

**MAJOR PROJECT ASSESSMENT:
14-18 Boondah Road, Warriewood
(MP09_0162 and MP10_0177)**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

November 2010

ABBREVIATIONS

AHD	Australian Height Datum
APZ	Asset Protection Zone
BASIX	<i>State Environmental Planning Policy Building Sustainability Index: BASIX 2004</i>
BCA	Building Code of Australia
CBD	Central Business District
CIV	Capital Investment Value
Code	<i>Residential Flat Design Code 2002</i>
CPTED	Crime Prevention Through Environmental Design
CRZ	Core Riparian Zone
DCP	Development Control Plan
Department	Department of Planning
DECCW	Department of Environment and Climate Change NSW
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EEC	Endangered Ecological Community
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESA	Environmental Site Assessment
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GFA	Ground Floor Area
IPA	Inner Protection Area
LGA	Local Government Area
MD SEPP	<i>State Environmental Planning Policy (Major Development) 2005</i>
Minister	Minister for Planning
MP09_0162	Concept Plan
MP10_0117	Stage 1 Project Application
NOW	NSW Office of Water
OPA	Outer Protection Area
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PLEP	<i>Pittwater Local Environmental Plan 2003</i>
PPR	Preferred Project Report
Proponent	Meriton Apartments Pty Limited
RFS	Rural Fire Services
RTA	Roads and Traffic Authority
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SEPP 65	<i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings</i>
STA	State Transit Authority
SoC	Statement of Commitments
TS	Threatened Species
VB	Vegetated Buffer

Cover Photograph: Photomontage view looking south from Macpherson Street.

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NSW Government
Department of Planning

EXECUTIVE SUMMARY

This is a report on a Concept Plan and Stage 1 Project Application for approval of a multi-unit housing development and childcare centre at 14-18 Boondah Road, Warriewood. The site is located in the Pittwater Local Government Area. The Proponent is Meriton Apartments Pty Limited.

Following exhibition of the Environmental Assessment, the Department received a Preferred Project Report (PPR) which proposes a Concept Plan comprising 16 residential buildings of 3, 4 & 5 storeys in height providing 559 apartments and basement parking for 908 vehicles; a childcare centre; resident pool and gym recreational facilities; an internal road network; pedestrian and cycle pathway; public and private open space; landscaping; and ecological rehabilitation works. Childcare centres are not permitted under the current zoning and some uncertainty prevails as to whether "residential flat buildings" are permissible however the Concept Plan provides the mechanism to consider the merits of the proposed uses.

An amended Stage 1 Project Application was also submitted with the PPR which proposes construction of 7 residential buildings of 3, 4 & 5 storeys in height providing 295 apartments; single storey childcare centre (270m²), residential pools and gym; parking for 479 cars; and construction of the internal public access road, landscape works, ecological rehabilitation works and the public pedestrian and cycle way.

The PPR reduced the height of Buildings K and part of Buildings E and F from 5 to 4 storeys, increased the height of the rear of Building P from 3 to 4 storeys, deleted 41 units (from 600 to 559 dwellings) and the proposed retail tenancies, reduced the childcare centre by 100m², deleted an internal roadway, increased deep soil landscaping and provided 109 additional parking spaces for Stage 1.

The proposal was exhibited for an extended 62 day period. The Department received 10 submissions from public authorities including Pittwater Council and 535 public submissions. Key issues raised in the public submissions include the development being out of character with the area, traffic and parking, inadequate infrastructure and public transport, inappropriate density and height, inconsistency with Council controls and the impact on the natural environment.

The Department has considered all relevant matters in accordance with the objects of the EP&A Act and ecologically sustainable development and assessed the merits of the proposal taking into consideration the issues raised in submissions. On balance, the scheme is considered to be well-resolved and designed to respond to the future character and local environmental constraints of the area and the site is considered capable of accommodating additional density without significant adverse impacts on adjoining properties or the locality. This view is supported by the findings of the Warriewood Strategic Review which indicates the Valley could sustain future residential development at higher densities than currently identified by Pittwater Council.

Modifications are proposed to both the Concept Plan and Project Applications to address the encroachment of roads, bushfire and stormwater infrastructure and the rear portions of Buildings O and P into environmental buffer areas needed to minimise the impact of the development on flora and fauna on site and in the adjoining wetland. Modifications to the unit layout of Building F are also recommended to address solar access issues. Further design resolution is recommended for Stage 2 of the Concept Plan to ensure existing local significant trees within the Boondah Road reserve are retained and flood levels are reviewed in future applications. Other minor modifications to recreational facilities are also recommended.

The Department is satisfied that the impacts of the development have been addressed in the PPR, the Revised Statement of Commitments and recommended modifications and conditions. It is considered that the impacts can be suitably mitigated and/or managed and the Department is satisfied that the site is suitable for the proposed development. The Department considers that the proposal is in the public interest as it would provide additional housing, public open space, environmental improvements, local road improvements, employment opportunities and opportunities for increased public transport services and therefore would provide environmental, social and economic benefits to the region. The applications are being referred to the Planning Assessment Commission for determination as reportable political donations have been disclosed.

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1. BACKGROUND

Meriton Apartments Pty Ltd (the Proponent) seeks Concept Plan (MP09_0162) and Stage 1 Project Application (MP10_0177) approval for a residential development and childcare centre at 14-18 Boondah Road, Warriewood.

1.1 Site Description

The subject site, 14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979) (**Figures 1 and 2**) is located in the Warriewood Valley Release Area and the Pittwater Local Government Area (LGA). The property has a frontage of 293 metres to Boondah Road and 273 metres to Macpherson Street, with vehicular access available along both road frontages. The site has an irregular shape and area of 8.118 hectares. The land slopes approximately 2.5 metres to the rear (south) towards the wetlands.

The site is within the Warriewood Valley Flood Area and is identified as bushfire prone land and having a low geotechnical risk under the Council's policies. Both Macpherson Street and Boondah Road are identified as sub-arterial roads.

The current land use is rural-residential, with horse paddocks located at the rear of residential properties fronting Macpherson Street, as well as disused agricultural land, plantation and a light industrial premises on Boondah Road. The Macpherson Street frontage of the site is bisected by 2 residential properties (no's 5 and 7) which do not form part of the development site (**Figure 1**). Parts of the site have been cleared in past years through its use for agricultural production and grazing however areas of remnant vegetation are evident along Fern Creek which runs along the southern boundary of the site and within and adjacent to the wetlands.

Vegetation on site contains a mixture of pasture grasses and planted trees within the area adjoining residences, a planted Poplar forest in the north eastern and southern portions of the site and remnant and regrowth vegetation along the southern sections of the site, including remnant Swamp Sclerophyll Forest and Freshwater Wetlands, which are listed as Endangered Ecological Communities. The water table is located close to the surface across most of the site and some areas, particularly to the south, are subject to water logging and periodic inundation. The site drains into Fern Creek which forms a direct link to the Warriewood Wetlands close to the southern boundary.

Photos of the site and surrounding development are attached in **Appendix 1**.

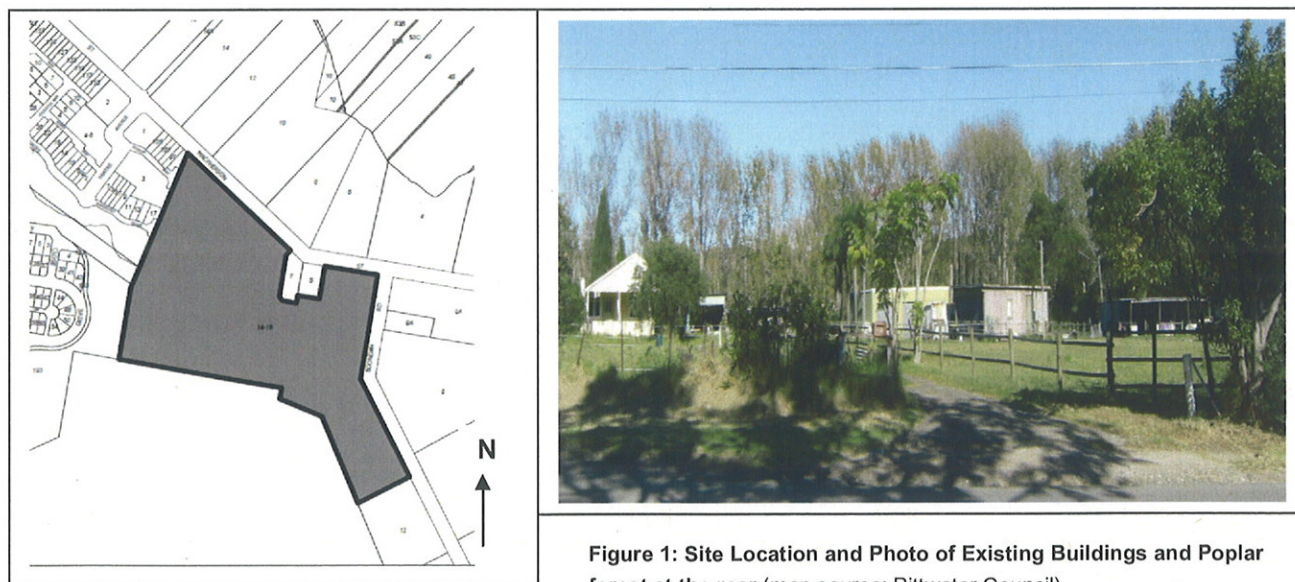


Figure 1: Site Location and Photo of Existing Buildings and Poplar forest at the rear (map source: Pittwater Council)

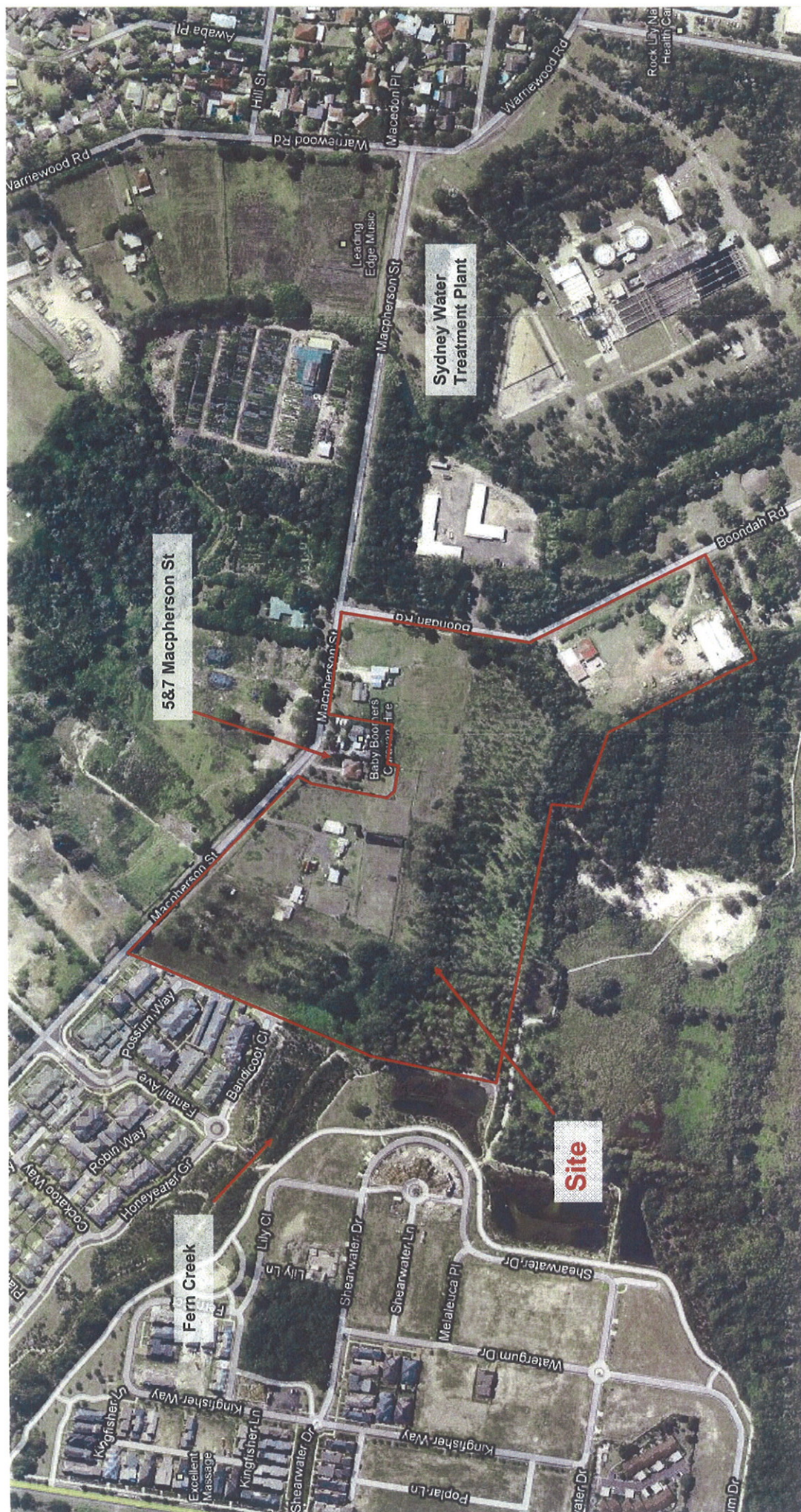


Figure 2: Existing Site Layout (source: Google Maps)

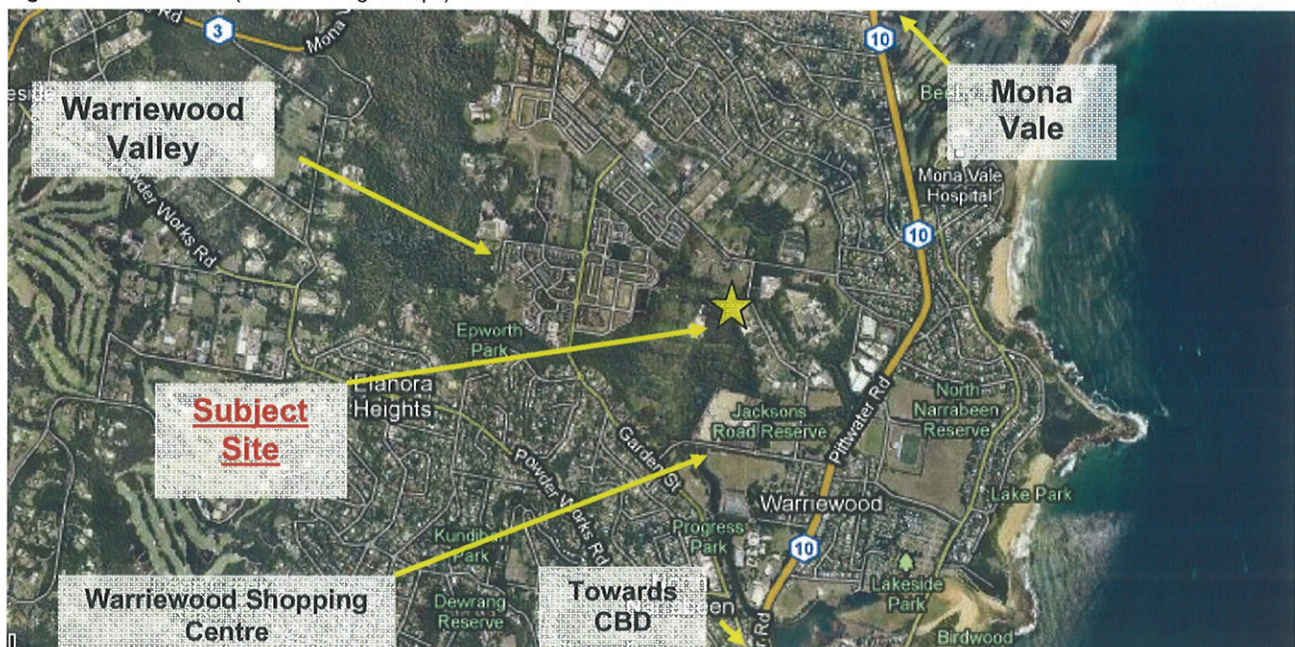
1.2 Surrounding Development

Prior to its release for development in 1985, the Warriewood Valley Release Area comprised predominately undeveloped rural lands and wetlands with little infrastructure or servicing. The area is now in a state of transition, being developed for industrial, commercial and residential land uses as well as community facilities and infrastructure. As at February 2009, 1,056 dwellings had been developed and 7 of the 14 residential sectors in the Release Area were complete and 17.8 hectares of industrial/commercial development had also been completed. The area is forecast to accommodate a total of 2012¹ dwellings and 33 hectares of industrial and commercial land.

Development in the immediate vicinity of the subject site comprises a mixture of older single storey dwellings to the north east and south east, new 2 storey townhouse developments to the west and a seniors living development to the north comprising 2 and 3 storey flat buildings. The Sydney Water Sewage Treatment Plant is located to the east and the Warriewood Wetlands is located to the south which is approximately 260 ha in area. To the south east, new 2 storey residential development is currently under construction.

The Warriewood Shopping Centre is located approximately 400 metres to the south of the site and Mona Vale shopping centre is approximately 2.7km north of the site. Mona Vale Hospital is located 0.8km to the northeast of the site and two high schools and one primary school are located approximately 1.5km away. Existing public transport is limited in the Valley to buses which link to Mona Vale, Gordon, Macquarie University and the Sydney CBD, and bus stops are available near the site in Warriewood Road and Pittwater Road (750 metres to the east). The site is within close proximity to existing recreational facilities, beaches and Narrabeen lakes.

Figure 3: Site Context (source: Google Maps)



1.3 Planning Approval History

On 20 July 2009, Pittwater Council granted a Deferred Commencement Consent (DA N0526/08) for the demolition of existing structures and removal of trees, land subdivision to provide 140 lots and construction of a development comprising 135 x two storey dwellings.

The approved buildings had a maximum height limit of 8.7 metres (making allowances for flood levels) and some variations to front and side setbacks were permitted. Impervious areas covered 46% of the

¹ Page 4 of the Council's Warriewood Valley Planning Framework 2010 (Adopted 3 May 2010)

² Developable site area is defined in Figure 7 of this report.

developable site area² while the remaining 54% of the site was to be landscaped. The dwellings are grouped together in an attached form (townhouses) with each dwelling serviced by a ground level carport/garage and private courtyard.

An internal road system, Asset Protection Zone and Environmental Buffer area were also approved which are similar to those proposed under the current application. The conditions of the deferred commencement were satisfied on 29 April 2010. The consent and approved site layout plan and elevations are attached in **Appendix 2**.

2. PROPOSED PROJECT

2.1. Environmental Assessment (EA) as Exhibited

The proposal as exhibited seeks Concept Plan and Project Application approval for the following (**Appendix 3**):

2.1.1. EA Concept Plan

- 16 residential building envelopes, 3 and 5 storeys in height providing 600 apartments;
- Childcare centre (370m²);
- 2 retail tenancies (tenancy 1 – 103m² and tenancy 2 – 89m²);
- Gymnasium and swimming pool for private use by residents and visitors;
- Concept design for public and private landscaping; and
- Concept design for internal road network comprising public and private roads.

2.1.2. EA Stage 1 Project Application

- Demolition of the existing dwellings and structures and removal of vegetation on site;
- Construction of earthworks and flood mitigation works;
- Construction of an internal access road and connection with Macpherson Street and Boondah Road and private road network;
- Construction of 313 units situated across 7 residential buildings with basement car parking for 362 vehicles;
- Landscaping embellishment to public and private land; and
- Construction of a public pedestrian cycle way through the site.

The Capital Investment Value (CIV) of the Concept Plan is estimated at \$276 million and \$144 million for the Stage 1 Project Application.

2.2. Preferred Project Report (PPR)

Following exhibition of the EA, the Department advised the Proponent of a number of issues relating to environmental constraints, building layout, future residential amenity and infrastructure and requested a PPR be submitted. The submitted PPR (see **Appendix 4**) includes the following key revisions:

- Reduction in the height of Building K and part of Buildings E and F from 5 to 4 storeys.
- An increase in the height of the rear of Building P from 3 to 4 storeys.
- Deletion of 41 units (from 600 to 559) and the proposed retail tenancies.
- 100m² reduction of the childcare centre floor area and reconfiguration of its associated parking;
- Provision of an additional 109 parking spaces for Stage 1.
- Provision of a children's play area adjoining the pool, fitness and exercise area in the pocket park in Stage 2 and provision of 900m² of a lawn area to the Central Park in Stage 1 for active open space use.
- Deletion of the internal road to the north of Buildings D and E to provide additional landscaping;
- Relocation of the eastern most bio-detention basin to the rear of Buildings O and P, reduction in the footprint of Building O and deletion of the internal road to minimise environmental impacts and provide additional flood storage;

- Deletion of an internal road adjoining Building O and increase in deep soil planting area to 54%.
- Provision of an additional 8,920 m² of public open space on site (Total is 15,601m²).
- Reduction in the total gross floor area (GFA) for the Concept Plan by 1,240m².

The PPR forms the basis of the assessment of this report and seeks approval for the following under Section 75M of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2.2.1. PPR Concept Plan

The Concept Plan seeks approval for multi-unit housing and a child care centre on site. The proposed residential buildings fronting Macpherson Street and Boondah Road would be 3 storeys in height, and the remaining buildings to the rear being 4 and 5 storeys in height. A single storey childcare centre is proposed in the north eastern corner of the site fronting Macpherson Street. Public and private open space is proposed across the western and southern parts of the site, accessible via a new local road through the site. Private common open space is proposed in association with the proposed residential flat buildings.

The Concept Plan is summarised as follows:

- 16 residential buildings of 3, 4 & 5 storeys in height providing 559 apartments and basement parking;
- Childcare centre (270m²);
- Gymnasium and swimming pools for private use by residents and visitors;
- External road works and internal road network of public and private roads;
- Combined cycle and pedestrian pathway;
- Landscaping of private, communal open space, 15,601m² public open space and ecological rehabilitation works;
- Parking for 908 vehicles; and
- A total GFA of 56,443m² and FSR of 0.69:1.

The Concept Plan layout is shown in **Figures 4 and 5**. The development would be constructed in 2 stages. **Stage 1** involves the construction of Buildings A to G inclusive, childcare centre, pool and gym building, internal public road, roundabout to Macpherson Street and Boondah Road and creekline corridor works.

Stage 2 (shaded red in **Figure 5**) involves the construction of Buildings H to P inclusive and all the associated infrastructure and road works including dedication of the internal road, dedication of additional public open space areas and provision of the pedestrian/cycle way.

The Concept Plan includes illustrative plans showing the proposed building envelopes and heights (**Figure 4**). Design details for Buildings H to P inclusive would be considered as part of any subsequent project application where unit types, numbers, layouts and building materials would be confirmed. Notwithstanding this, the plans show an indicative floor layout and the following unit numbers:

Table 1: Unit numbers

	Studio (45 m ²)	1 bed (55m ²)	2 bed (78-85m ²)	3 bed (105 m ²)	Total
Stage 1	4	41	233	17	295
Stage 2 (indicative)	Included in 1 bed number	30	192	42	264
Total for Concept Plan	4	71	425	59	559

A summary of the key development data for the Concept Plan is listed in **Table 2**. The proposal seeks variations to Council's density, height and parking controls which are discussed in **Section 6** of this report. Further assessment against other relevant Council's controls is contained in **Appendix 6**.

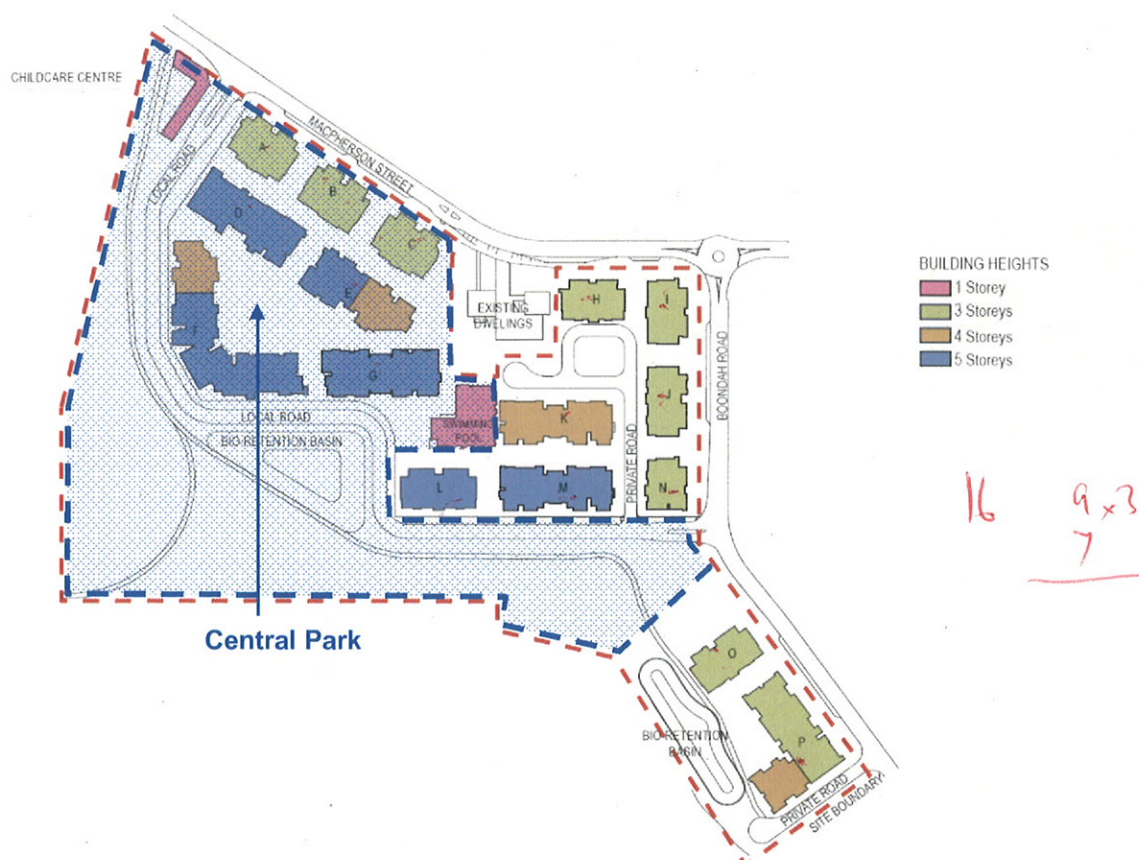


Figure 4: Concept Plan showing proposed heights of buildings, and Stage 1 (blue)

Table 2: Key Development Data

	Proposed	Permitted (LEP/DCP)	Compliance
Site Area:	8.118 ha ¹ (excludes 0.3 ha isolated site – 5-7 Macpherson Street) (Proposal = 97% of total area of Buffer 3)		
Density (PLEP)	559 apartments (dwellings) (Total FSR ³ 0.69:1)	Maximum of 140/ minimum of 133 dwellings ⁴	No
Height (DCP⁵)	Apartments: 3 - 5 storeys Stage 1 apartments: (17m max to the parapet, up to 19.4m approx to the top of projections, i.e. lift overruns) Childcare and pool: 1 storey	2 - 3 storeys (8.5m max)	No
Parking (DCP)	908	1239	No
Site Coverage⁶(DCP)	46% of developable site area ⁷ 43% of total site area	50% maximum ⁸	Yes
Landscaped area available for deep soil planting	54% of developable site area ⁷ 57% of total site area	50% minimum	Yes

Notes:

- 1 ha means hectare.
- 2 LEP means Local Environmental Plan. Pittwater LEP hereafter referred to as PLEP.
- 3 FSR means floor space ratio.
- 4 Clause 30C of Pittwater LEP states the dwelling yield (development limits) for the Buffer Areas 3 should be a maximum of 142 dwellings and a minimum of 135 dwellings. Excluding the two existing dwellings at 5 and 7 McPherson Street which are not the subject of this application, this would allow for a maximum of 140 and minimum of 133 dwellings on site.
- 5 DCP means Pittwater 21 Development Control Plan.
- 6 Site coverage is defined in the PLEP and means the part of the site on which buildings are situated and includes hard surfaces and paved areas. For the purposes of this proposal the basement parking area has been included as this area would not be available for deep soil planting.
- 7 The 'developable site area' excludes Fern Creek and the creekline corridor of 0.6681 ha which is flood-affected and will be dedicated to Council. Total developable site area is 7.45ha.

- 8 The total site coverage requirement in Clause C6.23 of the Pittwater 21 DCP relates to the whole residential sector (i.e. Buffer Area 3) which would include 5 and 7 Macpherson St. The site coverage for the purposes of this report is calculated on the site area only as any future redevelopment of 5 and 7 will also be considered against the 50% requirement.
- 9 This calculation is based on the remaining site area not covered by buildings.

2.2.2. PPR Stage 1 Project Application

The Stage 1 Project Application (outlined in blue in **Figure 4**) proposes:

- Demolition of the existing buildings and structures on site and tree removal;
- Excavation, earthworks and flood mitigation works;
- Construction of 7 residential buildings of 3, 4 & 5 storeys in height providing 295 apartments;
- Basement parking for 471 cars comprising 429 resident car spaces and 42 visitor spaces;
- Single storey childcare centre (270m²) operated as a long day care with 8 parking spaces.
- Pools and gymnasium, external roadworks and internal public access road, landscape works, ecological rehabilitation works and public pedestrian and cycle way.

Elevational plans and photo montages together with detailed landscape plans have been submitted to illustrate the proposed scale of Stage 1.

2.3. Project Need and Justification

An assessment of the need for the project in economic, social and environmental terms and its consistency with relevant strategic policies is undertaken in **Section 3** of this report. The Concept Plan application provides the Department with the opportunity to make a merit assessment of the permissibility of land uses, establish the parameters for development of the site and resolve key development issues relating to density, infrastructure and environmental constraints and any impacts upfront. The Concept Plan would also provide the Proponent and Council with some certainty to facilitate the detailed design of future stages of the project.



3. STRATEGIC CONTEXT

3.1. NSW State Plan

The *NSW State Plan 2010* aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions and development in close proximity to existing centres, services and transport.

The proposed residential development is located within Warriewood Valley, an identified residential land release area within proximity to local retail services, recreational facilities and public open space, schools and hospitals, consistent with the aims of the State Plan. Access to public transport is by bus services. The State Transit Authority (STA) has advised the development offers the opportunity to provide a higher level of service in the Valley (refer to **Section 5.2.7**)

3.2. Sydney Metropolitan Strategy

The *Sydney Metropolitan Strategy 2005* was developed to support the continuing economic growth of Sydney and enhance its standing as a global city. The redevelopment of the site would assist in contributing to the strategy's housing targets, consistent with the Metropolitan Strategy Review's target to provide 770,000 additional homes by 2036 and a broader mix of housing options. The proposal would also meet urban renewal/consolidation aims, provide a childcare centre, additional public open space and environmental improvements consistent with the Metropolitan Strategy.

3.3. Draft North East Subregional Strategy

The *Draft North East Subregional Strategy 2007* targets the provision of an additional 17,300 new dwellings and 19,500 new jobs for the region by 2031, with the Pittwater LGA containing a dwelling capacity target of 4,600 dwellings and 6,000 jobs. The Strategy also identifies the need for a broader mix of housing types including medium and high density housing to help meet centres and transport objectives by concentrating a greater range of activities near each other and improving pedestrian and cycle networks.

The proposal would provide 559 new dwellings and a mixture of unit sizes which would cater to the need for a broader mix of housing types in the LGA. The development is also expected to generate approximately 800 full-time equivalent construction jobs and on opening 15 full-time equivalent operational jobs, which although minor would assist in meeting the overall employment capacity target for the Pittwater LGA. The increased density on site could encourage bus service improvements and the cycle path and local road would improve pedestrian and cycle networks, consistent with the Strategy.

The Strategy also seeks to protect the natural environment, plan for flood affected land, contribute to biodiversity protection, protect waterways, minimise bushfire risk and improve access to waterways and links between bushland, parks and centres. The proposal includes flood management and stormwater mitigation works, creek and bushland rehabilitation works and will contribute to greater biodiversity protection than the existing Council approved scheme. Bushfire risk is also minimised by the provision of appropriate asset protection zones.

3.4. Warriewood Valley Strategic Review and Traffic Study

Purpose of Strategic Review

Pittwater Council's current planning framework for the Warriewood Valley allows a residential density of up to 25 dwellings/ha. This control was derived from Council's consideration of the capacity of the local road network; environmental constraints; built form; and character of the area. The current Part 3A proposal (as detailed in the PPR) seeks approval for 559 apartments, which equates to 75 dwellings/ha.

The Part 3A proposal's significant increase in density to 75 dwellings/ha raises the question of the capacity of the area to sustain this level of density if replicated on other sites and equity for surrounding landowners and contributions to infrastructure. In this regard, the Department commissioned an independent Strategic Planning Review (**Appendix 5**) to investigate the potential development capacity of this area of the Warriewood Valley. This land is referred to as 'Buffer Areas 1, 2 and 3' to the

Warriewood Sewerage Treatment Plant (STP). It is noted that the Part 3A proposal (14 – 18 Boondah Road) occupies most of the land within Buffer Area 3. The Review included consultation with Pittwater Council.

The Review's primary aim was to ensure that equitable outcomes could be achieved for surrounding landowners, should an increased residential density for the subject site and surrounding locality be sustainable in terms of environmental, built form, and infrastructure issues and constraints.

The scope of the Review was as follows:

- *Review of the environmental constraints across the three buffer areas, identified in the draft Warriewood Valley Planning Framework 2010, and any updates, or additional material that might be identified in the Part 3A application documents for 14-18 Boondah Road;*
- *Assessment of the implications of the proposals for 14-18 Boondah Road, and possible replication on Buffer Areas 1, 2 and 3 on flooding and sea level rise;*
- *Consideration of the impacts of scale and form of the proposed density in visual and locational terms;*
- *Testing the suitability of the proposed development density (proposed at 75 dwellings per hectare on 14-18 Boondah Road) across all developable land in the Buffer Areas (excluding the retirement village), having regard for the current level of access to services and expected future access to services in this location;*
- *Providing the Department of Planning with sufficient development information to enable consultation with the Roads and Traffic Authority on local and regional traffic implications likely to arise from the total combined development within the buffer areas and other developable areas, described above.*

Key Findings and Recommendations of the Strategic Review

Fundamentally, the Review found that this part of the Warriewood Valley (Buffer Areas 1, 2 and 3) could sustain future residential development at higher densities than currently identified by Council. The Review identified and considered the following planning principles to determine the suitability of the area for higher density development as summarised below:

- **Review of environmental constraints** - the Review concluded that existing creek line and riparian corridors can continue to be protected and rehabilitated with higher densities subject to careful future assessment and management.
- **Physical suitability / land capability** - the Review considered a number of factors in determining the physical suitability of the area for higher densities including:
 - Land capability / Flooding and water management
 - Topography
 - Development area, dimensions and lot fragmentation
 - Built form issues (setbacks ,height, building separation, site coverage etc)

The Review noted that Council has identified Buffer Areas 1, 2 and 3 as being suitable for rezoning as urban land at 25 dwellings/ha following the completion of various studies and constraints mapping. The Review noted that there was no obvious impediment to higher density development providing future development addressed existing vegetated and flood prone areas.

The Review concluded that this part of the Valley could accommodate increased densities provided the 50% impervious surface control is maintained. It noted that any future proposal that does not meet this control will require significant assessment and justification in all areas of water management and flood mitigation.

The Review found that future buildings of 3 to 5 storeys, (although a departure from the Council's current policy) would not lead to significant detrimental impacts on the streetscape or character of the area provided that a scale of generally 3 storeys with appropriate setbacks was maintained along main road frontages with higher buildings beyond.

- **Locational suitability** - the Review concluded that the area is well located in terms of access to public transport, schools, and a wide range of community facilities, employment, shopping, recreation and entertainment facilities. The close proximity to these services supports higher density residential development.
- **Visual analysis** - the Review concluded that the existing landforms in the area (comprising of generally flat land and established vegetation corridors) can support increased building height subject to well articulated design, building separation and appropriate use of materials and colours. It noted that 3 storeys along main road frontages with taller buildings beyond would not lead to detrimental visual impacts on the locality.
- **Impacts on services** - the Review identified the additional dwelling numbers and dwelling diversity likely to result from increased densities and concluded that existing services may need to be augmented to provide for the increase in population. In terms of the capacity of the STP, it noted that Sydney Water has an ongoing program of upgrades to 2031, and the increased densities can be accommodated albeit subject to bringing forward planned future upgrades and may require additional contributions for future applications.
- **Other planning issues (community facilities and affordable housing)** - the Review recommended that should higher densities be pursued, then Council should review its Section 94 Plan in relation to provision for community facilities. It noted that greater housing choice resulting from increased density will contribute to the provision of affordable housing.
- **Local and regional traffic implications** - the Review recommended that should increased densities be accepted in the locality then additional investigations will need to be undertaken in relation to the adequacy of roads and supply of services, facilities and traffic management measures to meet additional residential growth.

Independent Traffic Study

Following the Review's recommendation on traffic issues, the Department commissioned an independent traffic study (**Appendix 5**) to consider the traffic implications of an increased residential density over the remaining land in the Warriewood Valley 3 Buffer Areas. A number of scenarios were modelled for densities generally consistent with the Warriewood Framework 2010 (approx 25 dwellings/ha) and increased densities similar to those proposed by the current Part 3A proposal (75 dwellings/ha).

The RTA supported a traffic review and identified the need for the study to consider daily and peak traffic movements associated with the increased density including the impact on intersections and the need for road improvement and upgrading.

The traffic study was not intended to identify a fully costed schedule of infrastructure work but rather an analysis of whether the local and regional road network could sustain increased residential density.

Key Findings and Recommendations of the Traffic Study

The Traffic Study was based upon traffic counts and surveys together with a consideration of the Council's Warriewood Valley Roads Master Plan - 2006 (Masterplan 2006). It noted that operationally, roads in the Valley have greater capacity when assessed against the RTA Road Hierarchy Guidelines compared to the upper limits set by the Masterplan.

The Study found that although many roads and intersections were approaching upper limits or in some cases likely to exceed the upper limits set by the Masterplan, there was spare capacity available, particularly in relation to intersection capacity.

The Study states that the capacity of any road network is generally dictated by the operation of the intersections and it assessed the impacts of the increased density scenarios assuming that all roads and intersections were upgraded in accordance with the Masterplan 2006.

The Study found that all intersections would continue to operate at satisfactory levels even at traffic volumes generated by development across the 3 Buffer Areas at higher densities with the main exception being the Warriewood Road/Pittwater Road intersection. At the higher densities considered, this intersection would operate at an unacceptable level in the evening peak and would require upgrading to lane capacity and signals. The delivery of these future works will need to be further considered through an appropriate Section 94 contribution framework.

The RTA have separately advised the right-hand turning movement from Pittwater Road into Warriewood Road requires augmentation to increase evening peak hour capacity arising from increased traffic flows from the Part 3A proposal. A condition of approval has been recommended requiring this work be undertaken by the Proponent. This is considered an appropriate contribution for the Stage 1 Project (295 dwellings). Future stages under the Concept Plan approval may be required to further contribute to intersection works, should an increased density of all Buffer Areas be implemented.

Significantly, the Study found that the Master Plan 2006 upgraded road network would have capacity to accommodate the density proposed on the Part 3A site without the need for any extensive works to the local road framework. The current proposal will be constructing road works and upgrades consistent with the Master Plan 2006.

Department's comment

The Strategic Review confirms that this part of the Warriewood Valley (including the subject site) can sustain increased residential densities above and beyond the existing planning framework without resulting in a significant detrimental impact on the character, amenity, environment or infrastructure capacity of the locality.

The Traffic Study identified that should densities similar to the current Part 3A proposal be approved across other sites, the existing infrastructure and road network has the capacity to ensure equity for other landowners subject to some upgrading works.

The Review has identified three key outcomes relevant to the assessment of this Part 3A proposal.

First, that an increased density of 75 dwellings/hectare (proposed by this Part 3A proposal) is sustainable in this part of the Warriewood Valley. This has been demonstrated in terms of an assessment of the physical impacts of higher buildings; managing environmental constraints and consideration of traffic impacts on the surrounding network.

Second, building heights up to 5 storeys (although a departure from the 2 to 3 storey townhouse/group housing developments of the past) is acceptable in this locality. The proposed form of higher density development is generally in limited supply across the LGA, will provide for increased housing choice and ultimately will not lead to detrimental impacts on the visual impact or character of the area.

Third, should this application be approved, it will not undermine equity for landowners of surrounding lands as the identified environmental issues are manageable at increased densities and the existing road network and intersections have capacity for traffic generation subject to moderate upgrading works.

In conclusion, based on the findings of the Review and subsequent Traffic Study, the principle of increased density on the Part 3A site is acceptable subject to a merit assessment of the project's built form, environmental and infrastructure impacts.

4. STATUTORY CONTEXT

4.1. Major Project and Delegations

The proposal is a major project under Part 3A of the EP&A Act because it is development for the purpose of residential and commercial (childcare) development under clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*, with a CIV over \$100 million. Therefore the Minister for Planning is the approval authority. The major project consists of a Concept Plan (MP09_0162) for redevelopment of the site and Project Application (MP10_0177) for construction of Stage 1.

On 5 December 2008, the Minister for Planning delegated responsibility for the determination of project applications under Part 3A of the Act to the Planning Assessment Commission (the Commission) where a reportable political donation has been made, as is the case with this proposal.

On 23 August 2010, the Minister for Planning also delegated responsibility for determination of the Concept Plan (MP09_0162) to the Commission to ensure consistency and allow a coordinated determination of the Department's assessment of these applications.

4.2. Permissibility

The site is zoned "Residential 2(f) (Urban Purposes – Mixed Residential)" under the *Pittwater LEP 2003* (PLEP). "*Residential buildings*" and "*associated community and urban infrastructure*" are defined uses in the PLEP and permissible within this zone with consent. All other uses are prohibited. The PLEP does not define "*residential buildings*". The proposal includes residential flat buildings, ancillary resident swimming pools and a gym and a childcare centre (which is defined as an "*educational establishment*" in the PLEP).

Notwithstanding any uncertainty to the permissibility of the proposal, the Concept Plan provides the mechanism for consideration of the merits of allowing residential flat buildings and a childcare centre on this level if it is satisfied that the uses proposed are appropriate. The merits of the proposed uses are considered in this report and the Department is satisfied the proposal would be consistent with the objectives of the land release area which are to provide adequate physical and social infrastructure, opportunities for more varied forms of housing and wider housing choice and a mixture of residential buildings.

4.3. Other Statutory Considerations

Appendix 6 contains further consideration of the following:

- Objects of the Act;
- Statement of Compliance;
- Ecologically Sustainable Development;
- Relevant Environmental Planning Instruments including:
 - State Environmental Planning Policy (Infrastructure) 2007;
 - State Environmental Planning Policy 55 – Contaminated Land (SEPP 55);
 - State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings and the Residential Flat Design Code;
 - State Environmental Planning Policy Building Sustainability Index: BASIX 2004; and
 - Pittwater Local Environmental Plan 1993 (PLEP);
- Compliance with other relevant controls.

5. CONSULTATION AND SUBMISSIONS

5.1. Exhibition

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. The Department publicly exhibited the EA from 14 April until 15 June 2010 (62 days) on the Department's website and at the Department of Planning's Information Centre and Pittwater Council Offices. The Department also advertised the public exhibition in the Sydney Morning Herald, The Daily Telegraph and The Manly newspapers on 14 April 2010 and notified local landowners and residents and relevant State and local government authorities in writing.

The PPR documents were made publically available on the Department's website and further comments were sought from Pittwater Council, Department of Environment, Climate Change and Water, NSW Office of Water, the Roads and Traffic Authority.

The Department received a total of 545 submissions during the exhibition of the EA - 10 submissions from public authorities including Pittwater Council and 535 submissions from the general public and special interest groups. A further 5 submissions were received in relation to the PPR including a submission from Pittwater Council. A summary of the issues raised in submissions is provided below.

5.2. Public Authority Submissions

Nine submissions were received from public authorities as follows.

5.2.1 Pittwater Council objects to the Part 3A proposals and submitted responses to both the EA and PPR. The Council's submissions can be categorised under 5 key headings of:

- equity and precedent – the community should not be burdened with additional infrastructure and service provision and the proposal would set a precedent for development in the Valley;
- departure from the orderly planning process – the proposal disregards State and local planning policy;
- departures from community expectation – community expectation is linked to adopted planning policies which are disregarded by the proposal and the scheme provides no public benefit to justify variations;
- inadequate infrastructure and services – planned infrastructure and services for the Valley did not account for the proposed densities and a review of the Valley is required to address the impact of additional unplanned development; and
- impact on amenity and the environment – the proposal is an overdevelopment, out of scale and character with the area and would result in unacceptable traffic. Concerns relating to the future residential amenity were raised. Issues relating to environmental impact, flooding and climate change were also raised.

A detailed summary of the issues by Council is contained in **Appendix 7**.

The Department has considered the Council's submissions and the response provided by the Proponent. Issues of equity and precedent are considered in the Warriewood Strategic Review (and subsequent Independent Traffic Study) which confirms that should the current Part 3A proposal be approved, the existing planned infrastructure and road network has the capacity to ensure equity for other landowners of surrounding land. Infrastructure and services are proposed by the Proponent in the form of developer contributions and works-in-kind, commensurate with the proposed level of development.

The proposal is considered to be consistent with the objectives of strategic policies. Although the development proposes some departures from Council's current policies, these variations would not lead to significant detrimental impacts on neighbouring properties or the surrounding area. The built form, and scale of the proposal is considered acceptable and would not have an adverse impact on the future character of the area and this conclusion is supported by the findings of the Strategic Review. The proposal is sufficiently setback from neighbours to provide opportunities for significant landscaping along boundaries and restrict privacy and noise issues and the proposal would have minimal impact on

neighbouring solar access. The internal amenity of the development is considered acceptable subject to amendments to Building F to increase solar access to units (discussed in **Section 6.2.2**).

The proposal is considered to provide an acceptable balance between addressing local car parking need, reducing car dependency and managing traffic generation. The RTA and Transport NSW have not raised objection to the proposal.

A revised Flora and Fauna assessment has been submitted and Building O (in Stage 2) has been modified to retain additional areas of the Endangered Ecological Communities (EECs). Modifications are recommended to the location of the Asset Protection Zone and Bio-Retention Basin B to address Council's, DECCW's and NOW's concerns. A Further Assessment Requirement to retain the Angophora trees is also recommended.

5.2.2 Department of Environment, Climate Change and Water (DECCW) does not object to the PPR proposal but advised of concerns with regard to:

- Inadequate assessment of the offsite impacts of the proposal in terms of increased stormwater discharge entering the wetland as a result of increased hard surfaces, the overland flow path and bio-retention basins and vegetation clearing on the adjoining wetlands;
- The location of the smaller bio-retention within the riparian/wetland protection zone buffer area and potential construction and stormwater discharge impacts on the these zones;
- The location of the flood storage area within the buffer zone and the riparian zone, lack of detail of the extent of contouring and site works required for the flood storage area and the impact this would have on the riparian/wetland protection zone itself and the buffer area;
- The location of Asset Protection Zones and their impact on native vegetation, especially in the area that links the vegetation to be retained and the wetland and wetland buffer; and
- The extent of EECs that will be lost and fragmentation as a result of clearing for flood storage, asset protection, the roadway and bicycle path.

DECCW recommended:

- extending the APZ to include the proposed road corridor to reduce the need to modify tree canopy cover, improve biodiversity outcomes and fauna habitat links. An alternative would be to increase the level of Bushfire Construction requirements to decrease the necessary width of the APZ;
- inconsistencies in submitted documentation relating to the size of the flood storage area and vegetation to be modified and retained should be resolved in the Statement of Commitments or through conditions to remove any uncertainty; and
- a condition requiring the retention of hollow-bearing trees and native trees wherever possible.

Environmental impacts including stormwater and groundwater issues, setbacks from environmental zones and the wetlands and the impacts on EECs are considered in detail in **Section 6.4**. The proposal provides the same amount of hard surfacing as the existing townhouse approval owing to a reduction of the number of internal roads and reduced building footprints. Reuse of roof water is also proposed. The overland flow path and extent of vegetation clearing has also been previously approved and the current proposal has been amended to reduce the amount of vegetation clearing further. On this basis the proposal is not considered to have any additional impact on the adjoining wetlands than the approved townhouse scheme.

DECCW's recommendations are supported and are incorporated as recommended modifications to the Concept Plan and Project Application approvals. These amendments would further reduce the amount of existing vegetation lost on site as a result of the APZ and flood storage areas and provide further opportunities for additional replacement planting.

5.2.3 NSW Office of Water (NOW) does not object to the PPR proposal but advised of concerns with regard to:

- **Groundwater:** Basement car parks must be tanked due to the high water table. The permanent or semi-permanent pumping/extraction of groundwater to protect buildings is not supported. Conditions for temporary dewatering during construction were provided. Ground water monitoring as recommended in the Flora and Fauna Assessment Report will require a licence under the Water Act.
- **Riparian Land:** The Department should require a Core Riparian Zone with a minimum width of 25 metres and Vegetated Buffer (VB) of 10 metres adjoining the regionally significant wetland.
- **Stormwater Impact:** The location of bio-retention Basin B in the VB would reduce the function of the buffer and should be relocated.
- **Asset Protection Zone:** The proposal to provide part of the APZ within the VB would prevent the buffer from being rehabilitated to emulate the local vegetation community. The APZ should be located outside the CRZ and VB.

Environmental impacts of the development are considered in **Section 6.4**. NOW's recommendations in relation to groundwater, the vegetated buffer and location of the bio-retention basin are supported and are incorporated as recommended modifications to the Concept Plan and Project Application approvals.

5.2.4 Rural Fire Service raised no objection subject to the provision of an Asset Protection Zone of 25 metres being provided and maintained in perpetuity as an Inner Protection Area (IPA) and subject to a number of recommended conditions.

An APZ of 25 metres is proposed and a condition requiring it be maintained as an IPA is recommended, however there is an issue of encroachment into the proposed Vegetated Buffer for the wetlands which is discussed above under the comments provided for DECCW and NOW and in detail in **Section 6.2**. It is proposed to address this issue by way of a modification to the Concept Plan and condition for the Stage 1 Project Application.

5.2.5 NSW Transport and Infrastructure supports the low level of visitor parking proposed, the provision of cycle parking facilities for residents and visitors and the proposed integration of pedestrian and cycle paths between the site and surrounding centres of activity. It is recommended resident car parking rates for 1 and 3 bed units be reduced, that a location specific sustainable travel plan be prepared and implemented and bicycle parking is provided in accordance with rates as specified with the NSW Planning *Guidelines for Walking and Cycling*.

Parking provisions are discussed in **Section 6.6** and are considered acceptable. A sustainable travel plan and bicycle parking rates can be addressed by conditions.

5.2.6 Roads and Traffic Agency does not object to the project and has provided the following comments:

- A State Infrastructure Contribution, commensurate to the increase in dwelling yield above the current zoning allocation should be required.
- Appropriate Section 94 contributions or equivalent works in kind for local road infrastructure should be required to accommodate the proposal and ensure it would not set a detrimental precedent in regards to infrastructure needs required to facilitate the Warriewood Valley Strategic Review.
- Road upgrade works at the intersection of Pittwater Road/Warriewood Road/Hunter Street are required to lengthen to the right turn bay to address traffic impacts.
- Parking provisions are above the RTA's rate for medium density development but below the Council's DCP requirements. The Department should ensure a careful balance is achieved between the needs of encouraging more public transport usage whilst addressing local issues of possible increased on street parking pressures.
- The proposed roundabouts should be installed at Stage 1.

A State Infrastructure Contribution is not applicable to this application as the site has already been rezoned for residential purposes. Traffic, parking and developer contributions have been considered in detail in **Sections 3.4, 6.3, 6.5 and 6.6** and conditions relating to the payment of contributions towards infrastructure and roadworks needed as a result of the development are recommended.

Conditions relating to the layout of the proposed parking and cycleway, bicycle parking provisions, development of a Travel Access Guide to promote non-car modes and cost of signposting where also recommended. The Independent Traffic Study has given further consideration to the road and intersection capacities in the Valley and concludes that moderate upgrade works may be required (refer **Section 3.4**).

5.2.7 State Transit Authority does not object to the project and advised the development offers the opportunity to provide a higher level of bus service in Warriewood Valley and these levels can be reviewed once the development is completed and the demand justifies frequency alterations. For service levels to be upgraded, modifications are required to the existing road network and bus stop infrastructure to provide longer bus bays on Garden St and Macpherson St. This development provides a catalyst for such improvements.

The Council's Section 94 Plan makes provisions for improvements to bus stops and road works which would help facilitate service improvements.

5.2.8 Sydney Water does not object to the project but has requested the Department:

- ensure there is no direct line of sight from the units into the Warriewood Sewerage Treatment Plant (WSTP)
- require the developer to enter into a contribution deed with Sydney Water to recover part of the cost of odour mitigation works that have been recently completed at the WSTP. The contribution is calculated at a rate of \$500,000 per net developable hectare
- require the developer obtain a Section 73 certificate.

The properties fronting Boondah Road and the WSTP form part of Stage 2 of the Concept Plan approval and the design and layout of the units would be the subject of a future planning application where issues of unit orientation, views and landscaping can be resolved.

A deed of agreement currently exists between the Proponent and Sydney Water in relation to the existing approval for 140 dwellings and related odour mitigation works. Sydney Water have advised further works may be required to augment the system to address the increase in dwelling numbers currently proposed as part of the Part 3A proposal and a new deed between the Proponent and Sydney Water may be required. It is recommended this matter be addressed by a condition of approval.

5.2.9 Housing NSW does not object to the proposal but has raised concern to the lack of inclusion of affordable housing in this proposal as the northern beaches including Pittwater is one of the least affordable areas in NSW for both rental and purchase.

Affordable housing is not specifically proposed and there is no statutory requirement or policy for affordable housing provision. However the proposal would provide a greater range of unit types including smaller units which provide more affordable housing options than existing housing stock in the Valley which is generally comprises large family dwellings.

5.2.10 NSW Department of Education and Training advised the original proposal of 600 units is likely to generate 42 primary aged children and 36 secondary aged persons which can be accommodated in the existing local primary school (Narrabeen North Public School) and at Narrabeen Sports High School. The PPR, which reduced unit numbers to 559 would therefore be within the acceptable limits for nearby schools.

5.3. Public Submissions

535 submissions objecting to the proposal were received from the public and included a submission from Rob Stokes, MP, Member for Pittwater. The key issues raised in public submissions are listed in **Appendix 8** and summarised as the development being out of character with the area, traffic and parking, inadequate infrastructure and public transport, inappropriate density and height, inconsistency with Council controls and the impact on the natural environment. The Department has considered the issues raised in submissions in its assessment of the project.

5.4. Proponent's Response to Submissions

Meriton provided a response to the issues raised in submissions (see **Appendix 4**). The response included a Preferred Project Report (PPR) which reduced the number of dwellings, reduced the height of several buildings, increased open space on site and reduced the loss of existing landscaping. An assessment of the PPR is provided in the following section.

6. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Density
- Built form, height and residential amenity
- Traffic generation and road network capacity
- Environmental constraints and impacts
- Provision of infrastructure and services/developer contributions.

A detailed assessment against relevant Environmental Planning Instruments and planning policies is located in **Appendix 6**.

6.1 Density

The proposal for 559 dwellings exceeds the maximum dwelling yield limits set by the Council's PLEP of 140 dwellings. It is noted however that the Council's recently adopted *Warriewood Valley Planning Framework 2010* (Planning Framework) revised the dwelling yield for the site and recommended site density be increased to 25 dwellings/ hectare or 186 dwellings. These calculations are based on a developable site area of 7.45 ha which excludes the 6,681m² creekline corridor.

The development proposes a density of 75 dwellings/ hectare, reduced from 81 dwellings/ hectare proposed in the EA. The *Warriewood Strategic Review* discussed in **Section 3.4** found the Valley could sustain future residential development at higher densities than currently identified by Pittwater Council in its Planning Framework, and consistent with the proposal's density of 75 dwellings/ hectare. On this basis strict compliance with the Council's density control is not considered necessary in this instance and the merits of the scheme in terms of its environmental impacts, traffic implications, built form and residential amenity are considered below.

6.2 Built Form, Height and Residential Amenity

6.2.1 Built Form and Height

The proposal has been designed to respond to the future character and context of the area and the site's environmental capability. All buildings fronting Macpherson Street and Boondah Road have been limited to 3 storeys with the 4 and 5 storey buildings located toward the centre of the site (refer to **Figure 4**) to minimise the visual impact of the project when viewed externally and where they will have less impact on adjoining properties. This layout accords with the findings of the Strategic Review which concluded 3 storey buildings along main road frontages with taller buildings beyond would not lead to detrimental visual impacts on the locality.

Figures 6 and 7 provide photomontage views of the proposal as would be seen from Macpherson Street and the internal public road. The proposed 3 storey building envelopes are considered to adequately relate to Macpherson Street and Boondah Parade in terms of presenting an acceptable pedestrian scale. The parapet heights of the buildings would be comparable to the two storey townhouse development to the west, which is raised above street level and incorporates pitched roofs. The proposed 3 storey buildings in Macpherson Street also respond to the existing Seniors Living development which ranges in height between 2 and 3 storeys.

The main bulk of the Stage 1 buildings fronting Macpherson Street would be approximately 9.5-10 metres high with minor protrusions for lift overruns and architectural elements up to 13.3 metres (maximum). The main bulk of the 5 storeys buildings would be located in the centre of the site and mostly obscured by the 3 storey buildings fronting each road and by future mature landscaping. The proposed buildings are approximately 16.5-17 metres in height, with lift and architectural protrusions up to approximately 19.4 metres.



Figure 6: Photomontage view looking east along Macpherson Street showing proposed Buildings A, B, C and childcare centre.



Figure 7: Photomontage view looking north of Buildings F and G fronting the proposed internal public road and fenced bio retention basin A.

The residential buildings exceed the Council's DCP 21 limit of 8.5 metres but would be setback 6.5 metres from Macpherson Street and Boondah Road in accordance with Council's controls. Side and rear setbacks are well in excess of Council's controls. Both street frontages would be landscaped which would filter views both into and out of the site and break up the scale of the development.

The setbacks between apartment buildings and deletion of the proposed internal roads also provides greater opportunity for landscaped areas and tall trees to be provided on site compared to the approved townhouse development which included extensive areas of private courtyards unable to accommodate significant tree planting.

The built form is contemporary in its design and considered compatible with other developments within the locality. The design provides building articulation and visual interest to the streetscape by using modern materials including precast concrete panels with aluminium louvers and feature design elements to differentiate between buildings, identify entries and reduce the perceived bulk, height and scale of the buildings.

Although the development does not meet the Council's height limit, it is considered to meet the urban design objectives of the Planning Framework which are to ensure future development achieves an overall standard of urban design and amenity which is commensurate with surrounding development and provides a vibrant, pleasant and attractive neighbourhood. Public road access, public open space and pedestrian footpaths all form part of the interface between the subject site and the surrounding area, providing public accessibility to the proposal and links to adjacent developments and the surrounding locality.

The road network and building layout has been designed to optimise views through the site and beyond to the wetland area to create a level of visual interest and variation between the natural and built environment. The location of the residential buildings also results in casual surveillance of these areas, creating a safe and visually interesting environment. The proposal seeks to create a high quality public domain of well landscaped streetscapes and open space and the public open space adjacent to the wetland area would accommodate a range of passive and active recreational opportunities.

6.2.2 Residential Amenity

Amenity impacts of the proposal on both adjoining properties and between proposed units in relation to solar access, privacy, noise and internal amenity have been considered against relevant policies including the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*. Key issues relating to external and internal impacts are discussed below:

Key External Impacts

The development is sufficiently setback from the western boundary of the site so as to not affect the existing townhouse development to the west. The Department is satisfied solar access and privacy to surrounding residential properties would not be unreasonably affected by the development as a result of the orientation of the site, location of buildings, building separation and landscaped setbacks from boundaries.

The proposal would shadow the western side of the existing dwelling at 5 Macpherson Street in the afternoon, while the eastern side of 7 Macpherson Street would be affected in the morning. Both dwellings would still maintain more than 3 hours of solar access.

Overlooking to these dwellings would be limited by landscaping proposed along the length of the boundaries adjoining 5 and 7 Macpherson Street. The living areas of units in Buildings C and E which adjoin the western boundary of 5 Macpherson have been oriented to face the street or the rear of the site to limit overlooking and screens are proposed for balconies. The design of Building H which adjoins the eastern boundary of 7 Macpherson would be the subject of detailed design in Stage 2 where issues relating to privacy and overlooking can be considered and adequately resolved.

Key Internal Impacts

Solar Access

The *Residential Flat Design Code 2002* (the Code) requires that 70% of living rooms and private open spaces of units receive a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter.

• Stage 1

The PPR reduced the heights of parts of Buildings E and F from 5 to 4 storeys to improve solar access to the units and Central Park (**Figure 5**). A breakdown of the solar access for units for Stage 1 (**Table 3**) shows all buildings except Building F would achieve the minimum 70% standard.

Table 3: Compliance with 3 hour daylight access mid-winter

Building	Total Number of Units	Number of units receiving at least 3 hours	% units in building receiving 3 hours sunlight
A, B & C	Each building - 18	Each building - 14	Each building – 78%
D	53	42	79%
E	44	31	71%
F	89	52	58%
G	55	39	71%
Overall	295	178	70%

The ground, 1st and 2nd floor levels of Building F were the worst performing areas, which is a result of the length of the building and its orientation. Based on current unit numbers, an additional 10 units within Building F (equivalent 2 units per floor) would require amendments to achieve the 70% standard. A condition requiring the unit layouts in Building F be revised to meet the Code's 70% standard is recommended. To comply with such a condition, one option the Proponent could consider would be to amend the unit layouts to create more cross through apartments, noting that several cross-through apartments are already proposed within the building. The Proponent could also reduce the number of units within the building by consolidating some of the poorer performing units to create larger units with improved solar access.

Submitted shadow diagrams indicate the central courtyard between Buildings D to G (Central Park) would be mostly shaded during mid-winter mornings but would receive adequate levels of daylight from noon onwards. The Code does not contain any minimum standards for sunlight access to common open space but states direct daylight access to communal open space between March and September should be achieved. Given the shadow diagrams show the worst case scenario for the year (mid-winter) and that 25% of the total site contains open space areas for use by residents, the courtyard is considered acceptable. It is also recommended the Port Jackson Fig trees proposed to be planted within the courtyard be replaced with deciduous trees to minimise overshadowing to this area.

• Concept Plan (Stage 2)

As Stage 2 of the Concept Plan only proposes building envelopes at this time, compliance with SEPP 65 requirements would need to be demonstrated in the future planning application. Notwithstanding this, indicative floor layouts have been used to allow a broad assessment of the proposed building envelopes for the Concept Plan. Based on this analysis, 77% of units within the remaining Buildings H to P would receive at least 3 hours sunlight. The Proponent has also confirmed at least 70% of units within each building would receive the minimum daylight access.

Open Space and Landscaping

The PPR deleted the internal road to the rear of Buildings A to C and the road leading to Building O, thereby reducing the amount of impervious areas and increasing opportunities to retain existing vegetation and provide additional landscaping. At least 54% of the site would comprise deep soil zones. In addition, podium areas above the basement car park would also be landscaped, providing additional open space areas.

A total of 20,295m² of communal open space is proposed (27% of the developable site area) and a total of 15,601m² is public open space. In addition to communal and public open space areas which provide

a number of active and passive areas, all units would have access to a private courtyard or balcony and pool and gym facilities.

The Central Park, with an area of approximately 2,900m² would provide residents with a number of recreation opportunities including BBQ facilities and lawn areas and it is recommended part of the children's play area be relocated to this area. Submissions raising concern regarding the amenity of this area in terms of overshadowing, wind effects and noise from the surrounding 5 storey buildings are not supported. Solar access to this area is acceptable as addressed above. The limited height and open arrangement of the buildings would minimize wind effects in this area and otherwise provide opportunities for passive surveillance of the space and increased safety. Noise impacts are not considered to be significantly adverse as residents are more likely to use other areas of the site for active recreation.

The development provides large areas of public and communal open space along the western and southern sections of the site, ecological rehabilitation works to the creek corridor and riparian area and pedestrian and cycle paths for access. Existing landscaping will be retained where possible and additional landscaping including 10 metre tall trees are proposed within setback areas and between buildings to screen and soften the development when viewed from the street and internal roads. The proposed amendments to the Asset Protection Zone mentioned above will ensure more existing landscaping, including EECs could be retained by this scheme and additional native planting can be provided compared to the approved townhouse development.

6.3 Traffic generation and road network capacity

The Concept Plan is expected to generate approximately 315 vehicle trips per hour during weekday morning peak hour and 311 vehicle trips per hour during the evening weekday peak hour. Compared to the approved DA scheme for 135 dwellings which was expected to generate 95 vehicle trips per hour, the proposal would increase peak hour traffic generation by 220 and 216 vehicle trips per hour during the morning and evening peak hours respectively.

Modelling of these additional vehicle movements shows traffic generated by the development would not significantly increase traffic on roads within the Warriewood Valley and would have a relatively minor impact on the operating conditions at key intersections, increasing waiting time by less than 1 second per vehicle. On this basis no additional upgrades to traffic intersections are proposed by the Proponent other than those prescribed in the Warriewood Traffic Masterplan (2006). The proposal does however propose two roundabouts and traffic calming measures (in accordance with the Council's Road Masterplan and Section 94 Contribution Plan).

The RTA have not raised issue with the level of traffic generated by the development but in considering the strategic implications of similar densities being replicated by other undeveloped properties in the Valley have recommended the Proponent undertake works to lengthen the right turn bay at the intersection of Pittwater Road/Warriewood Road/Hunter Street to provide a minimum of 80 metres storage plus 20 metres taper. This work aligns with a wider scope of works identified in the Warriewood Valley Traffic Report that forms part of the Strategic Review commissioned by the Department to upgrade the intersection of Warriewood Road and Pittwater Road if densities in the Valley were increased to 75 dwellings/ha (refer **Section 3.4**). The Department is satisfied an equitable outcome will be achieved provided the Proponent undertakes the roadworks recommended by the RTA as part of the current Part 3A proposal.

6.4 Environmental Constraints and Impacts

The proposal is required to balance a range of objectives in relation to environmental site constraints, ecological rehabilitation, open space and recreational utility. Fern Creek and the associated creekline corridor traverses the south-west corner of the site and the Warriewood Wetlands adjoins the southern boundary (refer **Figure 8**). The site is flood-affected, bush fire prone, contains riparian land and supports native vegetation including Endangered Ecological Communities (EECs) of Swamp (Sclerophyll) Oak Forest and Freshwater Wetlands shown in **Appendix 9**. The Powerful Owl, a

threatened species, has also been observed at the site. DECCW have noted that their draft mapping of the area in 2009 identified a predominance of the Coastal Sand Bangalay Forest EEC on site rather than Swamp Forest EEC. However, the Proponent's Flora and Fauna Assessment included a site survey and floristic sampling confirming that a Swamp Forest is the predominant EEC and assessed the impact of the development on this community accordingly.

Notwithstanding these constraints, the acceptability of development on this site and developable site area of 7.45 ha were established by Council's townhouse approval (DA N056/08 see **Section 1.3** and **Appendix 2**). This approval established the acceptability of a developable area/ building zone defined by the location of an internal road network, access points, the location of cycle and pedestrian paths, buffer zones and stormwater infrastructure.

The road, access points, paths, buffer zones, ecological rehabilitation works and building platform proposed as part of the current project are located in similar locations to the approved townhouse scheme. The only differences are that the size and location of the proposed Bio-Retention Basin B has been amended, less internal roads are required under the current scheme and the building zone in the eastern part of the site has been reduced. The proposed apartments also allow more dwellings to be provided within smaller building footprints so that there are more areas of open space between buildings and opportunities for landscaping than with a townhouse scheme.

6.4.1 Riparian and Bushfire Zones and Impact on Flora and Fauna

The proposed riparian zones and vegetated buffer zones associated with the creekline corridor and wetlands and Asset Protection Zone required for bushfire protection are illustrated in **Figure 8**. A detailed description of each zone is in **Appendix 9**.

Government agencies including RFS, NOW, DECCW and the Council have provided the following comments on the proposed environmental zones:

- the entire Asset Protection Zone (APZ) must be maintained as an Inner Protection Area which is restricted to having a maximum canopy cover of 15% and consisting mainly of grasses;
- the 25 metre APZ should not include the 10 metre wide vegetated buffer as planting restrictions within the APZ would compromise the intent of the vegetated buffer and is likely to necessitate further removal of existing vegetation, including EEC Swamp Oak Forest within this area;
- the proposed bio-retention basin B should not be located within the vegetated buffer as it would restrict landscaping.

The Department agrees that the required landscaping limits for the APZ would have an unacceptable impact on flora, including endangered species if it were to include the buffer area. Similarly, the intention of the 10 metre vegetated buffer would be compromised by the proposed location of Bio-retention Basin B and private road along the south eastern boundary.

On this basis it is recommended the 25 metre wide APZ be amended to exclude the 10 metre buffer and the bio-retention basin and private road be relocated, as shown indicatively in **Figure 8**. Conditions requiring amendments to the APZ as they relate to Stage 1 works are proposed to be applied to the Project Application. In terms of the Concept Plan, the modifications would not affect the building footprints for Buildings L, M or N however the location and size of Buildings O and P would be reduced potentially resulting in an estimated loss of 6 x 2 bed units in Building O and 8 x 2 bed units in Building P. The proposed access road to the south would also need to be shortened and is addressed as a recommended modification to the Concept Plan.

No direct clearing of Freshwater Wetland is proposed however a section of Swamp Forest would need to be cleared to construct the local street access off Boondah Road (**Appendix 9**). Clearing would involve selective removal of vegetation that comprises part of the Powerful Owl habitat on site. A 7-part test was conducted for a number of threatened species including the Powerful Owl and Swamp Oak Forest which concluded that the proposal is not unlikely to affect the threatened biodiversity recorded onsite nor will it significantly affect native flora and fauna. The areas of highest biodiversity value include the southern corners of the site within the proposed riparian zone and are to be retained and protected.



Following concerns raised by DECCW in the exhibition process regarding the impact of the development on existing flora, the EA scheme was amended to protect an additional 1,300m² (approximate) of existing landscaped areas containing Swamp Forest (remnant native vegetation) (refer to vegetated link in **Figures 8** and **Appendix 9**). To achieve this increase, the footprint of proposed Building O (in Stage 2) was reduced and the internal road leading to Building O was deleted. As a result the vegetated link through the site connecting the wetlands and Boondah Road has been increased. This link has a greater area than that provided for in the approved townhouse scheme, allowing more Swamp Forest to be retained. The recommended changes to the 10 metres vegetated buffer would also reduce the development's impact on the Swamp Forest and potential fragmentation. Although DECCW's residual concern regarding the loss of EEC's on site are noted, the PPR and amendments to the vegetated buffer are considered sufficient especially considering an approval already exists for development of the site and the report's recommendations to compensate tree removal with replanting are supported.

The Council has also raised issue to the proposed removal of Angophora trees in the Boondah Road reserve which are considered to be locally significant. It is proposed to address this matter as a Future Assessment Requirement in the Concept Plan to ensure they can be retained.

6.4.2 Flooding, Climate Change, Stormwater Management and Groundwater

Existing flood levels on site for the 100 year storm event varies from 3.40m Australian Height Datum (AHD) within Fern Creek at the western site boundary to 3.11m AHD within Warriewood Wetlands. Projected flood levels as a result of climate change (high/worse case) indicate these levels would increase to 3.6-3.9m AHD.

The flood analysis for the development has taken into account climate change scenarios and a minimum floor level of 4.5m AHD has been established which includes approximately 0.6 metres freeboard. As the site slopes to the rear, Buildings F and G would have the lowest proposed ground floor levels for Stage 1 (5m AHD) which is 0.5 metres above the minimum level. Buildings A and D would have ground levels set 1.5 metres above the minimum floor level while Buildings B and E would be 2.5 metres higher. Building C would be 3.5 metres higher. The floor levels of all Stage 1 buildings therefore are well in excess of projected flood levels.

Views held by the Council and members of the public that the determination of the proposal should be deferred until the Narrabeen Lagoon Flood Study is updated are noted, but not supported as the building floor levels have been established through a flood analysis which considered climate change and sea level rise. The existing townhouse approval, which allowed a minimum floor level of 4.5m AHD, is also a relevant consideration, as this development could proceed as approved. Furthermore, Council in their own submission recognised that the proposed floor levels are acceptable. The proposal also provides 54% of the site as deep soil landscaped area to minimise stormwater run-off.

Part of the site and the basement car park would be located below the flood level however all habitable parts would be above this level and a condition requiring the preparation of a community flood emergency response plan which would include appropriate arrangements for the basement is proposed.

A stormwater management plan has been prepared for the site in accordance with the Council's specifications which promotes water sensitive urban design principles and includes water management infrastructure works including as bio-retention basins. Proposed overland flow paths would also address existing road flooding. DECCW have raised some concern regarding the impacts of stormwater on the adjoining wetlands based on increased stormwater volumes entering the wetland as the amount of hard surfaces would be increased. In fact, the proposal provides the same amount of site cover (impervious area) as the approved townhouse development and increases the amount of area available on site for landscaping as the number of internal roads has been reduced and landscaping is proposed over the basement parking level. Groundwater issues have been considered by NOW and no objection has been raised to the proposal provided the basement areas are tanked and a condition to this effect is proposed.

6.5 Impacts on Infrastructure and Services and Developer Contributions

The Ministerial Direction dated 16 September 2010 excluded the Warriewood Valley Urban Release Area from the developer contributions cap and the *Warriewood Valley Section 94 Contributions Plan No*

15 (Amendment no. 16) is currently in force. The Plan seeks to ensure an adequate level of public amenities and services are provided in the Warriewood Valley Release Area and the existing wider Pittwater community is not burdened by the provision of public infrastructure required as a result of development in this area.

The Council and the Proponent have submitted responses in relation to the appropriate level of contributions that should be provided for the development if approved. The Department has considered these submissions and the Council's Section 94 Plan to establish a reasonable and appropriate contribution rate for the proposed development. This assessment is attached in **Appendix 10**.

Council's current contribution plan does not distinguish between the size of dwellings and requires a contribution rate of \$63,100 per dwelling which is based on an assumption that all dwellings are of a 3 bedroom townhouse typology. Recognising that the development incorporates a variety of dwelling sizes ranging from studio apartments to 3 bed apartments, for the purposes of this assessment the Council have calculated an "equivalent dwelling" figure based on the number of bedrooms produced by the various size of units proposed. This "equivalent dwelling" figure of 367 x 3 bed units has been used in the Department's assessment of contributions.

Noting that the proposal is not consistent with existing planned densities in the Valley, in order to ensure the cost of infrastructure required to service new development is spread across those who will benefit from its provision, the following 3 scenarios were considered in the contributions assessment (**Appendix 10**):

- **Scenario 1:** All sites in the Valley are developed in accordance with the Council's adopted planning densities.
- **Scenario 2:** All remaining development in the Valley **except** the subject site would be developed in accordance with the Council's adopted planning densities. This would result in a total development yield for the Valley of 1,107 equivalent dwellings.
- **Scenario 3:** All remaining sites in the Valley are allowed higher densities similar to those proposed in the Part 3A proposal. This scenario would yield 1,731 equivalent dwellings.

Scenario 1 (25 dwellings/ha) was not considered appropriate for the purposes of calculating a reasonable contribution rate for the proposal as it does not accurately reflect the demand that will arise from the development if the approval was granted. Scenarios 2 and 3 (75 dwellings/ha) would attract total contributions as detailed in **Table 4** below.

Table 4: Development Scenarios and Developer Contribution Calculations
(source: Department's Review of Development Contribution Rates, **Appendix 9**)

Scenario	Total Contribution	Contribution per equivalent dwelling ¹	Agreed Offsets ²	Remaining Monetary Contribution
2	\$19,756,344	\$53,832	\$5,888,676	\$13,867,668
3	\$19,041,428	\$51,884	\$5,888,676	\$13,152,752

Notes

1. Contribution is calculated based on 367 x 3 bed dwellings.
2. Council and Proponent's agreed offsets for traffic and transport works, creekline corridor works and land dedication, public open space and pedestrian networks which would be provided as works-in-kind and land to be dedicated to Council.
3. The difference between the 2 scenarios is \$714,916.

Table 4 shows that when dwelling yields are increased, the per dwelling contribution decreases as there are more dwellings to spread the cost of providing the necessary infrastructure/services. As Scenario 3 considers an increase in density across the Valley Buffer Areas commensurate with the density proposed under the current scheme (75 dwellings/ hectare), this scenario is considered the most appropriate calculation to apply in this Part 3A proposal.

Council has identified the potential for \$5,888,676 of offsets relating to traffic and transport works; creekline corridor works and land dedication; and land for public recreation. These proposed offsets are considered appropriate and have been agreed by the Proponent and will be addressed by conditions of approval. The Proponent proposes to provide the roundabout at Macpherson Street and Boondah Road and land and works associated with the creekline corridor as part of Stage 1. Dedication of the internal road, additional public open space areas and provision of the pedestrian/cycle way are proposed as part of Stage 2.

The Strategic Review demonstrated an increased density of 75 dwellings/ha is sustainable in this part of the Valley. On this basis Scenario 3 (**\$19,041,428**) is considered to provide the most equitable distribution of infrastructure costs by taking into account higher densities that are likely to occur throughout the Valley Buffer Areas.

Conditions are recommended requiring the remaining monetary component be apportioned to require \$6,941,077 for Stage 1 and \$6,211,675 (total \$13,152,752) for Stage 2. The Proponent has agreed to these conditions.

Regional Traffic Contributions

Regional traffic contributions recommended by the RTA have been considered in **Sections 3.4** and **6.3** of this report and are recommended to form a condition in the Stage 1 approval.

Contributions for Odour Mitigation from the Sydney Water Plant

Contributions payable to Sydney Water in relation to odour mitigation will be addressed as a condition of approval as outlined in **Section 5.2.8**.

6.6 Other Matters

6.6.1 Site Isolation

The proposal does not include the two existing residential properties at 5 and 7 Macpherson Street. The Proponent has produced a preliminary building design for the 2 properties to demonstrate development, similar in height, scale and density to that proposed on the subject site could be accommodated on a consolidated site in the future.

6.6.2 Child Care Centre

The Stage 1 Project Application seeks approval for use of the site for a long day care facility and construction of the building. However the Proponent intends to seek further planning approval to occupy and fitout the centre. It is at this stage that children and staff numbers and hours of operation would be confirmed. An indicative figure of 40 children was provided with the Project Application to allow the determination of an appropriate level of parking however this detail would also be confirmed with any further planning application.

Childcare is currently a prohibited use within the 2(f) zoning however the Concept Plan allows the Department to consider the acceptability of the use. The provision of a childcare centre facility on site is supported as it would provide a much needed facility within the area and sufficient parking is provided on site for the use. The proposed building is considered to be compatible with the proposed residential apartments and would not have an adverse impact on the amenity of adjoining properties.

6.6.3 Parking

The application proposes 908 off street car spaces, 479 spaces for Stage 1 and 429 spaces for Stage 2 based on a rate of 1 space for 1 beds, 1.5 spaces for 2 beds and 2 spaces for 3 beds. The project proposes less than half the amount of visitor parking that would be required by the Council.

Council's parking controls require a minimum of 1 space for 1 beds and 2 spaces for 2 and 3 bed units. A total of 1,239 car spaces would be required according to Council's controls, 653 spaces for Stage 1 and 586 spaces for Stage 2 (refer to Table C in **Appendix 6**).

The proposal exceeds the parking rates set in the *RTA's Guide for Traffic Generating Development* but is significantly less than Council's requirements as a result of reduced parking provisions for the 2 bed units and visitors. The RTA has not objected to the level of parking provision and NSW Transport and Infrastructure has recommended visitor parking provisions be further reduced.

The proposal is considered to provide a good balance between addressing local car parking need, reducing car reliance and minimising traffic impacts. Although existing public transport in the Warriewood Valley is limited there are currently bus services in Warriewood Road and Pittwater Road which can be accessed from the site. Sydney Buses has indicated service levels can be reviewed once the development has been completed, noting the development offers the opportunity to provide a higher level of service in Warriewood. The proposal also seeks to improve pedestrian and cycle connectivity in the area to encourage other non-car transport modes for local trips. The Council have raised concerns that parking deficiencies would lead to an increased use of on street parking which Council maintain is limited. This matter could be addressed by installing timed parking restrictions to discourage residents from parking on street. On balance, the proposed parking provisions are considered to be acceptable.

7. KEY RECOMMENDED MODIFICATIONS AND FUTURE ASSESSMENT REQUIREMENTS

7.1 Concept Plan Modifications

The Department considers that the Concept Plan should be modified as follows to address environmental concerns relating to the encroachment of the Asset Protection Zone, bio-swale B and internal road adjoining Building P into the Vegetated Buffer:

- The Asset Protection Zone should be amended to exclude the 10 metre Vegetated Buffer adjoining the wetlands (**Figure 8**);
- Bio-retention Basin B and road to the south of Building P should be relocated outside the 10 metre Vegetated Buffer;
- The footprints of Buildings O and P should be amended to accommodate the above changes to the Asset Protection Zone and Bio-retention Basin B. These amendments would result in the loss of approximately 14 x 2 bed units within Stage 2 of the Concept Plan depending on how the Proponent addresses the modification in the detailed design stage; and
- Part of the children's play area should be relocated to the area between Buildings H and K to address the conflict of its existing location in the area identified for a ramp leading to the basement car park under proposed Building G.

7.2 Future Assessment Requirements

The Department considers that further details should be provided with the future Stage 2 application in relation to road upgrade works; flood levels; and building design and its impact on locally significant trees in Boondah Road as follows:

- Requiring future applications consider the Council's updated Flood Study in determining the minimum floor levels of Stage 2 buildings *if adopted at the time of submission*. Depending on the findings of the study, minimum finished floor levels of lower lying buildings such as Buildings O and P may need to be raised. It is important to note however that based on current information the proposed finished floor levels of all the proposed buildings are acceptable in relation to flooding and climate change matters.
- Requiring further design resolution of proposed buildings fronting Boondah Road and any proposed road works to ensure the existing locally significant Angophora trees within the Boondah road reserve can be retained.

7.3 Recommended Conditions for Stage 1 Project Application

The following conditions are proposed to be applied to the Stage 1 development to mitigate impacts identified in the Department's assessment of the PPR:

- As with the Concept Plan, the part of the APZ that relates to Stage 1 would require amendments to exclude the proposed Vegetated Buffer;
- The internal unit layout of Building F should be amended to ensure 70% of the units and their private open space receive a minimum of 3 hours sunlight access in midwinter. This may not result in any changes to overall unit numbers depending on how the Proponent chooses to address this condition.
- Part of the children's play area to be relocated to the central courtyard;
- The proposed Port Jackson Figs within the Central Park should be replaced with deciduous trees to ensure solar access to this area can be maximised, particularly in winter; and
- A separate Development Application under Part 4 of the Act be submitted for the fitout and occupation of the childcare facility.

8. THE PUBLIC INTEREST

The Department considers that the proposal is in the public interest as it would provide:

- a greater variety of housing types for the area in particular smaller dwellings and up to 559 additional dwellings in the North East sub region. This would assist in meeting the Pittwater LGA's target of 4600 new dwellings by 2031 in an area identified for redevelopment for housing purposes;
- a childcare facility which would assist in accommodating an identified shortfall in places in the Valley;
- publicly accessible open space areas of approximately 1.5 hectares which would be dedicated to Council (more than double the area secured by the existing townhouse development approval) and the creation of a through-site pedestrian and cycle link;
- environmental improvements including rehabilitation works to Fern Creek, retention of biodiversity on site and embellishment of existing landscaping;
- a local road to be dedicated to Council providing access to the proposed public open space, also to be dedicated to Council. The development would also facilitate road upgrade works along Macpherson Street and Boondah Road;
- a contributions package worth \$19,041,428 for rehabilitation works, open space, community facilities and local traffic management;
- opportunities for existing public transport services to be reviewed and potentially increased;
- employment opportunities for 800 employees at the construction stage and 15 ongoing jobs in the operational phase of the development.

9. CONCLUSION

The Department has considered all relevant documents in accordance with the objects of the EP&A Act and ecologically sustainable development and assessed the merits of the proposal taking into consideration the issues raised in submissions.

On balance the scheme is considered to be well resolved and appropriate in its urban context. The proposal has been designed to respond to the future character and environmental capacity of the area and the site is considered capable of accommodating additional density without significant adverse impacts on adjoining properties or the surrounding area. This view is supported by the findings of the Warriewood Strategic Review which indicates the Valley could sustain future residential development at higher densities than currently identified by Pittwater Council.

Modifications are proposed to both the Concept Plan and Project Applications to address the encroachment of roads, bushfire and stormwater infrastructure and the rear portions of Buildings O and P into environmental buffer areas needed to minimise the impact of the development on flora and fauna on site and in the adjoining wetland. Modifications to the unit layout of Building F are also recommended to address solar access issues. Further design resolution is recommended for Stage 2 of the Concept Plan to ensure existing local significant trees within the Boondah Road reserve are retained and flood levels are reviewed in future applications. Other minor modifications to recreational facilities are also recommended.

The Department is satisfied that the impacts of the development have been addressed in the PPR, the Revised Statement of Commitments and recommended modifications and conditions. It is considered that the impacts can be suitably mitigated and/or managed and the Department is satisfied that the site is suitable for the proposed development. The Department considers that the proposal is in the public interest as it would provide additional housing, public open space, environmental improvements, local road improvements, employment opportunities and opportunities for increased public transport services and therefore would provide environmental, social and economic benefits to the region.

The applications are being referred to the Planning Assessment Commission for determination as reportable political donations have been disclosed.


10. RECOMMENDATION

It is recommended that the Planning Assessment Commission:

- (a) **consider** the findings and recommendations of this Report;
- (b) **approve the Concept Plan**, under Section 75O *Environmental Planning and Assessment Act, 1979* and sign the Determination (**Tag A**); and
- (c) **approve the Project Application** under Section 75J *Environmental Planning and Assessment Act, 1979* and sign the Determination (**Tag B**).



Michael Woodland
Director
Metropolitan Projects



13/11/10

Richard Pearson
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Development Assessment & Systems Performance