

30 July 2025



Sekisui House Services (NSW) Pty Limited
Ground Floor 68 Waterloo Road
MACQUARIE PARK NSW 2113

Dear Sir/Madam,

Development Application No: DA2025/0675 for Subdivision of one (1) lot into eight (8) Torrens Title lots and construction of eight (8) dwelling houses and associated landscaping at 53A & 53B Warriewood Road WARRIEWOOD.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

Owners consent –The subdivision, civil works plans and site works plan (drawing DA-5 dated 27-06/2025) includes lot 3 DP 942319, 53 Warriewood Road. This parcel of land is owned by Council. It is also noted that the subject DA relies on consent DA2024/1079 which includes Lot 3 DP 942319 53. This DA remains undetermined, as such, the subject application is premature.

To address this issue it is recommended that the subject DA be withdrawn and re-submitted to reference all applicable parcels of land and provide the correct owner's consent. It would be preferable if the new DA is lodged after the determination of the parent DA.

• **Insufficient information / Clarification required**

The following information/documentation should be submitted with any future DA:

1. Landscape Area - *Clause C6.7 Landscape Area* (Sector, Buffer Area or Development Site) –of the Pittwater DCP requires:

Where a sector, buffer area or development site has a frontage to a creek, a minimum 35% of the site area is to be landscaped area.

Warriewood Valley Urban Land Release Water Management Specification (2001). This policy assumes 50% impervious area for a sector, buffer area or development site, therefore the Water Management Cycle model must account for the quantum of built upon area.

Insufficient information has been submitted to confirm compliance with this control. Please refer to the lodgement requirements specified in this clause. Please also refer to the comments from Council's Development Contributions Officer who seeks clarification on this point.

2. Geotechnical Report – the Enspire Engineering plans detail extensive bulk earthworks, and a geotechnical report is required to be submitted to assess this part of the proposal.



3. Lot Diversity – *Clause C6.8 Residential Subdivision Principles* of the Pittwater DCP requires a range of housing mix and dwelling sizes with no more than 40% of the lots being the same lot type. Please submit a lot mix table showing the lot types, number and percentage of the overall total to demonstrate compliance with the control. If the subject stage 2 component of the overall development does not comply, please submit details of the other stages can be submitted to demonstrate compliance.
4. Servicing and infrastructure – In accordance with *Clause C6.9 Residential Subdivision Approval Requirements* of the Pittwater DCP the *Statement of Environmental Effects* shall include details of the titling arrangements of the proposed lots, and requirements for services and infrastructure, access and maintenance necessary for the subdivision. For Pathways 2 & 3, details confirming that the proposed dwelling for each lot will be placed on title. Please ensure that the SEE provides these details.
5. Master plan set – The masterplan should include the following:
 - a. An updated landscape plan that shows the landscaping details for each lot.
 - b. All plans shall be annotated to include the site boundary, and all sections shall include details of existing ground level and RLs.
 - c. Hourly shadow diagrams in plan and elevation demonstrating compliance with CI D16.9 solar access of the Pittwater DCP.
 - d. Cross section showing the relationship of the new dwellings and associated earthworks to the existing dwelling on Pheasant Place.
 - e. Details of retaining walls.

- **Issues**

The following is a list of the issues and concerns identified in the assessment of the DA submitted that cannot be supported. Any future application should ensure these issues are addressed:

1. **Total quantum of dwellings for Buffers 1b, 1c and 1d –**

In accordance with *Clause 6.1 of the Pittwater LEP* a minimum 31 dwellings is required for the respective parcels. The submitted DA suggests that a total of 28 dwellings are proposed which is inconsistent with the development standard. Please address this issue and the issues raised by Council's Development Contribution Officer, refer below.

2. **Landscaping**

Clause C1.1 Landscaping of the Pittwater DCP requires:

*The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows: **60%** for a single dwelling house.*

The Pittwater LEP definition of 'landscape area' is "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved



area". The areas identified as decorative pebbles and areas that are not planted are not be included in the landscape area calculation.

The proposal is inconsistent with the 60% landscape requirement for the front setback with particular concern noted with lots 14, 15, 17 and 18.

Due to the scale of the development and insufficient landscaping within the front setback the proposal fails to meet the requirement and following outcomes of the control:

A built form softened and complemented by landscaping.

Landscaping reflects the scale and form of development.

Landscaping enhances habitat and amenity value

Clause D16.5 Landscaped Area for Newly Created Individual Lots of the Pittwater DCP requires the following landscape areas:

*Lots < 9.0m wide require a min dimension 3.0m and total landscape area of **25%** of the site area (applicable to lots 14 & 15)*

*Lots 9.0-14.0m wide require a min dimension 4.0m and total landscape area of **35%** (applicable to lots 13, 16, 17, 18, 19 and 20).*

Council calculates that the 5 out of 8 lots are non-compliant with the minimum landscape area requirement, as detailed below:

- Lot 16 –293m² 10.28m wide – requires landscape area of 102.55m² (35%) - the proposal retains a landscape area of 57.7m² (19.69%).
- Lot 17 256m² 9.8m wide - requires a landscape area of 89.6m² (35%) – the proposal retains a landscape area of 59.8m² (23.35%).
- Lot 18 - 256m² 9.8m wide requires a landscape area of 89.6m² (35%) – the proposal retains a landscape area of 61.7m² (24.1%).
- Lot 19 -286m² 9.58m wide requires a landscape area of 100m² (35%) – the proposal retains a landscape area of 58.1m² (20.31%).
- Lot 20 - 295m² 11.46m wide requires a landscape area of 103.25m² (35%) – the proposal retains a landscape area of 89.3m² (30.27%).

Note: The calculations are based on the amended landscape plan dated 27/06/2025 which reduces the available landscape area detailed in the original landscape plans. It is also noted that the applicant incorrectly applies a landscape area requirement of 25% for all lots.

The proposal is inconsistent with the requirements and the following outcomes of the control.

Warriewood Valley achieves a unified and high quality landscape character that contributes to the sense of place.



Landscaping promotes ecologically sustainable outcomes, maintaining and enhancing biological diversity and ecological processes.

The area of site disturbance is minimised.

Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.

Landscaped areas should be predominately areas of deep soil.

New development is blended into the streetscape and neighbourhood through the retention and enhancement of vegetation.

To ensure a reasonable level of privacy and amenity is provided within the development site and maintained to neighbouring properties.

Clause C6.8 Subdivision Principles of the Pittwater DCP requires:

Lots to have the appropriate area, dimension and shape to accommodate the housing product proposed as well as canopy trees and other vegetation.

As above, the lots have insufficient deep soil landscaping area to allow for sufficient planting and the proposal is inconsistent with this control.

3. Side setback

Clause D16.7 Side and rear building lines of the Pittwater DCP requires:

Attached or abutting dwelling of lots between 9m to 14m wide to have the following side setbacks - One side: 0m at ground floor and **1.5m at upper levels** on zero lot line.

Detached dwelling 9 to 14m wide - One side: **0.9m and 1.5m** for upper level Other side: 0.9m at ground floor and 1.5m for upper level. The following lots are inconsistent with the control:

The following lots are inconsistent with the requirements and outcomes of the control.

- Lot 14 (attached) has a 1.2m upper floor and is therefore inconsistent with the 1.5m requirement.
- Lot 17 and 18 (detached dwellings) have 0.1m side setback at ground level on one side. Lot 17 and 18 have 1.0m and 1.4m side setback of the upper floor.

The following **front setbacks** are required for **corner lots**:

Minimum 4.0m front setback to **garage/carport** (metres) from front boundary.

Minimum 3.0m front setback to **dwelling** (metres) from front boundary

The following lots are inconsistent with the requirements and outcomes of the control:

- Lot 16 – the dwelling is setback a minimum of 2.4m to Pheasant Place, the primary street frontage and the garage is setback 2.2m.



- Lot 20 – the dwelling is setback 2.1m and the garage is setback 2.0m to Road 1.

4. Bulk and scale

Clause D16.1 Character as viewed from a public place of the Pittwater DCP requires:

*The **bulk and scale** of buildings must be minimised.*

Landscaping** is to be integrated with the building design to **screen and soften the visual impact of the built form

Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place.

Garage type - single garage with a secondary area in the front

***Garage door <3m** or not exceeding **40%** of the lot width on lots (applicable to lots 14, 15, 16, 17, 18)*

Garage door width on corner lots with garages on secondary frontage 40% of lot length and up to 3m (applicable to lots 13, 19 and 20)

The bulk and scale of the development is excessive given the excessive footprints of the dwelling and insufficient landscape area required to allow sufficient space for adequate landscaping to screen and soften the development from the street.

Furthermore, the frontage of lots 14-18 are dominated by double garages with garage doors that are 4.9m wide which exceed the 40% maximum lot width control.

The proposal is inconsistent with the requirements and outcomes of the control. To address this, it is strongly suggested that the footprint of the dwellings are reduced, impervious areas changed to deep soil landscaping and the garages to lots 14-18 are modified to single garage types with a second hardstand area in front of the garage.

5. Privacy

Clause C1.5 Visual Privacy of the Pittwater DCP requires.

*Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within **9 metres** by building layout, landscaping, screening devices or greater spatial separation*

The following windows are inconsistent with the control

- The first-floor bedroom window bed 2 (W21503) has a 2.5m setback to the bedroom window bed 2 (W21403) in lot 14.

To address this issue, it is suggested that the windows be amended to high-level windows (sill height 1.7m above floor level) or have obscure glazing.

6. Solar access

Clause D16.9 Solar access of the Pittwater DCP requires:



a minimum 2 hours of solar access to windows of the principal living area and areas of private open space between 9am and 3pm on June 21

Insufficient information has been submitted to demonstrate compliance, despite this concern is raised in respect to the solar access to Lots 16, 17, 18 and 19. Please submit hourly shadow diagrams in plan and elevation to confirm compliance.

7. Referrals

The application is not supported by the following Departments of Council:

Environmental Health – not supported

The Statement of Environmental Effects notes that contamination issues are said to have been addressed under Development Application DA2024/1079. Development Application DA2024/1079 has not yet been determined. Accordingly, Environmental Health cannot support the proposal until contamination issues are appropriately addressed by way DA2024/1079 being determined, or further information being provided as part of this proposal.

Development Contributions Officer (Strategic Planning) – not supported

The DA is predicated on the approval of DA2024/1079 and is therefore premature. The following matters need to be addressed:

- Owners consent - given that the proposed lot 2 is to be created through the not yet determined subdivision DA at 53, 53A and 53B Warriewood Road.
- Confirmation that the total quantum of dwellings will eventually be accommodated across the development site consistent with the total dwelling range assigned to Buffer Areas ab, ic and id being 31-42 dwellings.
- That the dwellings are built of areas that will not reduce the overall impervious area of the development by 50% and based on the impervious fraction modelled in the water management for DA2024/1079 and CI C6.7 Landscape Area of the Pittwater DCP.

Waste Officer – not supported

The following issues are raised:

Dwellings – Onsite Bin Storage Requirements

Within each lot an area is indicated for the storage of the four waste bins provided by Council. Bins must be obscured from view from the roadway.

The following bins will be provided by Council to each dwelling:

- 1 x 80 litre garbage bin – 450mm wide, 510mm wide & 840mm high (lid shut)
- 1 x 140 litre paper recycle bin – 535mm wide, 615mm deep & 915mm high (lid shut)
- 1 x 140 litre container recycle bin – 535mm wide, 615mm deep & 915mm high (lid shut)



- 1 x 240 litre vegetation bin – 600mm wide, 750mm deep & 1060mm high (lid shut)

Bin & Bulky Goods Presentation

A 2.5-metre-wide footpath/nature strip has been provided which will allow for the presentation of bins and bulky waste.

Bins and bulky goods must be presented above the kerb. No materials or bins to be placed on the

road pavement. Sufficient space is to be provided above the kerb in front of each property for 3 bins / 3 cu metres bulky goods.

Road Requirements

Waste collection is undertaken by three axle, 10.5 metre long, side-arm heavy rigid vehicle with the bin lifter on the left hand side only.

The 7.5 metre wide road pavement proposed is acceptable to Waste Services.

Swept path analysis must be provided to demonstrate turning of trucks at the end of Road 1 and the ability of the side arm truck to perform service. Reversing back along these roads by heavy vehicles will be unacceptable from a safety perspective.

The ability for turning of trucks at the junction of Road 2 and Pheasant Place may also be required given the current lack of rights of carriageway for Council over Pheasant Place.

Positive Covenant and Community Management Statement and access for waste collection vehicles on Pheasant Place

Council currently does not have right of access over Pheasant Place for the collection of waste. The applicant is to approach the Pheasant Place Community Association with a view to having Council's legal requirements fulfilled to allow access by the waste collection vehicles.

This would benefit both the applicant and the residents of Pheasant Place who currently present their bins on Warriewood Road.

A positive covenant must be placed on the community roadway (usually Lot 1) of the property to allow Council access to collect waste. Wording as per Appendix D and Appendix E, Northern Beaches

Council Waste Management Guidelines

There is currently no Council approved Community Management Statement for waste services placed on the Pheasant Place Community Roadway.

The use of Pheasant Place for waste collection services by Council is integral to this proposal as it allows trucks to circulate through the proposed subdivision in both directions.

Under Road Infrastructure

Waste collection trucks weigh 23 tonnes. The truck has 3 axles.



All under road infrastructure (e.g. osd tanks, pipes) must be capable of withstanding the load exerted by the waste collection vehicles.

Overhead Clearance

Waste collection vehicles require a working clearance of 4.5 metres above the road pavement.

Swept path analysis and a positive covenant on Road 1 and Road 2 and an agreement to enter into a Community Management Statement for Waste Services for the development and Pheasant Place are integral to this project being supported.

Aboriginal Heritage – not supported

A due diligence report was requested for the previous DA and should therefore be submitted with the subject DA.

The Landscape Referral raises issues with the inconsistency with the 35% landscape area requirement. In addition, the following inconsistency between the parent DA and subject DA are noted. The proposed crossover and driveway across the road reserve verge are wider than the plans submitted under the subdivision application of DA2024/1079 and concern is raised. Public Domain Landscape Plans are required under section 138 application for works in the road reserve verge prior to Construction Certificate for the subdivision and the street tree planting proposals will require coordination with subsurface services and street lighting and both of these shall be arranged in locations to maximise soil volume and street tree establishment.

The referral comments from the following Departments rely on the approval of the parent DA (DA2024/1079), Water Management, Flooding, Riparian. The parent application has not been approved therefore the subject DA cannot be determined.

Referrals are outstanding from the following: Bushland and Biodiversity, Traffic and Rural Fire Services and further issues may be raised.

• **Objector's concerns**

One submission has been received which raises the following issues:

- The correct owner's consent has not been provided as lot 3 (stormwater easement lot) is excluded despite being included in the subdivision plan and civil works plan. In addition, the compliance table reference DA2024/1079 which is for a larger lot yet the DA excludes lot 3.
- The Traffic report is misleading in respect to issues such as extra visitor parking.
- No access to lot 16,17 and 18 exists through Pheasant Place which is a private road.

You are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:



<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options available to the Applicant

Council is providing you with two (2) options to progress your application:

1. Withdraw the application and re-submit a new application referencing all lots and providing the correct owners consent.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Summary

As above, it is recommended that the application be withdrawn and resubmitted to include all relevant sites and the correct owner's consent. A partial refund of the development application will be organised.

Any future application should be accompanied by the additional information requested in this letter and shall address all the issues raised.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Anne-Marie Young on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'A. Young'.

Anne-Marie Young
Principal Planner