

Walter Gordon
Planning and Development Manager
Meriton Apartments Pty Ltd
Level 11, 528 Kent Street
SYDNEY NSW 2000

Contact: Andrew Smith
Phone: 02 92286369
Fax: 02 9228 6455
Email: andrew.smith@planning.nsw.gov.au
Our ref: MP09_0162
File: 09/00541-2

Dear Mr Gordon

**Concept Plan and Stage 1 Project Application for a residential development,
14-18 Boondah Road, Warriewood (MP 09_0162)**

I refer to your Environmental Assessment (EA) for the proposed residential development in Warriewood Valley. The application has been placed on public exhibition and the Department has received submissions from Government Agencies, Pittwater Council and the public.

I note that copies of submissions received to date have been forwarded to you pursuant to Section 75H(5) of the *Environmental Planning and Assessment Act, 1979*. I have also enclosed a number of late submissions for your consideration.

The Director General, pursuant to Section 75H(6) of the Act, requires that you provide a response to the issues raised in these submissions, in addition to addressing any issues raised by the Department of Planning.

The Department has reviewed the submissions received and considered the proposal as detailed in the EA. The Department has identified a number of key issues with the proposal relating to environmental constraints, building layout and separation, future residential amenity and infrastructure. These issues are outlined in **Schedule 1**. The Department will also require additional information to complete its assessment as outlined in **Schedule 2**.

It is considered that a Preferred Project Report (PPR) should be prepared identifying how you have addressed issues raised by the submissions and the Department. The PPR must also demonstrate measures to minimise any environmental impacts of the proposal. A revised Statement of Commitments is also to be provided incorporating any amendments following your response to the submissions.

As you are aware, the Department has also commissioned an independent strategic review of the immediate locality relating to the potential for increased residential densities. The outcome of this review will also be considered in the Department's assessment of the application.

Departmental Officers are available to discuss the issues raised in the public submissions and this letter, and in this regard, please contact Andrew Smith, Team Leader, Metropolitan Projects on (02) 9228 6369 or email andrew.smith@planning.nsw.gov.au

Yours sincerely



15/7/2010

Michael Woodland
Director, Metropolitan Projects

SCHEDULE 1 - DEPARTMENT OF PLANNING KEY ISSUES

1. Environmental constraints and future developable area

The agency submissions have identified that the site is affected by a range of environmental constraints relating to vegetation corridors, riparian setbacks, impact to water quality, flooding and high bushfire risk.

A review and further analysis of the capacity of the site should be provided, giving particular consideration to the submissions from the NSW Office of Water and the Department of Environment Climate Change and Water. Your response should address the inconsistencies regarding the width of the riparian land including the Creek Riparian Zone, land uses within these zones and inconsistencies in the flora and fauna report submitted with the EA.

It is noted that the outcome of this analysis may require some reduction to the developable area for the proposal.

2. Building layout, separation, future residential amenity and open space

Concern is raised regarding the proposed building layout, building separation, overshadowing, provision of open space and resultant impacts on future residential amenity of the proposal. Further assessment of these issues is required to justify the density being proposed by the Concept Plan and Stage 1 Project Application and some reduction to the scale of the proposal may be required.

In particular, the design and layout of the proposed 5 storey buildings (D, E, F and G) in the Stage 1 Project Application, and Concept Plan Buildings K and M should be reviewed in terms of building separation, solar access (for all apartments and open space) and amenity to future residents. Any amended layout should clearly demonstrate compliance with the provisions of the *Residential Flat Design Code (RFDC)* in regards to building separation and solar access (calculated for each building in the Project Application). The Concept Plan should also demonstrate buildings envelopes in future stages are capable of achieving adequate solar access consistent with the RFDC.

The shape and proportions of the proposed triangular open space between Buildings D, E, F and G also requires redesign to improve the utility and size of the area and reduce the impact of overshadowing. The required changes may involve amendments to the proposed footprint, layout and height of these buildings. This may involve options for potential redistribution of floor space to other parts of the site.

3. Traffic generation and road capacity

Further consideration is required in relation to the capacity of the local road network and road intersections to accommodate the additional traffic to be generated by the significant increase in density for the site.

In addition, the size and capacity of the proposed "local road" which is to be dedicated to Council should be reviewed having regard to the comments from Council, the RTA/SRDAC and the relevant provisions of the Warriewood Valley Roads Master Plan (2006 updated version).

4. Section 94 Contributions, Works-in-kind offsets and provision of infrastructure

Further clarification of Section 94 Contributions and provision of infrastructure for the site is required. The EA has not clearly identified proposed infrastructure works that are to be provided as a direct result of the proposal and works which are proposed to be offset against Section 94 contributions as works-in kind. Any works proposed to be offset against monetary Section 94 contributions should be fully justified.

It is also noted that the area of the site to be dedicated as public open space is the same as that proposed to be dedicated pursuant to the current Development Consent. The current proposal significantly increases the density on the developable area without a comparable increase in open space. A detailed justification for this disparity should be provided and should include consideration of the provision of any additional land dedications either on site or off-site for public open space, having regard to Council's controls, and in particular, the recently adopted *Warriewood Valley Planning Framework 2010*.

SCHEDULE 2 - ADDITIONAL INFORMATION REQUIRED

In addition to matters raised in **Schedule 1**, the following additional information is required:

- The EA should address the “*Warriewood Valley Planning Framework 2010*” adopted by Pittwater Council on 3 May 2010.
- The following additional plans are required:
 - Plans, long sections and cross sections detailing the relationship of proposed finished ground levels and basement level with existing natural ground levels.
 - Plans and sections indicating the extent of cut and fill required across the site and adjacent all site boundaries, including adjacent the Fern Creek creekline corridor. This should include calculations of proposed fill to be placed on site.
 - The EA needs to adequately assess the potential impacts on the cut and fill on Fern Creek, the Warriewood Wetlands, the protection and rehabilitation of riparian land and local groundwater conditions.
- Additional details identifying potential impacts associated with the excavation, cut and fill.
- Confirmation that the pervious area percentage for the site (being the area of land excluding the Fern Creek creekline corridor) meets the 50% requirement and should include the footprint area of all basement car parking, roads, access driveways and paths as impervious area (based on a developable area of 7.05 hectares which excludes the creekline corridor).
- Additional photomontages prepared at eyelevel from Macpherson Street and Boondah Road looking into the site from the public domain, particularly at the intersection of the new public road with the aforementioned streets between the Daycare Centre and Building A, Buildings C and H, Buildings J and N, Buildings N and O (along the alignment of “Local Road”).
- A schedule of unit sizes for all apartments in Stage 1 to demonstrate the units meet the minimum internal unit sizes within the *RFDC*.
- A solar access schedule for all apartments in Stage 1 to demonstrate the units meet the solar access provisions within the *RFDC*.
- The setback of Buildings A, B, C, D, E and H from the internal access roads should be increased to provide sufficient area for street trees and landscaping.
- A groundwater management plan/assessment addressing the post construction phases and the environmental impacts on the discharge of untreated groundwater to the wetlands.

Agency issues / Consultant Reports

- The Bushfire Risk Assessment is to be updated to assess the current proposal and increased residential densities and commercial facilities including the childcare centre. Any increase in the extent of APZs will require further environmental assessment.
- The Flora & Fauna Report contains a number of inconsistencies that need to be addressed to provide clarity to the environment protection measures, including:
 - Recommendations should include environmental management measures to be implemented before, during *and after* construction and to more clearly delineate what environmental protection measures will be undertaken for each stage of the development.
 - Reference should be made to ‘*implement the Vegetation Management Plan prepared by Total Earth Care (Appendix AA)*’.
 - The SOC should be revised in light of the updated Bushfire Risk Assessment Report.
- There are a number of inconsistencies in the EA in relation to the width of the riparian land (including the Creek Restoration Zone) around the Warriewood Wetland and proposed uses (Bio-Retention basin, and pathway). It is noted that the proposed Bio – Retention Basins are the same size as those approved under the current Development Consent (DA N0526/08). Confirmation that the location, capacity and design of these basins will have an appropriate increased capacity commensurate with the increased density.
- It appears the Brown Consulting Stormwater and Environmental Management Plan 2010 has not fully taken into consideration the increase in proposed density and site cover and reduction to impervious area arising from the current proposal. This report should be appropriately updated and include updated figures and calculations where required.
- The Environmental Site Assessment Report should confirm the site can be remediated to a standard which is suitable for the use of the land for the proposed residential and childcare uses.