi-detached dwellings, an associated internal road, site works, landscaping and Community and Strata title subdivision which was approved under DA2018/1826.

Given the overall similarity of the proposal to the approved development, and that the proposal reduces the built form and improves site layout, the amendments proposed are considered to be supportable provided the matters raised in these notes are satisfactorily addressed in any forthcoming Development Application.