

13 May 2010

Mr & Mrs DELERUE
6 Rosella Way
WARRIEWOOD NSW 2102

To

The Director
Metropolitan Projects
NSW Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Mr Woodland,

RE: Major Project Application MP09_0162 at 14-18 Boondah Road, Warriewood Valley

We would like to thank you very much for your letter dated 12 April 2010 informing us the Department of Planning has received the Major Project application from Meriton Apartments Pty Ltd.

In that regards, we would like to comment on this application, raising several issues.

First, we would like to let you know we have been living in Warriewood for almost 3 years, and our unit is situated 800 meters from the development site.

We enjoy Warriewood really much, and one of the main reason for that is because we believe Pittwater Council is really active, efficient, and clever in its way to deal with the community and the urbanism challenges. Thus, we *a priori* have no fundamental reason to oppose any kind of development, as long as it fits with Pittwater Council DCP21. We think there are no better regulations than the local ones, as this is the only way to guaranty coherence and sustainability to the community.

This is the reason why we would like to underline the followings:

In 2008, Meriton proposal consisted in 2-storey terrace houses being the predominant form of development (see letter from Meriton to 5 Macpherson street dated 1 august 2008). This proposal is compliant with Pittwater Council DCP 21.

In 2010, the proposal is way different, with 600 apartments at Boondah Road, and possibly 400 apartments at Warriewood Road, all buildings being 3 to 5 storeys height.

This proposal does not comply at all with the DCP21 in several ways.

Density:

In Architectus' environmental assessment, the proposed number of dwellings is 600. It is also mentioned page 36 "Pittwater Council's imminent Draft Warriewood Valley Planning Framework 2010 recommends a potential increase in density requirements on this site to 186 dwellings, based on a maximum dwelling density of 25 dwellings per hectare".

This framework is now released, and the exact recommendations regarding the density are detailed page 65 to 71.

The "Initiatives to encourage rapid development take-up" section underlines the important fact that there is a 20% "tail" of development that will not be completed in the forthcoming five years. This "tail" is identified as a result of several factors, including the presence of land owners with low level of interest of development (ie happy to live there). Nevertheless, major features to encourage development take-up are proposed, and the

identification of lands capable of increasing dwelling yield lead to the 2010 Revised Sectors map and table. They estimate the dwelling yields per sectors, as well as the anticipated timing of development as followed:

- **14-18 Boondah Road** is situated in Buffer area 3a, where the expected dwelling density is 25/ha, and the number of dwellings is 186. Furthermore, Pittwater LEP Clause 30C specifies a dwelling yield of between 135 and 142 dwellings (see Architectus' environmental assessment page 91).
- **2 Macpherson Street** is situated in Buffer area 1m, where the expected number of dwellings is 0, as environmental constraints have been identified (this area is serviced by Warriewood Sewerage Treatment Plant -STP- and has been a source of beach contamination in the past).
- **23, 25 and 27 Warriewood Road** is situated in Buffer area 1l, where the expected number of dwellings is 43.

Finally, section D16.6 of DCP21 advises that site coverage on individual allotments being part of a multi-unit housing development in Warriewood valley may be negotiated with Council.

Meriton proposal is consequently more than 4 times too high in terms of density.

Controls:

Certain controls incompatible with Meriton development are detailed in the DCP 21.

- **14-18 Boondah Road** belongs to Buffer Area 1 in section C6.24 of DCP 21, where access arrangements are not included in Meriton proposal. It is important to notice that:
 - A new East-West road traversing across Buffer Area 1 is to connect to Lorikeet Grove.
 - No vehicle access including driveways, onto Macpherson Street to provide a safe approach to the bridge across Narrabeen Creek.
- **2 Macpherson Street** Section 2.15 of DCP21 Appendix 4 gives restrictions on the development of land zoned "residential 2e" in this area: "Council shall not grant consent to development of land identified with black hatching on map WV Roads Masterplan.

The assessment of the proposed development provided in Appendix T does not mention or respect these important issues.

Building Height

Architectus' environmental assessment page 37 reveals a large excess in the height allowed by DCP 21 section D16.14: "The Concept Plan and Stage 1 development varies in height from 3 storeys to 5 storeys. The maximum height proposed for the stage 1 development is 16.7 metres (RL 21.7), measured to the top of the roof. Pittwater Councils DCP 21 stipulates a maximum height limit of 8.5 metres above existing ground level, which the proposed development exceeds."

Section A4.14 of DCP21 precises "Future development will maintain a height limit below the tree canopy and minimize bulk and scale".

Character:

The general character of Warriewood locality is well described in section A4.14 of DCP21.

"Low-density residential development is built along the slopes to the north and east of the locality, and within the lowland areas adjoining Pittwater Road. These areas are characterized by one and two-storey detached dwellings on 550-750 square metres allotments, generally increasing to 950 square metres on steeper slopes and the headland."

The desired future character is envisaged this way: "Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape".

In the same context, the outcome of section D16.1 of DCP21 is "To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context, buildings do not dominate the streetscape and are at human scale. Within residential and rural residential areas, buildings give the appearance of being two storeys maximum".

Then, the 3 to 5 storey buildings of Meriton proposal are clearly out of character with the rest of Warriewood valley. In that regards (and contrarily to the result of the compliance table of Architectus), Meriton proposal does not comply with STP buffer Sector Planning Framework that stipulates "development of the valley is to be compatible with, and does not detract from the amenity of surrounding areas, particularly residential properties".

Environmental objectives:

The outcomes of section B4.14 of DCP21 (Development in the vicinity of Wetlands) are:

- The impacts from development on wetlands and their catchments are reduced.
- The social and cultural values of wetland areas are conserved and enhanced.

The proposed site of development is situated few metres from Warriewood Wetlands (6.8 metres to 29.8 metres to the south and west of the site boundaries respectively – See TEC 2004), which is a really fragile ecosystem. The Flora and Fauna assessment prepared by Total Earth Care (see Appendix H) is of great quality. However, its first limitation is that it has only been prepared for Stage 1 of the proposal.

In this report, we interestingly can read that 749 trees will be removed. In addition, one endangered ecological community was recorded during the survey and assessment in March 2008 (the "Swamp Oak Forest") and one threatened specie (Powerful Owl) has been found as well.

The report presents many good recommendations in dealing with the management of the site in general, and this endangered species in particular.

Nevertheless, the main limitation of this assessment is that it is strictly limited to the site (STP Buffer Sector 3 is zoned 2f). This assessment does not include Warriewood Wetlands.

In our opinion, despite different "buffer zones" between the site and the Wetlands, there will be a significant impact on the flora and fauna of the Wetlands after completion of the project.

Indeed, the report describes a pedestrian path that will link similar paths within the Wetlands (see page 36). This will inevitably increase the frequentation of the Wetlands. The report states "Due to the raised nature of the boardwalk, it is highly unlikely that this shared bicycle/pedestrian path will impede current surface flows, restrict fauna movement or contribute to sedimentation or erosion to the creek." There is no assessment of the impact of human presence (see above regarding our opinion on the density of the project) on the biology of the Wetlands.

It is obvious that human activities impact on animals and plants, the correlate being the higher density, the bigger impact. This is actually underlined in the report "The low native floristic assemblage represented within the subject site is the result of anthropogenic practices and extensive weed infestation" (see page 41).

The conclusion of the Assessments of Significance (Appendix C of the report) is that "Due to the degraded nature of the community, the species recorded utilizing it, the area of adjoining higher quality habitat in the Warriewood Wetlands (...) the current proposal is unlikely to result in a significant effect on threatened biodiversity recorded from the study area" (which does not include Warriewood Wetlands – see page 34).

This conclusion is the direct outcome of the "7-part test, which aim is to "determine whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats".

Unfortunately, the most important questions of this test are question 4a and question 5, and they are not answered.

Q4(a): in relation to the habitat of a threatened species, population or ecological community: the extent to which habitat is likely to be removed or modified as a result of the action proposed?

Answer: While the proposed development will result in the removal of a very small area of potential foraging habitat for this species, large areas of similar habitat are available within the nearby Garigal National Park, Ku-ring Gai National Park, and the Warriewood Wetlands.

This answer is restricted to the impact of the project:

- during the period of construction
- on the site.

This answer does not include the impact on the surroundings after settlement, which is the most relevant period. The conclusion that "The proposed development will not have any impact on the local or regional habitat of the Powerful Owl and the long-term survival of the species will not be impacted" is not correct, as the local or regional habitat is simply not included in the assessment.

In the same idea, question 5 does not address the issue neither.

Q5: whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly)

Answer: there is no critical habitat of relevance to the subject site.

Our conclusion is that bringing 600 dwellings 20 metres far from the Wetlands will obviously have a negative impact on its biology (despite the buffer zones). When the report concludes "Predation and competition will not be increased by the current proposal. The proposal will not involve the removal or modification of a significant area of known habitat for the species", our conclusion is the opposite: "fauna and flora will be in direct competition with the high anthropic activity, and there will be a significant biological modification of the surroundings"

Financial objectives:

The financial objectives described in the Draft of Warriewood Planning Framework are to ensure that in interests of stakeholders, including Pittwater Council, the project is economically sustainable.

In that regards, we acknowledge that Warriewood valley needs developers like Meriton to bring more housing, and to provide economic improvement. We also acknowledge bringing a daycare center in Warriewood would be beneficial for all. Nevertheless, the first and most important contribution to the community is the Section 94 contribution. The minimum Meriton could bring to the existing community is the respect of such Section 94 contribution.

The fact that Meriton's first request is to decrease this contribution from \$70,000 to \$20,000 (see letter sent to the Executive Director – Department of Planning dated 19 August 2009) is unacceptable, and is of a great concern for us.

In conclusion, we would like to make clear we are more than happy to accept every future development, Meriton included, as long as the development fits with its local community and its regulations.

This is why we would like to thank you very much for giving us the opportunity to express our concerns on Meriton proposal.

We are convinced you will take great care of our concern, making sure Meriton comply with all the Council regulations.

We look forward to hearing from you very soon.

Kind Regards.

F. & S. DELERUE

