

Henroth Investments Pty Ltd

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AND ASSOCIATED GROUP OF COMPANIES

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15 June 2010

The Director General
Department of Panning
GPO Box 39
Sydney NSW 2001

Attention: Andrew Smith

Dear Mr Smith,

Re: Exhibition MP 09 0162 of 14-18 Boondah Road, Warriewood

We are the owners of 10 and 12 Boondah Road and 6 Jacksons Road, Warriewood. Please find attached a submission on the above application from SJB Planning Pty Limited on our behalf.

Although we are in general support of the application we would like to stress the benefits to the Southern Buffer Area of a potential Boondah Road re-alignment that is discussed in detail in our submission.

The re-alignment of Boondah Road as contemplated by the Warriewood Valley “*Landscape Masterplan and Design Guidelines (Public Domain)*” October 2007, will greatly improve safety and provide opportunity for better planning outcomes for the Southern Buffer Area. The realignment will;

- Realign the road bisecting the playing fields to the south of the subject site, providing a safer location for active recreational activities as well as providing more efficient contiguous public open space;
- Allow for a management edge to the Warriewood wetlands and scope for access and interpretive walkways;
- Allow for the optimal outcome whereby a road reserve provides a buffer between the subject site and our land, which are incompatible land uses, as opposed to a large passive planting buffer;
- Allow maximum flexibility regarding the future development of the land to the south, designated Employment Generating by Pittwater Council.

The realignment would require reconfiguration of the southernmost and northernmost land at 14-18 and 12 Boondah Road respectively.

The realignment offers significant benefits for the Southern Buffer Area as well as certainty for us and the other effected landowners and we request that you consider this matter during your

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HENROTH PTY. LTD.	- A.C.N. 000 109 866	LAHIDE PTY. LTD	- A.C.N. 001 727 788
HENLEN PTY. LTD.	- A.C.N. 001 677 496	LONDON FASHIONS PTY. LTD.	- A.C.N. 000 069 269
HENRY FRASER PTY. LTD.	- A.C.N. 009 691 510	MANLY PROPERTIES PTY. LTD.	- A.C.N. 000 176 885
KINDER HOLDINGS	- A.C.N. 068 570 605	WARRIEWOOD VALLEY PTY LTD	- A.C.N. 001 444 631
DAHELE PTY LTD	- A.C.N 003 081 070	KIRRAWEE CENTRE PTY LTD	- A.B.N 26211945646

assessment of the application before you and require any subsequent amendments to the application that you see fit.

Yours sincerely,

CASSIUS INVESTMENTS P/L, HENRY FRASER P/L, HENLEN P/L

Daniel Maurici

DEVELOPMENT MANAGER

<i>CASSIUS INVESTMENTS PTY. LTD.</i>	<i>- A.C.N. 001 029 376</i>	<i>KINDER INVESTMENTS PTY. LTD</i>	<i>- A.C.N. 004 331 597</i>
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15 June 2010

Re: Exhibition MP 09_0162 of 14-18 Boondah Road, Warriewood

sjb.com.au
planning@sjb.com.au

Dear Andrew

We refer to the exhibition of the Concept Plan and Stage 1 Precinct Plan proposing the residential development for apartment buildings of 3 and 5 storeys on land known as 14-18 Boondah Road, Warriewood.

We act for the owners of the adjoining land parcels comprising:

- 12 Boondah Road, Warriewood (Cassius Investments P/L)
- 10 Boondah Road, Warriewood (Henry Fraser Pty Ltd) and
- 6 Jacksons Road, Warriewood (Henlen P/L)

The location of these lands is shown in Attachment 1.

Considering the scope of the proposal our Client raises no in principle objections or concerns. The matter that must be addressed at this stage is to ensure that any development of the land at 14-18 Boondah Road does not impinge upon the development potential of our Clients' holdings.

The submission therefore requests that the matters raised be addressed through refinement of the application, conditions of consent or as Statements of Commitments from the applicant. As will be outlined, there is a significant opportunity to consider the planning of this area of Warriewood Valley now in a manner that addresses the concerns of potential land use conflict, while also delivering significant longer term benefits to the Pittwater community through the more efficient provision of active open space in this area.

Overview

Our Clients' land is within an area described by Pittwater Council in the Warriewood Valley Urban Land Release Planning Framework as the "Southern Buffer Area" (Sector 15 and Sector B).

Council has recently endorsed an update of this planning framework that has confirmed the designation of our Clients' land as "Employment Generating Land" which the framework identifies as being suitable for commercial or industrial land uses. The clarification by Council of the desired land uses within the southern areas of the Warriewood Valley Land Release provides the Department with a land use context within which to assess and consider the subject application.

The confirmation of the intended future land uses within the Southern Buffer area confirms that any consideration of the Major Project must consider and have regard to the interface between residential and employment generating land uses. This consideration must ensure that future land use conflicts are avoided now and not delayed for future consideration.



Land Use Interface

The Concept Plan identifies buildings for Stage 2 that would be served by a driveway at the southern most point of the development site. This boundary location is the most potentially sensitive interface between residential and employment generating land uses. The Concept Plan configuration proposing a driveway adjacent to this most sensitive boundary provides no opportunity for the provision of a landscape buffer between the residential and non-residential uses. As this boundary is the interface between incompatible land uses, the integration of appropriate buffers must be considered now. This is to ensure that the future amenity of any residential development is not compromised and that the future use and occupation of the employment generating land is not unduly restricted or compromised.

These employment generating lands in the southern buffer areas were identified in the SHOROC Regional Employment Study 2008 as a potentially suitable location to satisfy the significant additional demand for retail and employment land. This further supports the position that impediments to the development and delivery of these employment generating lands must be avoided.

Part C6.13 *Landscaped Amenity Buffer Strips - Warriewood Valley Land Release Area* of Pittwater 21 DCP provides some guidance for an initial treatment and consideration of land use interface areas within Warriewood Valley.

The DCP control requires that:

- *A minimum landscaped buffer of 5 metres in width is to be provided between residential and light industrial areas.*
- *These landscaped buffer widths are in addition to the built form being setback between 5-15 metres from the property boundary (refer to Part 4 of this DCP).*
- *The buffer strips are to be extensively landscaped. Landscaped mounds with mass plantings of native trees and shrubs are to be provided in suitable locations in consultation with Councils Landscape Architect. Planting should consist of a framework of locally indigenous canopy trees with native shrubs and groundcovers. In areas of low use, native groundcovers should be used as an alternative to lawn. A landscape plan for the buffer adjoining the sector must be prepared.*
- *The buffer strips are to contain pedestrian/cycleway paths, with vandal-resistant solar lighting, and allow casual surveillance of the path from adjacent buildings.*

As a minimum there should be provided, on the subject site, a 5.0m wide landscaped buffer.

There is however a sound basis for this buffer to be increased commensurate with the additional building height proposed by the development.

The physical setbacks and landscaped buffers should be increased to address the greater potential for exposure relating to future dwellings from potential acoustic impacts and outlook.

Larger setbacks will provide for a better landscaped buffer to accommodate larger canopy trees required to screen a taller built form.

The Pittwater 21 DCP controls have been formulated on the basis of a general building height in the Warriewood Valley area of 8.5m. The height of the proposed residential buildings in the Part 3A Application is up to 5 storeys, which equates to an approximate height of 17.2m (assumes 5 x 3.1m floor to floor plus 1.7m roof plant and services zone).

This is double the current height limit, and therefore to maintain a consistent relationship the provision of a 10.0m landscaped buffer along the southern boundary of 14-18 Boondah Street is



appropriate. This would be in addition to the physical setback of buildings from the property boundary of 15.0m.

Boondah Road Re-alignment

The preceding consideration of the land use interface provides an option to address the potential conflict between residential and non-residential land uses. An alternate and more holistic approach to the consideration of the lower end of Warriewood Valley could deliver benefits of providing separation between incompatible land uses as well as improving the functionality and safety of the current active open space areas along Boondah Road.

The current development proposal represents a final opportunity to implement and pursue the re-alignment of Boondah Road that is contemplated within the suite of guidelines for development in Warriewood Valley, titled "Landscape Masterplan and Design Guidelines (Public Domain)", dated October 2007.

These guidelines were prepared to provide a co-ordinated basis for the planning and design of streetscape, open space and creekline improvements in the Warriewood Valley. The guideline includes a masterplan for the entire valley at section 2.0. Included in the masterplan is a notation identifying that the re-alignment of Boondah Road should be investigated as part of the masterplanning of the southern buffer.

It is understood that a re-alignment could deliver a number of benefits including:

- Removal of the road that currently bisects the active open space and so providing greater efficiency for the provision of active open space sports fields;
- Removal of the road bisecting the sports fields, so providing a safer location for conducting active recreation activities;
- Provision of a management edge to the Warriewood wetlands and greater scope for access and interpretive walkway access points; and
- The realignment could be undertaken in conjunction with raising the roadway to provide access above the 1 in 100 flood level.

A realignment of Boondah Road in the manner contemplated by the landscape Masterplan would impact upon the configuration of the most southerly portion of 14-18 Boondah Road and the layout of a future development of No.s 10 and 12 Boondah Road and No.6 Jacksons Road. A conceptual alignment is included in Attachment 2. Such a re-alignment would also deliver the advantage of a physical separation of the land uses and largely remove the need for the buffers discussed above. A re-alignment that affects 14-18 Boondah and 12 Boondah Road would also accommodate the retention of a stand of angophora trees located near the boundary between the two properties.

It is accepted best practice that where the separation of incompatible land uses cannot be avoided, the optimum outcome is to provide separation by public infrastructure such as a road. A re-alignment of Boondah Road would deliver best practice outcomes for the separation of incompatible land uses within the Valley. Best practice outcomes should be expected in this instance and as a key outcome of the broader consideration of the southern buffer areas.

Under the Warriewood Valley Roads Masterplan, 2006. Boondah Road is identified as a sub-arterial road. This plan requires a sub-arterial road to be provided within a minimum road reservation width of 20.0m, as detailed in Figure 1.

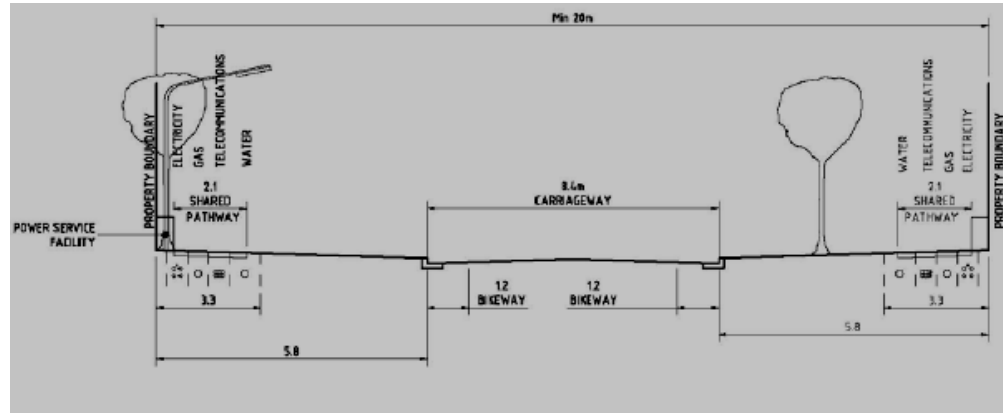


Figure 1: Typical Sub-Arterial road reserve treatment – Warriewood Valley Roads Masterplan 2006.

In conjunction with the road reserve width of 20.0m, a 6.5m setback applies to Boondah Road under Pittwater 21 DCP. The suggested re-aligned road would achieve a physical separation between residential buildings and future non-urban development of 33.0m (20.0m + 6.5m + 6.5m).

The normally expected landscape treatment of the 6.5m setback within the private land would complement the landscaping within the road reserve to provide buffer planting in addition to the physical separation provided by the road reserve.

Any approved Concept Plan should therefore accommodate a potential reconfiguration and replanning of the southern portion identified in the Applicant's submission as stage 2. This opportunity would be lost if the configuration of stage 2 of the proposal is allowed to remain in the current form. This outcome is far superior to the option of providing landscape buffers only, while also delivering the wide ranging community benefits identified from the re-alignment concept.

Open Space Provision

The provision of public open space via the Warriewood Valley Section 94 Contribution Plan links the provision of the land take with population density. For Warriewood Valley the ratio of 2.83ha of open space per 1,000 persons has been adopted by Council. The increase in dwellings from the current approved 142 dwellings (accommodated for in the current S94 plan) to 600 dwellings has the potential to significantly increase the required quantum of public open space.

Based upon an average occupancy of 2.5 persons per dwelling the current approved development on 14-18 Boondah Road would be expected to accommodate 355 persons. A population of 355 persons equates to a public open space provision requirement of 1.01ha.

The 600 dwellings proposed comprises a range of 1, 2 and 3 bedrooms. If a conservative average occupancy of 2 persons per dwellings is adapted to take into account the 1 and 2 bedroom dwellings, the development would accommodate 1,200 persons. A population of 1,200 persons equates to a required public open space provision of 3.396ha. With a consistent application of the current S94 plan, the preceding analysis identifies that there will be a shortfall in the provision of public open space in the vicinity of 2.386ha (3.396 – 1.01 = 2.386).

To avoid inequity to other landowners in the valley it is requested that this additional demand for open space be addressed by the proponent, either through direct provision of the required open space or mechanisms such as a Voluntary Planning Agreement (VPA).



Conclusion

In the broad sense the proposed development is supported as a means of furthering the development within Warriewood Valley, subject to a more strategic consideration of the relationship between the proposed development and future adjoining employment generating development. As outlined, a suboptimal solution is available if landscaped buffers of 10.0m are incorporated into the proposed development.

This landscape buffer approach however forgoes a more strategic solution that delivers benefits to the subject development, future development of No.s 10 and 12 Boondah Road and No.6 Jacksons Road and importantly, the broader community. The road re-alignment option delivers the separation of the land uses in a best practice outcome while also delivering:

- A contiguous open space area with improved efficiency of layout;
- A safer open space with the removal of the road bisecting the current space; and
- A management edge to the Warriewood wetlands.

The solutions to the re-alignment are matters that could be addressed in detail in a future Stage 2 application. However the Concept Plan stage is an appropriate mechanism to implement a strategic outcome that could avoid the conflicts identified and deliver the community advantages derived from the broader strategic review of the Southern Buffer Area.

The Concept Plan process also has the opportunity to provide solutions and mechanisms to address the impacts of the proposed development on the overall quantum of public open space required consistent with Council's current policy framework.

The Departments consideration in seeking the requested refinements to the Concept Plan is urged in the interest of delivering a sound planning solution for Warriewood Valley and optimising the use and benefits of the existing and proposed public infrastructure.

We would be happy to meet with Department Officers as necessary to progress this matter. Scott Barwick or I can be contacted on 9380 9911 or by email on amccabe@sjb.com.au or sbarwick@sjb.com.au.

Yours faithfully,

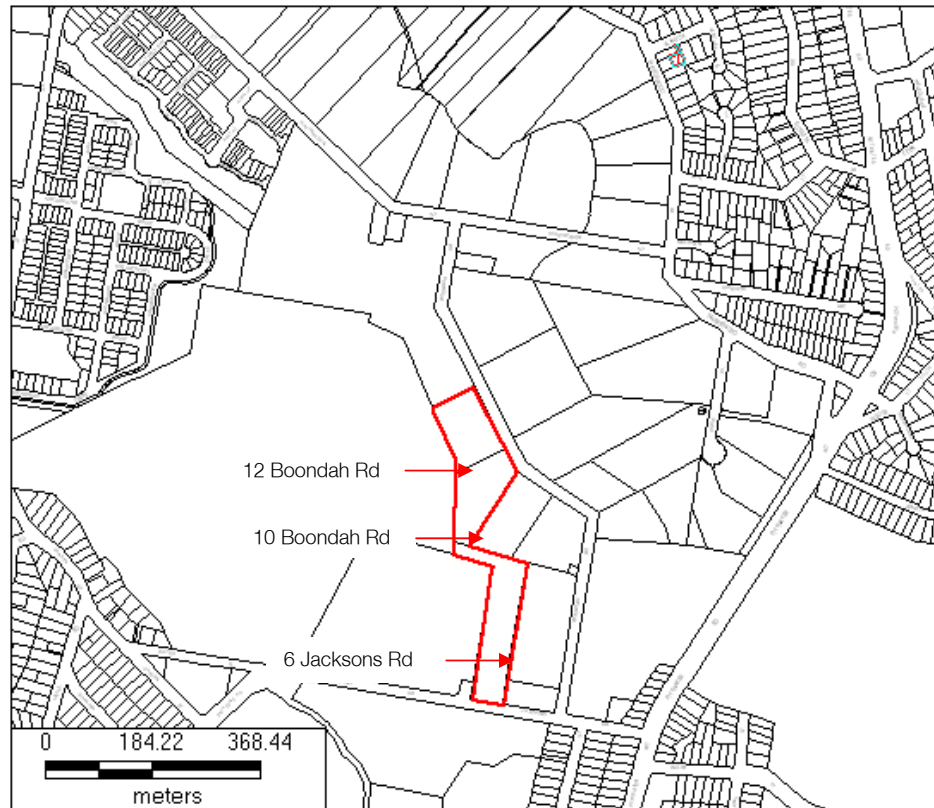
A handwritten signature in black ink, appearing to read 'Amccabe'.

Alison McCabe
Director



Attachment 1

Land Ownership for submission

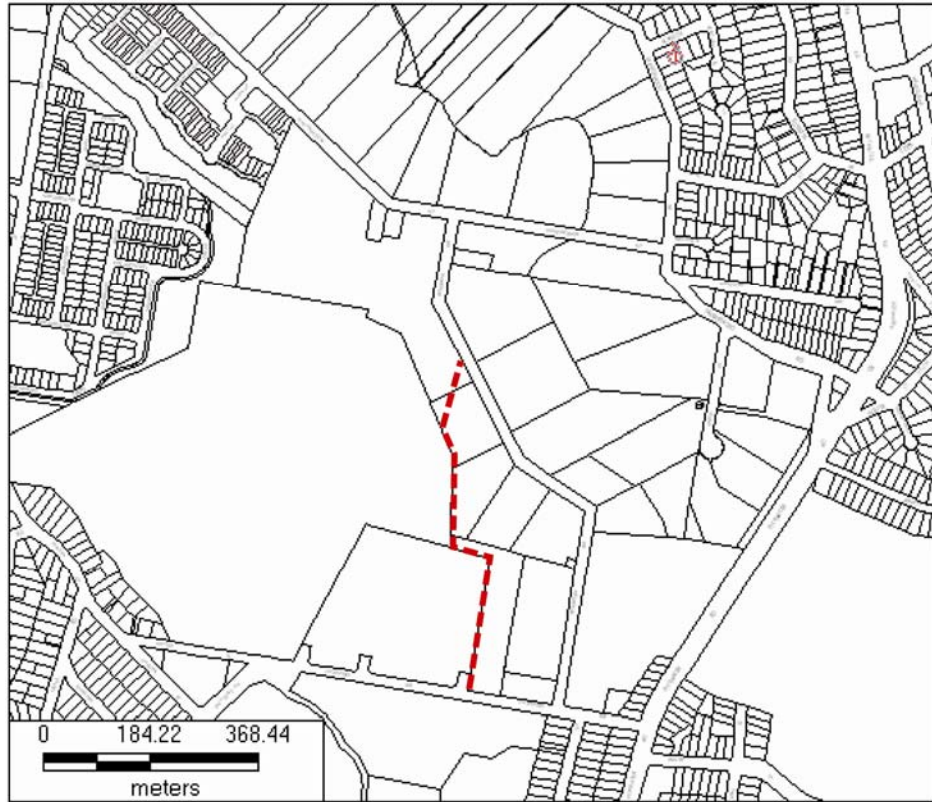


Land owned by Cassius Investments P/L, Henry Fraser Pty Ltd and Henlen P/L outlined in red



Attachment 2

Conceptual Re-alignment of Boondah Road.



--- Approx Road Realignment