

Liza Cordoba, Principal Officer Land Release  
8am to 5:30pm Monday-Thursday, and 8am to 5pm Friday  
Ph: (02) 9970 1150

18 December 2009

The Director General  
Department of Planning  
GPO Box 39  
**SYDNEY NSW 2000**

Attention: Michael Woodland  
Director, Metropolitan Projects

Dear Mr Woodland

**RE: Key Issues and Assessment Requirements – Concept plan for Construction of Residential Development at 14-18 Boondah Road Warriewood (MP 09\_0162)**

I refer to your letter dated 10 December 2009 (received 14 December 2009) requesting Council's key issues and assessment requirements for the proposal. From the Meriton letter (attached to your request), Council understands the proposal to be as described:

*"Construction of:*

- *17 Residential Flat Buildings ranging in height from 3 to 5 storeys and containing a total of approximately 590 apartments (estimated FSR of 0.65:1);*
- *Basement car parking beneath each RFB;*
- *Specialty shops and a Childcare centre at the entrance to the site of Macpherson Street;*
- *Flood mitigation works, creekline corridor restoration and site landscaping; and*
- *Road and footpath works, including placement of services for the development."*

It is understood that Meriton intend to develop the site in stages.

In the short time period provided, Council staff have reviewed the Draft Director-General's requirements and requests that the following matters be included in the Director-General's requirements to be issued to the applicant:

**Key Issues**

**1. Relevant EPI's policies and Guidelines to be Addressed**

- (a) Concern is raised regarding the permissibility of the proposal (being residential flat buildings, specialty shops and a childcare centre) in the 2(f) (Urban Purposes – Mixed Residential) zone under Pittwater LEP 1993 (the LEP).
- (b) Consideration of all relevant provisions under the LEP as amended, including but not limited to the provisions under Division 7A. The zone objectives applying to the 2(f)

- (c) zone (under Schedule 11, Part 2 of the LEP) identifies a “planning strategy for the area”. The planning strategies for this zone and Warriewood Valley are the Warriewood Valley Planning Framework 1997 and the STP Buffer Sector Planning Framework (September 2001).

It must be emphasised that the planning strategies and the suite of background environmental studies, including the planning outcomes and vision for the Warriewood Valley, was adopted by Pittwater Council and agreed to by the State Government.

- (d) The site includes a section of Fern Creek, which is proposed to be rehabilitated and will require a controlled activity approval under the *Water Management Act 2002*.
- (e) The site is identified bushfire prone land, and will require a Bushfire Safety Authority under the *Rural Fires Act 1997*.
- (f) The provisions under Pittwater 21 DCP (Amendment No. 5) need to be addressed, including (but not limited to) the following adopted policies identified in the DCP:
- Warriewood Valley Urban Land Release Integrated Water Management Strategy and Warriewood Valley Water Management Specification
  - Warriewood Valley Roads Masterplan
  - Warriewood Valley Landscape Masterplan and Design Guidelines
  - NSW Sea Level Rise Policy Statement and the Draft NSW Coastal Planning Guideline: Adapting to Sea Level Rise.

## 2. Built Form

- (a) The built form is to include the water management facilities, and is to be located outside of inner 25m of the creekline corridor.
- (b) The visual impact assessment needs to identify the vantage points at which the site and proposed residential buildings may be viewed, including the escarpment.
- (c) The built form must harmonise with existing development in the area in terms of scale, bulk and treatment. Roof top structures and lift overruns must not be allowed.
- (d) The EA must address how the proposed built form impacts on other undeveloped areas of the ‘buffer area’ in terms of likely future character and amenity.

## 3. Open Space

- (a) Distinction needs to be made, in the EA, between the provision of:
- private open space areas for the exclusive use of residents of individual dwellings,
  - public open space areas for passive recreation and active recreation for the future residents of the residential development,
  - separate private open space area for the childcare centre in accordance with NSW Children Services Regulation 2004.

By way of background, the Warriewood Valley Section 94 Contributions Plan (Amendment 16) outlines key strategies and requirements for the provision of open space and pedestrian pathways and cycleways. This strategy is identified in the

Warriewood Valley Landscape Masterplan and Design Guidelines and shows the spatial layout of open space, creeklines and cycleways throughout the Valley.

The strategy for open space is based on providing open space as both parklands and active sportsfields, all connected to creekline corridors to allow pedestrian access to all incoming residents of the Valley.

- (b) The additional population generated by the increased density will require provision of additional active open space area, based on 2.83ha per 1,000 persons. The subject site is in Buffer Area 3, which has an existing density cap of 142 dwellings and requires a net open space provision of 1.05ha. Increasing the density to the proposed 590 dwellings would equate to 4.366ha open space provision.

The EA must demonstrate how the additional requirements for active open space can be achieved, given there is no apparent additional land available in or adjacent to Warriewood Valley.

Open space provision throughout the valley has been extensively investigated by Council staff with identification and purchase of sportsfields especially being difficult at the current planned density of development. The ability to provide open space for incoming residents of the buffer must be equitable to provision rates already existing in the plan and now near 50% complete.

#### **4. Land use and Density**

- (a) The EA must address the substantial density increase over and above the yields within the LEP that were derived through an orderly and accountable process under the EP&A Act.
- (b) The EA is to also address the additional open space and community facilities/services requirements resulting from the increase in density, and demonstrate how these additional requirements can be provided (Note: this is discussed in further detail under 13 and 17 below).
- (c) The EA should also address the relevant regional and local strategies for retail development given the Concept Plan proposes specialty shops (of unknown retail floorspace), the site's proximity to Warriewood Square and the identified Warriewood Valley 'focal neighbourhood centre' at 23B Macpherson Street Warriewood.
- (d) The EA must address the Director General's letter dated 1 December 2009 in relation to the stated need for a "joint strategic review... for this area" to consider whether "higher densities are likely to be sustainable".
- (e) The Department of Planning must address why other developers, that have preceded, have been discriminated against having developed in accordance with the designated yields and development guidelines derived from the environmental, demographic, infrastructure provision studies which are the foundation for orderly and equitable development of the Valley.

#### **5. Isolated Sites**

Agreed as per Draft, no change.

#### **6. Urban Design / Public Domain**



In regard to the use of appropriate colours, attention is drawn to D14.3 'Building colours and materials' under Pittwater 21 DCP.

## 7. Bushfire

The EA should also detail the ongoing maintenance of the land comprising the Asset Protection Zone. Pittwater Council will not maintain the Asset Protection Zone.

## 8. Environmental and Residential Amenity

- (a) The EA should also address the various land uses proposed by the Concept Plan, demonstrating how a high level of environmental and residential amenity can be achieved with the mixture of land uses (ie specialty shops, childcare centre and residential) on the same site.
- (b) The density and scale proposed is inconsistent with the agreed planning outcomes for Warriewood Valley. The EA will need to demonstrate how the density and scale proposed will not adversely impact on the environmental and residential amenity established for the Warriewood Valley Land Release.

## 9. Car Parking

- (a) The EA, in demonstrating the provision of sufficient on-site car parking, needs to account for the various landuses on site in terms of parking generation, and differences between visitor and resident parking (to the residential development), staff and customer parking associated with the childcare centre and specialty shops.
- (b) Pittwater Council does not support a reduction of carparking provision for this site, given the limited public transport service in Macpherson Street. The bus route between Mona Vale and the city is available from Pittwater Road, over 800m from the subject site and is well in excess of the State Transit guideline of a maximum of 400m. There is no cross regional bus link available.

## 10. Transport and Accessibility (Construction and Operational)

- (a) The Traffic and Accessibility Impact Study needs to consider that the adopted Warriewood Valley Roads Masterplan was based on Warriewood Valley Traffic and Transport Study 1997, that:
  - recommended a road hierarchy, pavement widths and intersection treatments to maintain an acceptable level of service (LOS), whilst
  - catering for the additional traffic volumes predicted to be generated by the planned outcome of the Warriewood Valley, and
  - was based on the approved dwelling density for Warriewood Valley.

The 1997 Traffic and Transport Study recognised that, at completion of the land release, traffic volumes on Mona Vale Road would exceed its capacity and that traffic volumes in Foley Street, Garden Street and Macpherson Street would be at or near maximum capacity.

The EA will need to demonstrate how:



- (i) the additional traffic generated by the proposed 590 dwellings (approx 4000 vpd) will not adversely impact or reduce the LOS on these roads, Warriewood Road and all associated intersections
  - (ii) the remaining 'as planned' residential sectors still to be developed will not be adversely affected by this proposal
  - (iii) the remaining undeveloped residential sectors, if developed at comparable higher density, will be able to be accommodated in terms of access and intersection design and capacity.
- (b) A section of pedestrian/cycleway path is required in the outer 25m of the creekline corridor, connecting to the pedestrian/cycleway network established in Warriewood Valley to Warriewood Wetlands and Warriewood Square.

#### **11. Ecologically Sustainable Development (ESD)**

- (a) The EA must demonstrate how the proposal achieves a sustainable and orderly planning process given that Warriewood Valley Land Release was planned for up to 1,886 dwellings including infrastructure provision (premised on a density of 15 dwellings/ha as per the 1997 direction of the then Minister of Planning, Hon. Craig Knowles, as attached).
- (b) Consideration of the ESD principles is to include waste management.
- (c) The EA must give high priority to assessing the impacts on ESD relating to climate change and the related policies.

#### **12. Flora and Fauna**

- (a) The site falls within Habitat Categories 1 & 2 and is in a designated Wildlife Corridor and Native Wildlife Protection area. It is in an area adjoining Bushland Reserve and Saltmarsh Foreshore Vegetation.
- (b) The EA is to address retention and protection of existing trees, including the Angophora trees in/adjacent to the Boondah Road frontage of the site.
- (c) The EA will need to address the requirements of NSW Office of Water, in relation to the "Guidelines for Controlled activities in riparian corridors", and the Vegetation Management Plan for the establishment and management of the riparian corridor, with the selected planting in accordance with the Warriewood Valley Landscape Masterplan and Design Guidelines.
- (d) The EA should also detail the ongoing maintenance of the land comprising the creekline corridor, being the outer 25m of the creekline corridor. Pittwater Council will not maintain the creekline corridor.

#### **13. Contributions**

- (a) The EA must also demonstrate how the additional infrastructure requirements resulting from the proposed increased density can be provided for/ funded, given the Minister's Direction to Pittwater Council dated 10 July 2009 as it relates to Warriewood Valley Section 94 Contributions Plan Amendment 16 (S94 Plan). The additional infrastructure requirements are:
  - additional open space area of 4.366ha, based on 2.83ha per 1,000 persons,

- additional community facilities/services,
  - additional library facilities and associated resources,
  - additional traffic and transport improvements.
- (b) In regard to the additional traffic and transport infrastructure, the EA should have regard the State Infrastructure Levy.
- (c) The EA will need to demonstrate how the additional requirements for active open space can be achieved, given there is no apparent additional identified land available in or adjacent to Warriewood Valley for such a purpose. Open space areas made up of a number of small parcels is not acceptable. Larger lot sizes are needed to accommodate the provision of sports fields etc.
- (d) The EA must demonstrate that the planned infrastructure provision (identified under the S94 Plan) will not be adversely affected by the substantial unplanned increase in density. Given the fundamental premise of Section 94 of the Act is based on equity to all developers, development opportunities and infrastructure provision obligations must be equitable and coordinated. In this regard all developers to date (key players in the land release/ home building industry) have paid contributions in accordance with the adopted S94 Plan, having developed in accordance with the pre-planned densities under the LEP.

#### **14. Flooding/ Drainage**

- (a) The EA is to also provide for the preparation of a Water Management Plan:
- Demonstrating how the proposed FSR of 0.65:1 will achieve the 50% site cover requirement critical for achieving the water balance and the objectives of the Water Cycle Management Study July 1994 (prepared by Patterson Britton and Partners, on behalf of the Department of Planning).
  - The adopted Warriewood Valley Integrated Water Management Strategy and the Warriewood Valley Water Management Specification (February 2001) are based on the 1994 Study.
  - The objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification are to be satisfied. A water management system designed to cover all aspects of water management is required within a total catchment management approach and is to include water cycle management, water quality management, water quantity management, watercourse/creekline corridor management and floodplain management.
  - Staging of the works is to ensure that the objectives of the Warriewood Valley Water Management Specification are achieved for each stage, ensuring sufficient water quality and water quantity facilities is provided to service each stage.
  - The objectives and requirements of Pittwater 21 DCP in regard to flood hazard management are to be satisfied. These controls set minimum standards for site fill and floor levels to minimise the risk posed by flooding.
- (b) The EA should also detail the ongoing maintenance of the water management facilities and land containing these facilities. Pittwater Council will not maintain the water management facilities.

- (c) The EA must address the implications of climate change and the State Government's adopted sea level rise policy and guidelines

## **15. Aboriginal Heritage/ Archaeology**

Agreed as per Draft, no change.

## **16. Utilities**

- (a) The servicing requirements for this development will need to ensure that the utility services are relocated underground.
- (b) The EA must address the capacity of the STP and the ramifications of the precedence this development will have on other undeveloped sites in the Valley and the ability of the STP to accommodate the resulting overall higher density of development.
- (c) The EA must address the capacity of the STP to accommodate the higher density within the 'buffer areas', and the impact on the future development of Ingleside.

## **17. Staging and Infrastructure Provision**

- (a) The EA is to ensure that the following infrastructure works are part of the Stage 1 Project Application:
- (i) Detailed designs of:
- the water management facilities that meets the objectives and requirements of the Warriewood Valley Integrated Water Management Strategy and Warriewood Valley Water Management Specification;
  - works required within Fern Creek;
  - the internal road system and associated intersections.
- (ii) Staging and completion of following works for Stage 1:
- the water management facilities necessary for sufficient water quality and water quantity facilities being provided at this stage;
  - works required in Fern Creek and the Asset Protection Zone;
  - all roadworks in Macpherson Street.

## **18. Statement of Commitments**

Agreed as per Draft, no change

## **19. Consultation**

As a minimum, the Concept plan and Stage 1 Project Application should be publicly exhibited for 30 days. The advertisement should be placed in the local newspaper that is distributed in the Warriewood Valley, being the Manly Daily. Landowners within 400m radius of the subject property should be advised by letter and appropriate notices are displayed at both street frontages of the subject site.

Determination of the application must not be carried out without Pittwater Council's submission being given full consideration.

In regard to the Plans and Documents to accompany the Application, I attach a copy of the submission requirements normally required by Pittwater Council for DA's. Council requests that a model be submitted as part of Stage 1 Project Application.

### **Conclusion**

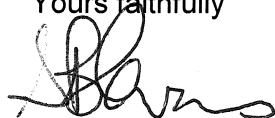
Pittwater Council is disappointed that the concept plan put forward by Meriton has been declared a Major Project under Part 3A. The proposal, as described, grossly exceeds the adopted planning outcome for the Warriewood Valley Land Release originally agreed to by the State Government and will not improve infrastructure provision but rather has the potential to greatly impact on the provision of adequate infrastructure resulting from the unplanned ad hoc nature of the proposal.

Concern is raised that the Part 3A process will circumvent a rezoning process that would normally be required given the nature of uses and the increased density proposed by Meriton. Concern is also raised that this site will not be required to contribute to the State Infrastructure Levy, if not subjected to the rezoning process.

Consideration of and favourable determination of this proposal contradicts the Director General's letter dated 1 December 2009 (received 3 December 2009) in which the Director General contemplates "higher densities" in "Buffer areas 1, 2 & 3, Sector 15 and B" but proposes that prior to such being formulated a "joint strategic review" be undertaken with Council for these areas. The Director General states in his letter "The review would culminate in an agreed process to amend Council's planning for the area." The current proposal by Meriton is pre-emptive of this commitment by the Director General.

Pittwater Council remains willing to consider the future of the "buffer areas" with the Department of Planning in an orderly and accountable manner.

Yours faithfully



Steve Evans

**DIRECTOR - ENVIRONMENTAL PLANNING AND COMMUNITY**

Attachment: Council's DA submission requirements