



5 September 2025



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

Dear Max Chipchase,

Development Application No: DA2024/1847 for Subdivision of a proposed lot into nine (9) lots and construction of two (2) semi-detached dwellings and seven (7) dwellings across two attached housing buildings at 53B & 53A Warriewood Road WARRIEWOOD.

An assessment has been undertaken of your application. The assessment has found that the application, in its current form, is unsatisfactory for the referral reasons outlined below. Please note that comments from Development Engineering, Flooding and Planning have not yet been provided; these comments and recommendations will be attached to the forthcoming additional information letter.

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

Bushland and Biodiversity

"This DA specifically pertains to one of the residential super lots to be created under Development Application No. DA/2024/1079 should it be approved. A Flora and Fauna Assessment by Kingfisher Ecology has been assessed under DA/2024/1079. The referral by Councils Biodiversity team concluded that the Flora and Fauna Assessment (Kingfisher 2024) submitted as part of the subdivision DA did not provide a suitable assessment of the biodiversity values of the subject site or the potential impacts of the proposal.

The current DA may impact terrestrial biodiversity (Pittwater LEP cl 7.6) and the Coastal Wetland Proximity Area (SEPP Resilience & Hazards cl 2.9). While the likely impacts to biodiversity protected under the relevant planning controls, and any required impact mitigation measures, will be addressed as part of the subdivision DA, until the biodiversity assessment issues previously raised are resolved, the current DA cannot be determined."

Landscaping

"The proposed development seeks consent for the construction of nine (9) residential dwellings, stormwater works, minor retaining walls and associated landscape works. At the time of undertaking this assessment the subdivision application DA2024/1079 is awaiting approval or otherwise.



The Landscape Referral is for the nine (9) residential dwellings in terms of the landscape setting outcomes, assessed against the Pittwater Local Environment Plan, and the following Pittwater 21 DCP controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation: C1.1 Landscaping: C6.2 Natural Environment and Landscaping Principles: D16 Warriewood Valley Locality, and in particular D16.5 Landscaped Area for Newly Created Individual Allotments, and D16.12 Fences.

The submitted Landscape Plan provides inadequate information to demonstrate a landscape outcome setting that is considered against the landscape objectives of PLEP and PDCP. All nine lots indicate soft landscape without demonstrating exactly what is proposed and it appears that only lawn is proposed throughout and this is not an appropriate landscape setting.

A Landscape Plan shall be submitted for consideration and shall be prepared in accordance with Council's DA Lodgement requirements and Landscape plan preparation under D16.5 Landscaped Area for Newly Created Individual Allotments, and shall satisfy PDCP controls and the following advice is provided that shall be demonstrated on the Landscape Plan(s):

- **D16.5 Landscaped Area for Newly Created Individual Allotments**

- landscape areas for each lot shall be in accordance with Minimum Landscape Area Requirements - landscape design outcomes shall be in accordance with Landscaping Requirements

- **D16.12 Fences.**

- 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.

Additionally the Landscape Plan indicates removal of trees based on the recommendations of an Arborist Report, which is unsighted."

Waste Services

"Subdivision is for 9 individual lots and relates to previous DA2024/1079.

Waste Management Report - Ongoing waste management needs to be completed (these are individual dwellings) and plans to show waste storage location for ongoing use. Residents must be able to wheel and place bins ready for collection – bins are not to be left on the roadway. (Note bins are 750mm from front to back when standing vertically). Please show path for individual properties on plans. Demolition and Construction Waste management details comprehensive for all stages of project.

A swept path diagram to confirm council's HRV collection trucks - 3 axle HRV has access and can turn around where required.

Kerb and the property boundaries on the western side of Road 1 must be minimum 1.5m width.



Design would be supported subject to the above items being provided and deemed suitable and Community Management Statement with regard to Council Waste Collection and Positive Covenant for Waste Services requested in prior application being addressed by the applicant.

Additional Information regarding community accessway:

- The road pavement and any infrastructure place under the pavement must be designed and constructed to allow for the operation of a 23 tonne waste collection vehicle without failure.*
- A height clearance of 4.5 metres must be maintained above the road pavement to allow for the operation of the waste collection vehicle. Please consider appropriate tree plantings (location & species) to meet this requirement into the future.*
- Parking restrictions are to be placed on the western side of the community road - 6.00am to 6.00 pm on the scheduled day of waste collections. A clause must be placed in the Community Management Statement enforcing the required parking restrictions.*

Other standard conditions with regard to indemnity and the Community Management Statement when entering private property for waste collection will be also need to be applied to any development.

Waste Referral Response to DA2024/1079 in September 2024 requested the following:

Advice on Legal Requirements

Council Waste Services cannot support this proposal until such time as it can be demonstrated or proven that the legal requirements (positive covenant and Community Management Statement) have been agreed to and placed upon the community road lot of Pheasant Place, Warriewood.

A positive covenant will also be required to be placed upon 14 Pheasant Place as this proposal includes a dead end section of road to be located within this property. The placement of the positive covenant upon this property will need to be demonstrated or proven to Council Waste Services for support of this proposal.

Without the placement of the Positive Covenant for Waste Services upon the above subject properties the proposed truck circulation for waste collection becomes unworkable. The Positive Covenant for Waste Services is required to be placed upon the community road lot of this proposal.

Community Management Statement (CMS)

The CMS must contain the clauses provided by Council with regards to "Council Waste Collection".

Proposed Road Design

The proposed road pavement width of 7.5 metres is compliant with Council waste requirements.

The proposed footpath/ nature strip widths are compliant with Council waste requirements.



The proposed swept path diagrams show compliance with Council waste requirements.

It is noted that the applicant has indicated that the road pavement, and any under road infrastructure, able to withstand the forces exerted by a 23 tonne waste collection vehicle.

It is noted that the applicant has indicated that the required clearance above the road pavement for waste collection will be adhered to.

Conclusion

The road design is fully compliant with Waste Design Requirements.

Approval from Waste Services is conditional upon the Positive Covenants for Waste Services being placed upon the community road lot of Pheasant Place and 14 Pheasant Place Warriewood. It is suggested that this be done as a priority as refusal to proceed with placement of the positive covenant from either property owner/s will result in the proposal being unworkable for waste collection purposes.”

Strategic Planning

“The 2025/2026 contribution rate for residential developments under the Contributions Plan is as follows:

- *\$76,766 per dwelling/lot*

The parent development application DA2024/1079 is yet to be determined by Council. That DA seeks to create superlots only, with the intention for separate DA's being submitted in the future that will define the quantum of dwellings and new lots for each of the superlot. As such, if that DA will not result in the construction of new dwellings then the development contributions will be payable in the future DA's where the dwelling quantum is confirmed.

Although this DA (DA2024/1847) shows the dwelling quantum likely for this superlot (Lot 5), it may be premature to provide a contribution amount based on the proposed dwelling yield for the following reasons:

- *Uncertainty on the likely determination of DA2024/1079 that will create Lot 5, being the superlot the subject of this current DA.*
- *Confirmation on the impervious fraction assigned for Lot 5 under the Water Management Report for the overall subdivision of the subject property under DA2024/1079 and ensuring that impervious fraction for Lot 5 will still accommodate the dwelling numbers as currently proposed.*

Once the parent application DA2024/1079 has received development consent, this application should be referred back to SPP3 to provide a Development Contribution amount based on the confirmed yield.



RECOMMENDATION

A. DA2024/1847 is not supported at this time as it is premature to provide a total contribution amount until:

- a. development consent is granted for the parent development application DA2024/1079*
- b. the final yield to be approved under DA2024/1847 has been confirmed by the Assessing Officer*

B. Prior to determination of the DA2024/1847, the Assessing Officer is to refer the DA back to SPP3 with confirmation regarding the final quantum of dwellings being approved.”

Water Management

“The engineering report (by enspire 220122 dated 19 December 2024) is referring to DA2024/1079 WSUD strategy.

DA2024/1847 is not supported at this time as the water management is subject the parent subdivision application determination (DA2024/1079).”

Traffic Engineer

“The proposed development seeks consent for the construction of nine (9) residential dwellings on one of the residential superlots to be created under the 5 lot subdivision being assessed under DA2024/1079. At the time of drafting this referral that DA is still under review and it would be premature to provide referral comments relating to the work proposed under DA2024/1847 until the outcome of DA2024/1079 is known. It is noted that a planning agreement is concurrently being assessed to reach agreement on the delivery of infrastructure works (including construction of indented bus bay and shelter and shared path works) required in conjunction with DA2024/1079.

This assessment cannot be finalised until the outcome of the 5 lot subdivision under DA2024/1079 and the planning agreement are finalised.”

Riparian Lands and Creeks

“This referral relates to the Narrabeen creek and the creekline corridor. Particular consideration has been given to the inner and outer riparian corridor.

The inner 25m creekline corridor is to be dedicated to Council.

General terms of approval and a controlled activity permit are required from the Department of Planning and Environment (DPE) – Water prior to any works in Narrabeen Creek and the creekline corridor.

CREEKLINE CORRIDOR



Any part of residential lots, dwellings, garages, fences and other vertical built structures are not permitted within the 25 metre wide outer creekline Corridor.

Proposed Lot 5 and 6 (subdivision plan 6321/18 from YSCO dated 15 Oct 2024) are encroaching on the riparian outer corridor and not conforming with DCP C6.1 Integrated Water Cycle Management requirements and outcomes.

The boundaries of the inner and outer creekline corridor must be clearly labelled in the engineering and landscape plans and included in the design legend.”

- **Objector's concerns**

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. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
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.

Submitting further information/amendments

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).



Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 15 January 2025 and 233 days in the assessment period have now elapsed.

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 Phil Lane on 1300 434 434 during business hours Monday to Friday.

Regards,

Phil Lane
Principal Planner