

2 MACPHERSON STREET WARRIEWOOD PLANNING PROPOSAL

NOVEMBER 2016
SA6409
FINAL
PREPARED FOR KARIMBLA CONSTRUCTION SERVICES

URBIS

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TABLE OF CONTENTS

Introduction	1
1.1. Report Overview	1
1.2. Planning History	2
1.3. Views of Department of Planning and Environment	2
1.4. Recent Consultation with Council	3
2. Site Context	5
2.1. Subject Site	5
2.1.1. Site Description	5
2.1.2. Existing Uses	5
2.2. Local Context	5
2.2.1. Warriewood Valley	5
2.3. Regional Context	9
2.3.1. Northern Beaches	9
3. Strategic Planning Context	11
3.1. A Plan for Growing Sydney	11
3.2. North District	11
4. Request to Prepare a Planning Proposal	13
4.1. Request Overview	13
4.2. Current Planning Controls	13
4.3. Site Considerations	17
4.3.1. Access and Transport	17
4.3.2. Flooding	18
4.3.3. Ecological	19
4.3.4. Bushfire	19
4.3.5. Combined Constraints Analysis and Building Envelopes	20
5. Part 1 – Objectives or Intended Outcomes	22
5.1. Objectives	22
5.2. Intended Outcomes	22
6. Part 2 – Explanation of the Provisions	23
6.1. Provisions Overview	23
6.2. Proposed Outcome	23
6.3. Proposed Land Use Zoning	23
6.4. Proposed Height of Buildings and Floor Space Ratio Controls	23
6.5. Relationship to Existing Local Planning Instrument	23
7. Part 3 – Justification	24
7.1. Section A – Need for the Planning Proposal	24
7.1.1. Question 1: Is the Planning Proposal a result of any strategic study or report?	24
7.1.2. Question 2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	24
7.2. Section B – Relationship to Strategic Planning Framework	24
7.2.1. Question 3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?	25
7.2.2. Question 4: Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?	28
7.2.3. Question 5: Is the Planning Proposal consistent with applicable State Environmental Planning Policies?	29

7.2.4.	Question 6: Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?	30
7.3.	Section C – Environmental, Social and Economic Impact.....	32
7.3.1.	Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?.....	32
7.3.2.	Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	33
7.3.3.	Question 9: Has the Planning Proposal adequately addressed any social and economic effects?...	34
7.3.4.	Question 10: Is there adequate public infrastructure for the Planning Proposal?	35
7.3.5.	Question 11: What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	35
8.	Part 4 – Mapping.....	36
9.	Part 5 – Community Consultation	37
10.	Part 6 – Project Timeline.....	38
11.	Conclusion	39
	Disclaimer	41

Appendix A Civil Plans of Indicative Subdivision

Appendix B Flood Report

Appendix C Bushfire Report

Appendix D Contamination Report

Appendix E Ecology Report

Appendix F Traffic and Access Report

Appendix G Geotechnical Report

Appendix H Arborist Report

FIGURES:

Figure 1 – Subject Site	5
Figure 2 – Warriewood Valley Context Aerial.....	6
Figure 3 – Site Photos 2013	7
Figure 4 – Macpherson Street Photos 2013.....	8
Figure 5 – Local Development.....	9
Figure 6 – Regional Context Aerial.....	10
Figure 7 – North District.....	12
Figure 8 – Site Zoning	14
Figure 9 – Site Height Control	14
Figure 10 – Creek Line Corridor Riparian zone.....	15
Figure 11 – Site Acid Sulfate Soils	16
Figure 12 – Site Biodiversity Map	17
Figure 13 – Council Bushfire Prone Land Map	20
Figure 14 – Combined Constraints Analysis	21
Figure 15 – Site Constraints	33

TABLES:

Table 1 – Council Matters from 18 August 2016 Letter.....	3
Table 2 – Strategic Plan Merit Test	25
Table 3 – Site Specific Merit Test.....	27
Table 4 – SEPP Consistency Review.....	29
Table 5 – s.117 Directions consistency review.....	30
Table 6 – Proposed Indicative Project Timeline	38

INTRODUCTION

1.1. REPORT OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of Karimbla Construction Services Pty Ltd (the proponent) to initiate the preparation of a Local Environmental Plan (LEP) to amend the dwelling yield cap that applies to land at 2 Macpherson Street, Warriewood (the site). The intended outcome of the Planning Proposal is to facilitate residential development on the site consistent with the existing residential zoning objectives and permissible land uses.

The site is within the Warriewood Valley Urban Land Release (WVULR) area (located within Buffer 1m of the defined WVULR area). The applicable environmental planning instrument is the Pittwater Local Environmental Plan (PLEP 2014) which zones the site as R3 Medium Density Residential. The objectives of the R3 zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

The potential to achieve these objectives is largely prevented by the current planning controls of the PLEP clause 6.1 *Warriewood Valley Release Area*.

Clause 6.1 of the PLEP currently restricts residential development on the site as follows:

- Buffer 1m (2 Macpherson Street) – no dwellings

It is recognised that this development constraint was in response to the site limitations identified at the time the PLEP was made, specifically flood related constraints. Recently, Northern Beaches Council has committed to local road upgrades for Macpherson Street which has presented the opportunity to re-evaluate the site's development potential.

This Planning Proposal is supported by relevant technical studies and investigations to support the request to amend Clause 6.1 of the PLEP to increase the dwelling yield on the site (Buffer 1m).

Specifically, this planning proposal seeks the following:

- Amend the PLEP clause 6.1 Warriewood Valley Release Area subclause (3) table as follows:

Column 1	Column 2
Buffer area, sector or address	Number of dwellings to be erected
Buffer area 1m	No dwellings
Buffer area 1m	Not more than 22 dwellings

It is considered that the proposed amendment to the PLEP 2014 is the best, most efficient and time effective approach to delivering the intended outcome of the proposal. The amendment would provide for a dwelling density that is consistent with adjoining land. The dwelling yield is based on the established rate of 32 dwellings per hectare, identified under the Warriewood Valley Strategic Review.

As required by Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act), this Planning Proposal includes the following:

- Description of the subject site and context.
- Description of the proposed amendments to the PLEP supported by sufficient detail to indicate the effect of the amendments.
- Statement of the objectives and intended outcomes of the proposal.

- Explanation of the provisions of the proposal that are to be included in the LEP.
- Summary of the justification of the proposal, including an environmental assessment.
- Description of the community consultation process that would be expected to be undertaken before consideration is given to making of the planning instrument.
- Indicative project timelines.

The Planning Proposal has been prepared having regard to the NSW Department of Planning and Environment's (DPE) 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'. It has also been prepared following correspondence with Council in regard to recent local road infrastructure upgrades that are underway. Furthermore, this Planning Proposal builds on the acknowledged planning history of the site including previous planning proposals and development applications, the result of which have indicated that a Planning Proposal is the most effective means to deliver the intended outcomes.

This Planning Proposal is accompanied by a range of plans and reports prepared by specialist consultants to provide a comprehensive analysis of the site opportunities and constraints. This documentation includes:

- Appendix A – Civil Plans of Indicative Subdivision (Bonacci)
- Appendix B – Flood report (Bonacci)
- Appendix C – Bushfire report (Building Code & Bush Fire Hazard Solutions)
- Appendix D – Contamination report (Zoic Environmental)
- Appendix E – Ecology (Total Earth Care)
- Appendix F – Traffic and Access report (TTPA)
- Appendix G – Geotechnical report (Coffey)
- Appendix H – Arborist Report (Tree and Landscape Consultants)

1.2. PLANNING HISTORY

The site is located within 'Buffer Area 1m' of the Warriewood Valley Release Area (WVR) which has been identified for future urban development. The release area is being gradually developed for a mix of residential and commercial land uses. Warriewood Valley is recognised as being critical in meeting the delivery of the 4,600 new dwellings required by the draft North East Subregional Strategy and as having the potential to provide affordable rental housing within the LGA. The draft North East subregional strategy identifies that 30-40 per cent of the region's new housing will be provided within its release areas (this includes Warriewood Valley).

The site has a significant planning history and has been subject to detailed planning investigations. This includes the Warriewood Valley Strategic Review was undertaken in partnership by the Department of Planning and Pittwater Council in 2011/12.

1.3. VIEWS OF DEPARTMENT OF PLANNING AND ENVIRONMENT

Correspondence from the Director-General, to the General Manager of the former Pittwater Council, on 1st May 2013 affirms the appropriateness for a planning proposal on the site

The letter was issued in regard to the release of the Warriewood Valley Strategic Review and informed Pittwater Council of the Department's position on the issue. The letter states

'that there may be future opportunities for a greater mix of housing types and higher densities, particularly on larger sites or if sites can be amalgamated'.

In addition to this, the letter also confirmed that the content of background reports and economic feasibility analysis supported this position. The Director-General confirmed that there are

'opportunities for higher density development beyond that recommended in the Strategic Review could be explored through Planning Proposals.'

This correspondence affirms that a planning proposal seeking to increase the dwelling yield on the site is appropriate and worthy of Council's due consideration.

1.4. RECENT CONSULTATION WITH COUNCIL

Following a meeting between the proponent and Northern Beaches Council on 4th August 2016, Council wrote a letter (dated 18th August 2016) to acknowledge that Council had resolved on the 9th August 2016 to issue tenders for the upgrade of Macpherson Street. The proposed works included raising a section of Macpherson Street that adjoins the site and the construction of a road bridge over Narrabeen Creek. Council noted that the bridge has been designed for flood emergency access up to the 1% AEP flood levels plus climate change.

The letter also reads that 'having regard for the improved access arrangements to the site, it remains open to the proponent to submit a Planning Proposal to seek an increase in the dwelling yield that may be able to be achieved on site'.

Council also included a list of matters to be addressed by any future planning proposal for the site. The issues noted were as follows.

1. The conclusions of the Warriewood Valley Strategic Review as they relate to the site;
2. Water Management (including flooding);
3. Bushfire;
4. Contamination;
5. Riparian setback as per the Warriewood Valley Water Management specifications;
6. Traffic and access
7. Building envelopes for each proposed dwelling illustrating compliance with Council's built form controls.

These matters have been addressed as part of this Planning Proposal as follows:

Table 1 – Council Matters from 18 August 2016 Letter.

Council Matter	Planning Proposal
The conclusions of the Warriewood Valley Strategic Review as they relate to the site	<u>Section 7.2.1</u> of this report in addressing the Site Specific Merit Criteria evaluates the appropriateness of the dwelling capacity of the site. The site would be subject to section 94 contributions as part of future development applications as they arise. <u>Section 7.2.1</u> of this report acknowledges how the background land capability assessment and supporting studies inform this planning proposal. The recognised upgrade to the Macpherson Street crossing of Narrabeen Creek as detailed in this report address the flood emergency response matters and has been further detailed in the supporting studies.
Water Management (including Flooding)	Bonacci have prepared the indicative civil plans (Appendix A) and the Flood Report (Appendix B) in response to this matter. This has been addressed in <u>section 4.3.2</u> of this report and detailed in Appendix B. The indicative plans have been prepared to accommodate the environmental constraints including appropriate mitigation measures, compliant with the

Council Matter	Planning Proposal
	Warriewood Valley Water Management Specification.
Bushfire	A report has been prepared by Building Code & Bush Fire Hazard Solutions (Appendix C). This matter has been addressed in <u>section 4.3.4</u> of this report and further detailed in the relevant s117 ministerial direction considerations. It is concluded that the site can appropriately address the bushfire hazard and provide the intended outcome.
Contamination	A Site Audit Review has been provided by ZOIC Environmental (Appendix D) which builds on the 2014 Phase 1 Investigation by Coffey. ZOIC reaffirm the Coffey findings that the site can be made suitable for residential purposes. This has been detailed in <u>section 7.2.3</u> of this report in addressing SEPP 55 Remediation of Land considerations.
Riparian Setback	Detailed in <u>sections 4.3.2 and 4.3.3</u> of this report and demonstrated on the indicative plans in Appendix A, the site can achieve the intended outcome and full compliance with the riparian setbacks as required by the Warriewood Valley Water Management Specification. For full detailed findings refer to the Flood Report (Appendix B) and the Flora and Fauna Report (Appendix E).
Traffic and Access	As described in <u>section 4.3.1</u> of this report, the site is capable of providing suitable traffic and access arrangements for the intended outcome of residential development. This will be consistent with the Pittwater DCP. Consideration of clause C6.10 of the DCP has been addressed. Further detail can be found in the Traffic and Access Assessment found at Appendix F.
Building envelopes for each proposed dwelling illustrating compliance with Council's built form controls.	This matter has been addressed in <u>section 4.3.5</u> of this report.

2. SITE CONTEXT

2.1. SUBJECT SITE

2.1.1. Site Description

The site comprises approximately 2.1 hectares of land at 2 Macpherson Street (the site) in Warriewood Valley. Legally, the site is described as Lot 25 Section C in DP5464 and is shown in Figure 1.

The parcel of land is of an irregular shape has a 120 metre frontage to Macpherson street to the south. A central portion of the site has been raised and levelled and is currently surrounded by undeveloped land. Levels across the site range from 1.4m AHD in the northern section of the site (within the creek) to a high point of 3.7m AHD within the central portion of the site.

2.1.2. Existing Uses

The site is semi-rural in character and currently accommodates agricultural sheds, planted garden beds and structures ancillary to the current use of the site as a market garden. Vehicular access to the site is from Macpherson Street.

Figure 1 – Subject Site



Source: Urbis

2.2. LOCAL CONTEXT

2.2.1. Warriewood Valley

Warriewood is located on Sydney's northern beaches between Mona Vale and North Narrabeen in the Northern Beaches Local Government Area (LGA). Narrabeen Creek flows through the centre of Warriewood and Mullet Creek marks its southern boundary.

Mona Vale town centre is located approximately 1.5km to the north. North Sydney CBD and Sydney CBD are approximately 23km and 26km to the south respectively.

The surrounding area constitutes part of the Warriewood Valley Release Area and is largely zoned R3 Medium Density Residential.

Traditionally, redevelopment in the WVR has predominantly comprised two and three storey detached dwellings and terrace housing. More recently, residential flat buildings have been constructed in vicinity of the site. Recently constructed developments along Macpherson Street include the Warriewood Brook Anglican Retirement Village and Ocean vale apartments. These developments represent building heights of three to four storeys and achieve densities of 60 dwellings per hectare.

The land surrounding the site includes the following:

- **North:** The site to the immediate north of the subject site is a housing estate known as 'Karinya'.
- **East:** The site is bound to the east by three lots encompassing 23-27 Warriewood Road (also zoned R3 Medium Density Residential). The two sites are separated by Narrabeen Creek.
- **South:** Across Macpherson Street to the south, a sewage treatment plant is operated by Sydney Water. This lot is zoned SP2 Infrastructure. There is no pavement along either side of Macpherson Street on southern frontage to Macpherson Street.
- **West:** Land to the immediate west is undeveloped and characterised by mature vegetation. Further west, are two aged care facilities known as ARV Warriewood Brook and Marcus Loane House,

Figure 2 – Warriewood Valley Context Aerial



Source: Urbis

Figure 3 – Site Photos 2013



Picture 1 – 2 Macpherson Street, west perspective, site on right

Source: Google Maps



Picture 2 – 2 Macpherson Street, east perspective, site on left

Source: Google Maps

Figure 4 – Macpherson Street Photos 2013



Picture 3 – Macpherson Street, west perspective, site on far right

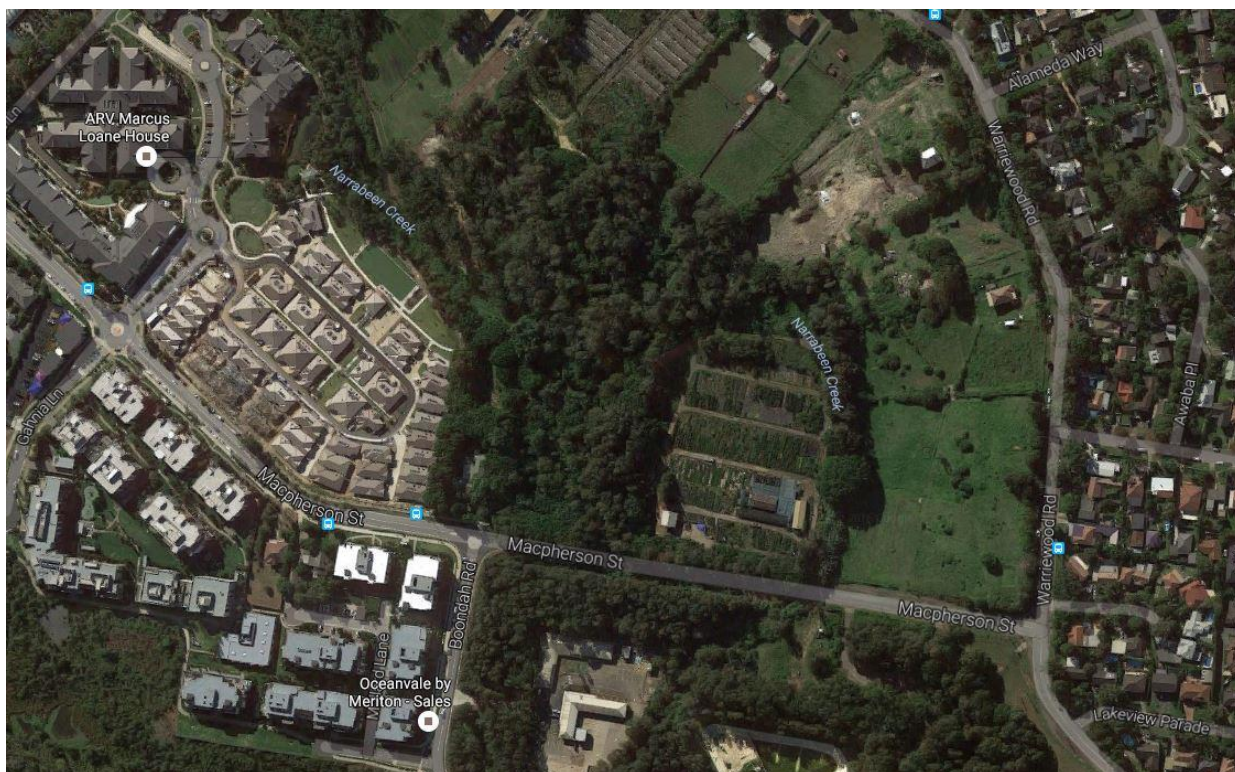
Source: Google Maps



Picture 4 – Macpherson Street, recent development 9 Macpherson Street

Source: Google Maps

Figure 5 – Local Development



Picture 5 – Local Development Aerial 2016

Source: Google Maps

2.3. REGIONAL CONTEXT

2.3.1. Northern Beaches

Warriewood is located on Sydney's northern beaches between Mona Vale and North Narrabeen in the Northern Beaches Local Government Area (LGA).

The site is well suited to new residential development in accordance with the provisions of *A Plan for Growing Sydney*, and the priorities for the North District. It is within walking and cycling distance of well-established retail and recreational uses and public transport infrastructure, making it ideally suited to accommodate more intensive development and to stimulate demand for the new facilities envisaged for the area:

- Warriewood Square, 800m south of the site recently completed an \$84m upgrade, providing 30,000sqm of retail and commercial space, supporting the daily and weekly needs of new residents in the Warriewood Valley.
- Mona Vale town centre (2km to the north) provides 3,500 jobs and major retail and commercial services for the Pittwater region of the Northern Beaches.
- A new neighbourhood centre is currently under construction at 23 Macpherson Street, within convenient walking distance of the site.
- Brookvale-Dee Why is designated as a Strategic Centre serving the North District. This Strategic Centre is located approximately 11km to the south of the subject sites and is accessible via the Pittwater Road strategic bus corridor (approximate 20-30 minute journey time).
- Pittwater Road strategic bus corridor is located to the west within walking distance of the site. Bus prioritisation measures have been implemented to improve bus services along this corridor. Regular bus services providing access to North Sydney and Sydney CBDs are available. Notably route 185/L85 connects Mona-Vale via Warriewood Valley to Dee-Why/Brookvale then through to the City. This route runs limited stop express services during peak hours and passes the site.
- Transport for NSW has committed to the 'B-Line' a rapid bus transit system connecting the northern beaches with the Sydney CBD. A major stop will be located 800m from the site at North Narrabeen Reserve, providing high frequency rapid bus services to the Sydney CBD from late 2017.

- The proposal would result in increased development density within proximity of existing public transport infrastructure helping to stimulate demand for additional bus services within the locality and responding to the recognised need to increase the use of public transport in the locality.

Figure 6 – Regional Context Aerial



Source: Urbis

3. STRATEGIC PLANNING CONTEXT

3.1. A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney was released by the Department of Planning and Environment on 14 December 2014. The Strategy outlines the Government's strategic framework for managing and delivering growth in Sydney over the next 18 years. The Strategy identified that an additional 664,000 new dwellings would be required in Sydney in 2034.

On 12 September 2016, projections released by the Department of Planning and Environment showed that the Sydney metropolitan area is expected to grow by approximately 170,000 more dwellings than originally projected in *A Plan for Growing Sydney*. The updated projections anticipate 6.42 million people in Sydney over the next 20 years.

Directions within A Plan for Growing Sydney, relevant to this planning proposal include:

- *Direction 2.1: Accelerate housing supply across Sydney,*
 - *Action 2.1.1: Accelerate housing supply and local housing choices,*
- *Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs,*
 - *Action 2.2.2: Undertake Urban Renewal in Transport Corridors which are being transformed by investment, and around strategic centres,*
- *Direction 2.3: Improve housing choice to suit different needs and lifestyles,*
 - *Action 2.3.2: Enable the subdivision of existing homes and lots in areas suited to medium density housing.*

Consistency with the relevant strategic directions has been addressed within Section 7.2.1 of this report.

3.2. NORTH DISTRICT

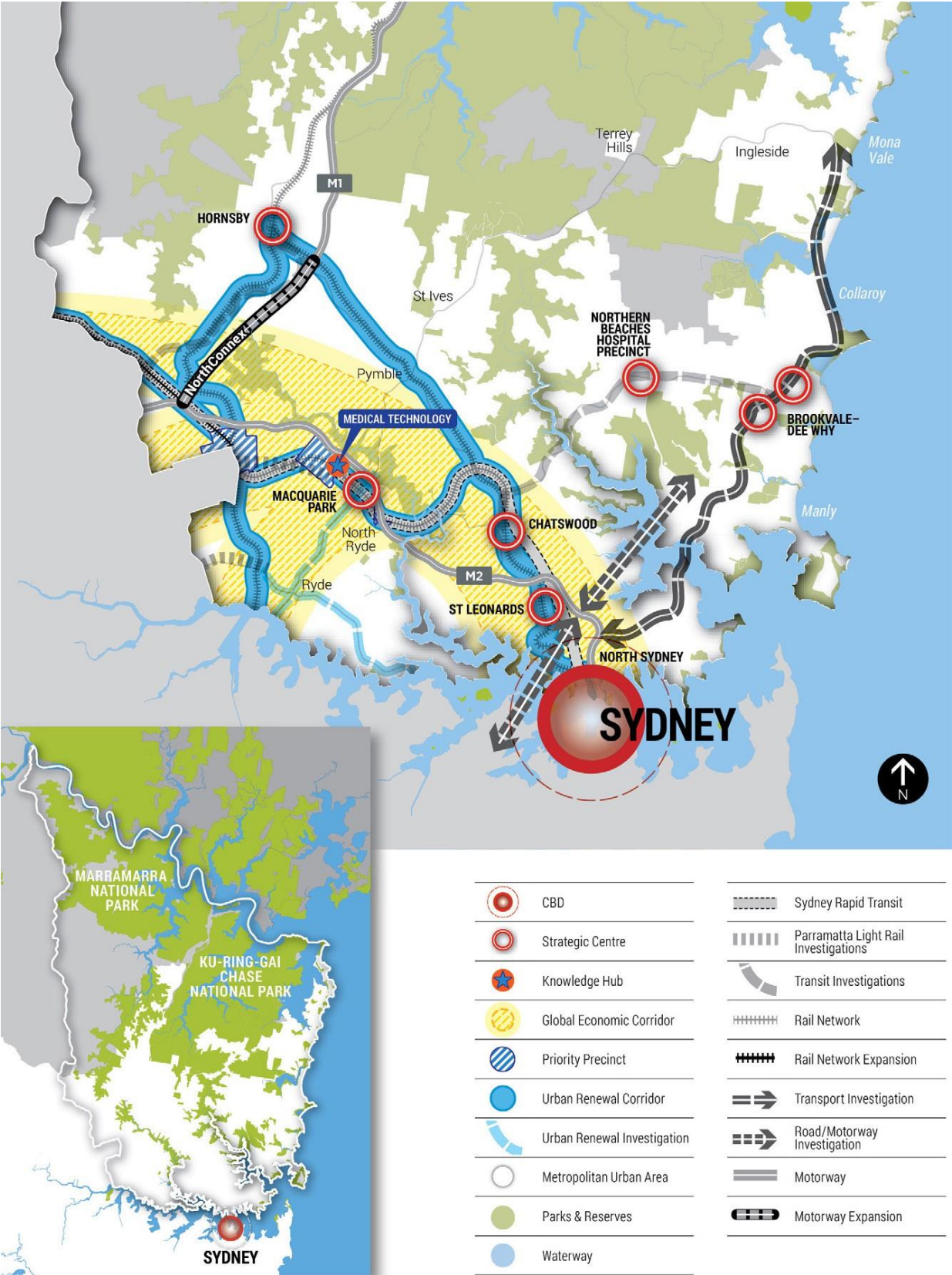
Warriewood Valley is located within the North District of Sydney. District plans are due to be released by the Department in late 2016. The priorities for this district relevant to the planning proposal include:

- *Accelerate housing supply, choice and affordability and build great places to live:*
 - *Work with councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services.*
- *Protect the natural environment and promote its sustainability and resilience:*
 - *Promote early strategic consideration of bushfire, flooding and coastal erosion in relation to any future development in the subregion, particularly around areas prone to coastal erosion at Collaroy/Narrabeen, Mona Vale and Bilgola.*

Consistency with the relevant strategic directions has been addressed within Section 7.2.1 of this report.

As shown in Figure 5, Warriewood Valley will be serviced by the 'B-Line' Rapid Bus Transit route, operational from late 2017. This infrastructure investment by the State Government is part of the strategic actions identified within *A Plan for Growing Sydney* for the North District. The site is located 800m from the Warriewood B-Line and local bus stops on Pittwater Road.

Figure 7 – North District



Source: A Plan for Growing Sydney

4. REQUEST TO PREPARE A PLANNING PROPOSAL

4.1. REQUEST OVERVIEW

This Planning Proposal has been prepared in accordance with Sections 55(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely “A guide to preparing Planning Proposals” issued by the Department of Planning and Environment (August 2016).

Accordingly, the proposal is discussed in the following four parts:

- Part 1 (Section 5) – A statement of the objectives or intended outcomes
- Part 2 (Section 6) – An explanation of the provisions that are to be included in the proposed LEP
- Part 3 (Section 7) – The justification for those objectives, outcomes and the process for their implementation
- Part 4 (Section 8) – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies
- Part 5 (Section 9) – Details of community consultation for the Planning Proposal
- Part 6 (Section 10) – Project timeline

4.2. CURRENT PLANNING CONTROLS

Zoning and Permissibility

Under the LEP, the site is zoned R3 Medium Density Residential. The following uses are permissible within the R3 zone:

Without consent:

Home businesses; Home occupations

With consent:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Veterinary hospitals

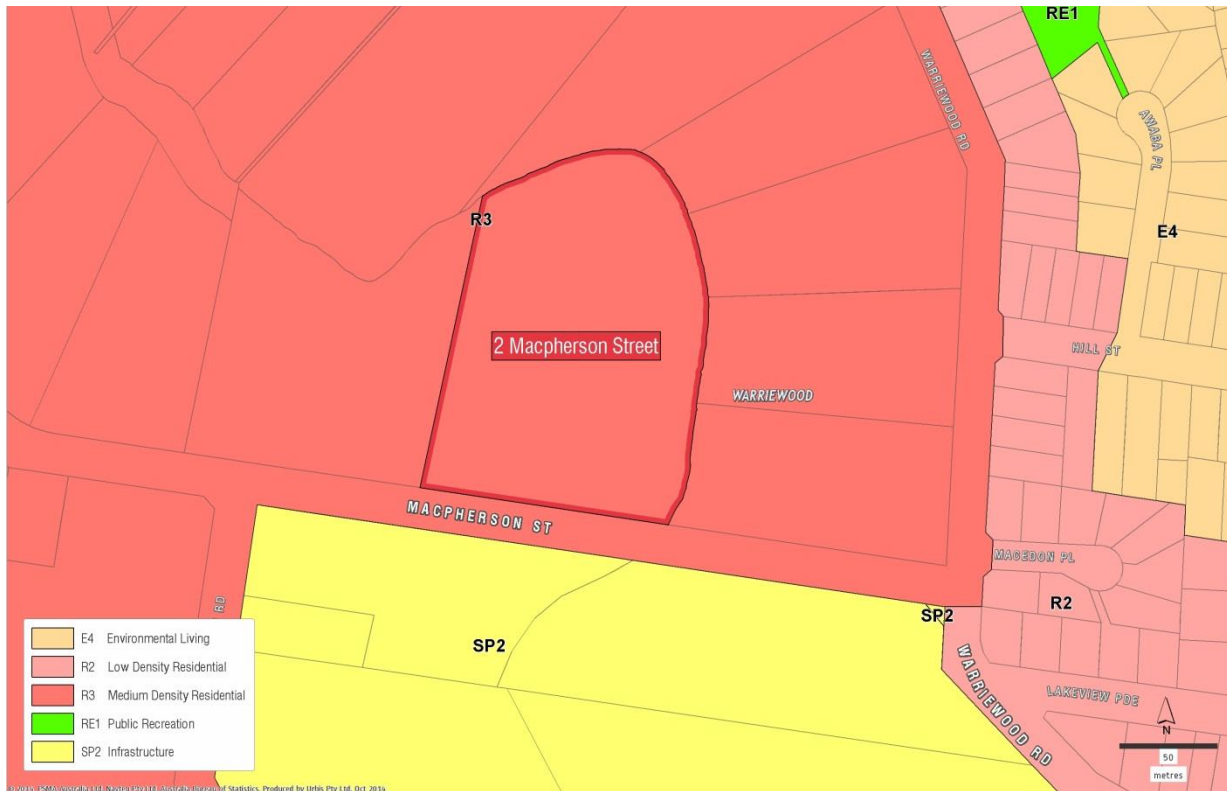
All other uses are prohibited.

The objectives of the zone are detailed below.

- To provide for the housing needs of the community within a medium density residential environment
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

An extract of the LEP zoning map is included on the following page.

Figure 8 – Site Zoning



Source: Urbis

Height of Buildings

The site will be modified to address potential flood impacts, resulting in the existing ground level being raised to 0.5 metres above the flood planning level. This planning proposal has no change to height of buildings.

The maximum height limit applicable to the site is 8.5 metres (refer to Figure below).

Figure 9 – Site Height Control

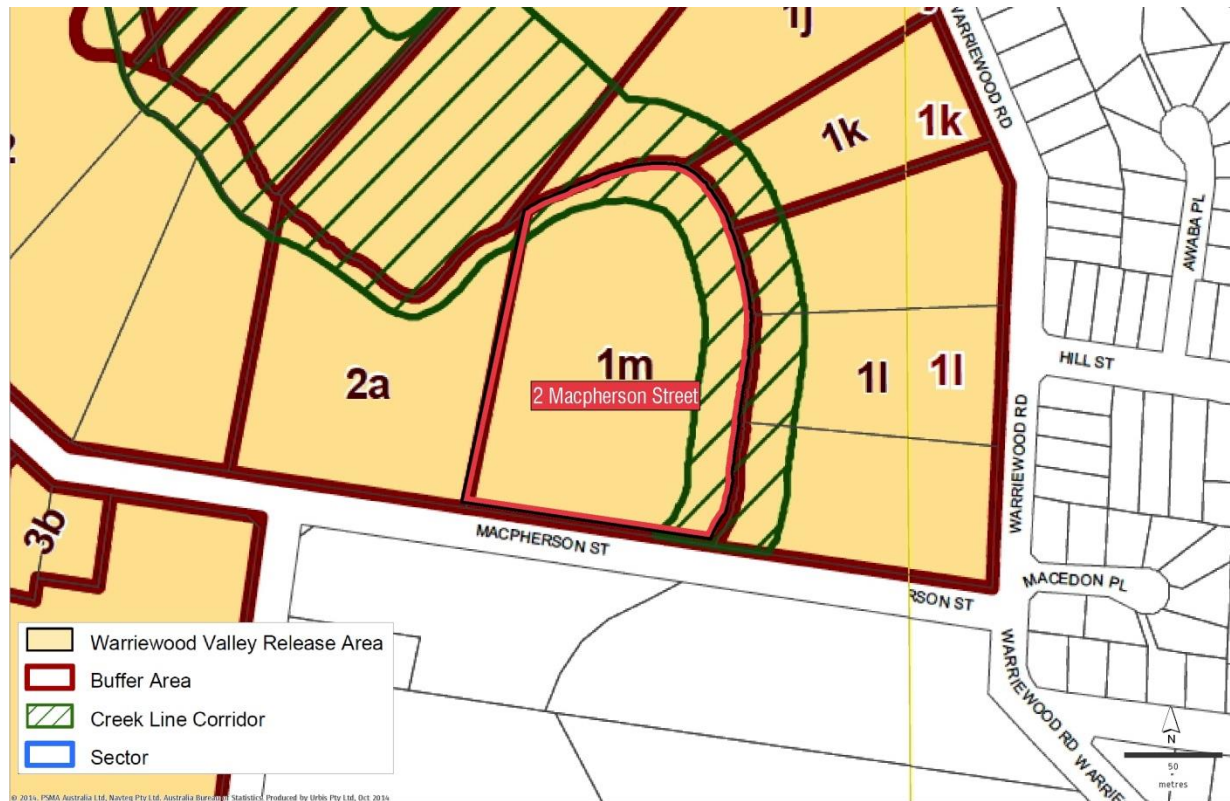


Source: Urbis

Vegetation

Clause 5.9 Preservation of trees or vegetation: The site has previously been largely cleared prior to its current use for market gardens. The proposal is likely to result in future development that will involve the removal of some trees. This future impact has been considered as part of this proposal and the suitability of the site for the intended outcome, including the preservation of vegetation located within the riparian zone. Reference should be made to the Arborist report at **Appendix H** for further information. The riparian zone is shown in the figure below.

Figure 10 – Creek Line Corridor Riparian zone



Source: Urbis

Urban Release Area Development

Clause 6.1 Warriewood Valley Release Area: The Warriewood Valley Release Area has been divided into Sectors. This clause provides the objectives which guide development outcomes and matters for consideration.

(1) These objectives of this clause are as follows:

- to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Review Addendum Report,
- to ensure that development in that area does not adversely impact on waterways and creek line corridors, protects existing native riparian vegetation and rehabilitates the creek line corridors,
- to facilitate the mitigation of odours from the Warriewood Sewage Treatment Plant on the users and occupiers of residential development in a buffer area.

Clause 6.1 specifies the total number of dwellings that may be developed within each sector. The site is identified as Buffer 1m. The clause states:

(3) Development consent must not be granted for development on land in a buffer area or sector or at an address mentioned in Column 1 of the table to this clause unless the consent authority is satisfied that the total number of dwellings shown opposite that buffer area, sector or address in Column 2 of that table will be erected.

Column 1	Column 2
Sector 1m	No dwellings"

Furthermore, this clause requires that:

(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the proposed development will not have any significant adverse impact on any of the following:

- a) opportunities for rehabilitation of aquatic and riparian vegetation, habitats and ecosystems within creek line corridors,*
- b) the water quality and flows within creek line corridors,*
- c) the stability of the bed, shore, and banks of any watercourse within creek line corridors.*

The preparation of this planning proposal has given consideration to the objectives and development outcomes raised in clause 6.1. The request seeks to provide for residential development on the site that is consistent with the strategic outcomes contained within the *Warriewood Valley Strategic Review Report* and Addendum Report; referenced within subclause (1)(a). The road infrastructure upgrades to the Narrabeen Creek bridge adjacent to the site currently underway present opportunity for the site to be developed that is:

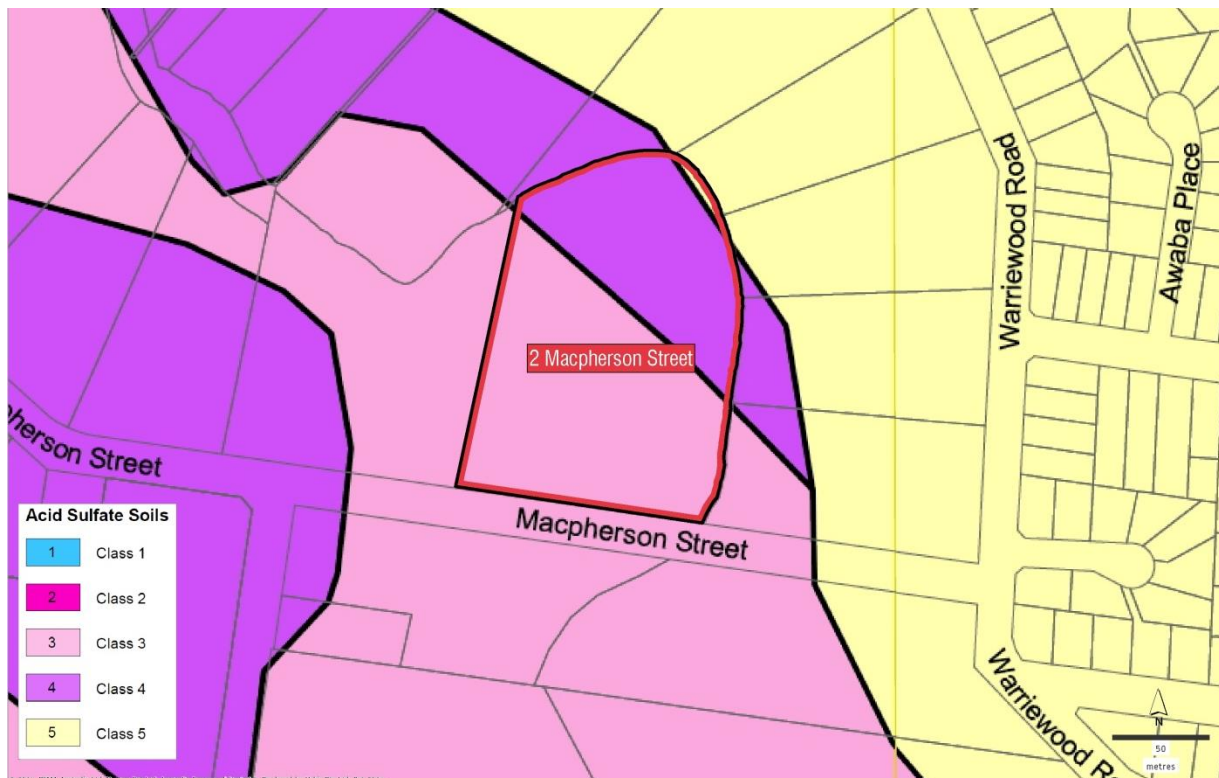
1. Consistent with the zone objectives of R3 Medium Density Residential, and
2. Consistent with the Warriewood Valley Release Area objectives outlined above.

Furthermore, consideration has been given to subclause (4), ensuring appropriate setbacks and mitigation measures can be accommodated, ensuring future development applications for the site can meet these requirements.

Environmental

Clause 7.1 Acid sulphate soils: The site includes land within class 3 and 4 of the acid sulphate soils classifications, shown in the figure below. Acid sulphate soils are addressed in the geotechnical investigation which accompanies this report at **Appendix G**, noting that the site can be made suitable for future development.

Figure 11 – Site Acid Sulfate Soils



Source: Urbis

Clause 7.2 Earthworks: the proposal provides indicative civil plans to demonstrate likely future works. Works will involve minor earthworks to create a suitable platform for development. Such works are addressed within the geotechnical report attached at **Appendix G** and the extent of works proposed is illustrated within the civil drawings at **Appendix A**.

Clause 7.3 Flood planning: A flood study has been prepared and is attached at **Appendix B**. This addresses the suitability of the site for proposed residential development, the intended outcome to result from this planning proposal.

Clause 7.6 Biodiversity: As illustrated in the figure below, the site includes land mapped as having biodiversity value. The land relates to the riparian corridor in the vicinity of the Narrabeen Creek which extends along the periphery of the site. The potential impacts of future development on flora and fauna have been investigated and are discussed within the report at **Appendix E**.

Clause 7.10 Essential services: The clause requires essential services to be available to future development or that adequate arrangements have been made to make these services available. The site is serviced by water, electricity and sewer. A new vehicle access off Macpherson Street would be required for the site as shown in the indicative civil plans in **Appendix A**.

Figure 12 – Site Biodiversity Map



Source: Urbis

4.3. SITE CONSIDERATIONS

4.3.1. Access and Transport

The site is located on Macpherson Street, a sub-arterial road within the Warriewood Valley Release Area with a speed limit of 50km p/h. The planning proposal would enable future residential development of the site as shown in the indicative subdivision plans provided at Appendix A. The site would be serviced by a new crescent shaped access street being 8m wide.

The access road design is subject to the Warriewood Valley Roads Masterplan, released and updated by the former Pittwater Council in May 2016. The proposed access road design has been informed by the Masterplan's typical road plans, Sector Entry Street and Access Street design requirements as well as site constraints.

The Warriewood Valley Strategic Transport Study by Aecom (2011) identified that Macpherson Street at Narrabeen Creek required a creek crossing upgrade for emergency access and evacuation purposes. These works are currently under construction, providing a bridge crossing for 1% AEP storm event.

The accompanying Traffic and Parking Assessment at **Appendix F** has given consideration to the requirements of the Pittwater DCP, the Warriewood Valley Strategic Review and the Transport Study. Noting

the Macpherson Street bridge over Narrabeen Creek is underway, the site will be provided with adequate emergency access and evacuation routes. The site will therefore have suitable access arrangements. Furthermore the access road proposed for the site is consistent with the objectives of the Transport Study and Roads Masterplan.

The site is located within 100m of two bus stops, serviced by four bus routes providing direct connections to Mona Vale to the north and Brookvale, Dee Why, and Sydney CBD to the South. The Traffic and Parking Assessment (**Appendix F**) identifies that the site has suitable public and active transport provisions in line with the development potential of the site. Furthermore, the proposed scale of development will be able to provide adequate parking for the envisaged residential development on site.

Pittwater DCP Control C6.10 states:

No new vehicular access including driveways, is permitted onto Macpherson Street to ensure a safe approach to the bridge across Narrabeen Creek.

Analysis confirms that the intent of this arrangement is based on the road arrangements at the time the control was made. This bridge is currently under reconstruction to meet the identified upgrades to improve flood evacuation and emergency access. As a result of this change in circumstances, this control is no longer serving its intended outcome. The indicative civil plans have considered this upgrade as has the Assessment at **Appendix F**. A one way access road has been proposed which will ensure that safe access and approach to the bridge is available.

The intended outcome of this planning proposal is to provide for residential development. The Traffic and Parking Assessment by Transport and Traffic Planning Associates at **Appendix F** identifies that suitable access and parking arrangements can be provided for on the site in accordance with the Pittwater DCP and supporting Strategic studies.

4.3.2. Flooding

Bonacci have provided a flood assessment report (**Appendix B**) for the site, giving consideration to the latest site information available as well as the Macpherson Street bridge under construction over Narrabeen Creek.

This flood assessment report makes the following site observations:

- The majority of the site is low flood hazard.
- The Narrabeen Lagoon Flood Study shows that a minor portion of the site is subject to high flood hazard.
- The high flood hazard area is confined to the outer limits of the site. Indicative plans for the site have excluded this outer area of the site from development, maintained as a floodway.
- Flood modelling by Cardno demonstrates the site flood level is RL 3.78m (1% AEP with Climate Change) downstream of Macpherson Street.
- Council advice (dated 20 June 2016, reference 2016/193570) states that the Flood Planning Level (with climate change) for the site is RL 4.29m AHD.
- Given that the flood planning level is generally the 1% Average Exceedance Probability (100 Year Average Recurrence Interval) flood level with 0.5m freeboard, the assumed corresponding flood level for the site is RL 3.79m.

The observations above identify that the site can be made suitable for development in accordance with flood planning requirements. The high flood hazard impacts on the site can be mitigated by the upgrade works to Macpherson Street, currently underway. The primary constraint for site development has been acknowledged as emergency access and evacuation. The construction of the Macpherson Street bridge over Narrabeen Creek will suitably mitigate this. The Bonacci Flood Report states:

The provision of the upgraded road access to Macpherson Street ensures that site access is maintained to all storm events up to and including the 1% AEP event (the 100 year ARI event). This will provide a flood evacuation route if required for all storms up to and including the 1% AEP event.

In the event of a larger storm, or if it is impractical to evacuate by road in a storm event (due to wind, debris, rainfall intensity or other factors), it is expected that shelter in place could be adopted (as the site is unlikely to be isolated for unacceptable periods of time).

The Flood Report identifies that the site can be made suitable for residential development consistent with the indicative civil plans at Appendix A, and that the upgrades to Macpherson Street under construction will provide the necessary emergency access and evacuation required in the event of a flood scenario.

4.3.3. Ecological

A Flora and Fauna study has been undertaken by Total Earth Care, found at Appendix E. The study identifies that the site does contain vegetation of high ecological value, predominantly located within the riparian zone along the perimeter of the site. The site, currently used for market gardens is a highly disturbed site. There are large numbers of exotic species. Proposed future development is largely contained to these disturbed areas as no development is proposed to take place in the riparian corridor. Furthermore, no critical habitats were identified on the site.

The study notes the following:

The vegetation and habitats present have been substantially altered by human occupation and land use over a number of decades. As a consequence, the majority of the site contains some variably limited natural resources and supports a reduced diversity of native flora, fauna and their habitats.

However, the remnant native vegetation located along the boundaries, north and south west of the site consists of endangered ecological communities of high conservation value. The nearby Warriewood Wetland contains vegetation communities that are part of endangered ecological communities as well and is of regional significance.

Consideration has been given to these findings, ensuring potential development is largely confined to the disturbed parts of the site, and the areas of high conservation value along the boundary of the site will be retained. Furthermore, the study provides recommended mitigation measures and concludes that adequate measures can take place alongside the proposed development.

The study concludes that the site can be made suitable for residential development as shown on the indicative civil plans, noting that:

- *The assessments have concluded that the current proposal is unlikely to result in a significant effect on the threatened biodiversity recorded on site, or their habitats.*
- *The subject site is predominately a highly modified semi-rural landscape with very limited natural resources; no critical habitat was assessed within the site.*
- *The proposed actions to supplement the removal of exotic trees and weed species with native species characteristic of the local vegetation communities that will provide future fauna habitat, the removal of exotic weeds, the rehabilitation of the bounding banks of Narrabeen Creek and the regeneration of the Riparian Zone will be significant proposed ecological improvements on the current biodiversity within the subject site.*
- *The proposed improvements will provide food and foraging substrata for local and migrating threatened species, and increase the plant diversity within the retained remnants.*
- *The risks associated with changes to overshadowing, stormwater and groundwater flows and habitat connectivity are considered to be low, and the threats to the biodiversity located on the site, and to the adjoining Warriewood Wetland are not significant.*
- *A total of approximately 7,278 m² of SSF will be retained and additional areas will be regenerated and rehabilitated within the Riparian Zone not currently mapped as SSF.*
- *The long-term viability of the threatened biodiversity occurring within the site and the wider locality will not be reduced as a result of the proposal, and no increased risk of extinction is considered likely.*
- *No Critical Habitat for threatened biodiversity has been declared for the subject species or the locality that would impact the current proposal.*

4.3.4. Bushfire

Council's Bushfire Prone Land Map identifies the site as being partially within the 30m buffer zone from designated Category 2 Vegetation, therefore *Planning for Bushfire Protection* (PBP) must be applied in the instance for any development on the site. This has been a consideration for the proposed future residential development of the site.

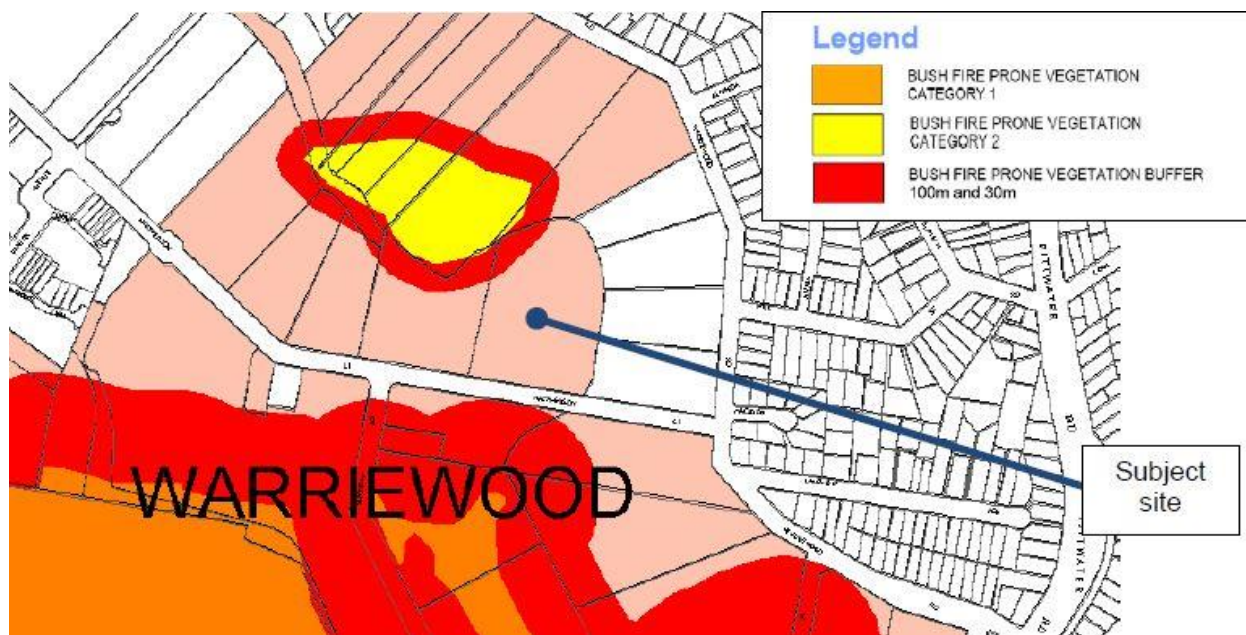
A Bushfire Hazard Assessment Report has been prepared for the site, provided at **Appendix C**. The report identifies that its main purpose is to ensure new property and subdivision developments include the constraints associated with the construction of buildings in bushfire prone areas.

As a result of this report and the PBP information, a 25m Asset Protection Zone (APZ) has been accounted for between the Riparian Zone and the indicative boundaries of the proposed subdivided lots (**Appendix A**). This demonstrates that residential development can occur on the site, observing the necessary PBP requirements.

The report also notes that proposed access and water supply are considered adequate and satisfy the requirements of Planning for Bush Fire Protection 2006.

The site would be subject to further analysis as part of any future development applications associated with development of the site.

Figure 13 – Council Bushfire Prone Land Map



Source: Building Code & Bushfire Hazard Solutions Pty Ltd 2 Macpherson Street Report

4.3.5. Combined Constraints Analysis and Building Envelopes

As part of the design development of the indicative layout for the site, plans were overlayed with the combined bushfire, riparian and creekline corridor map data. As shown in the figure below, the site can facilitate the indicative development proposed for the site, providing for the riparian zone (creekline corridor), a 25m APZ from this zone and the biodiversity area identified on the site.

This combined constraints analysis confirms that the planning proposal which would allow for 22 dwellings (being 32 dwellings per hectare), is a suitable development outcome. Furthermore this reinforces that the objectives of the Warriewood Valley Strategic Review can be adhered and as such, the proposal would be consistent with the objectives of PLEP clause 6.1 (1) being a primary matter for consideration in this planning proposal.

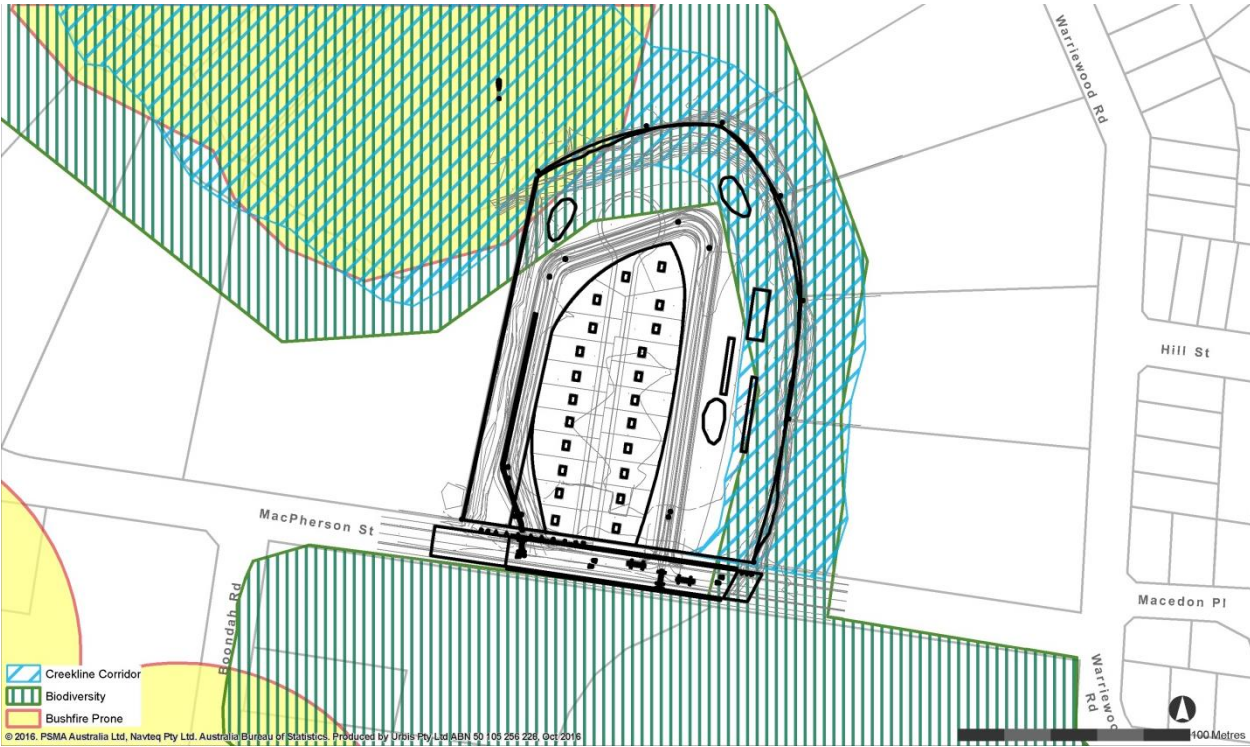
The indicative civil plans provided at Appendix A provide lots ranging in size from 253sqm to 303sqm, this being the potential developable area after observing the required APZ setback.

These lots have a width ranging between 10m and 22m, and a depth ranging 17m to 32m.

The number of lots proportionate to the site has been informed by the established rate in the WVSR of 32 dwellings per hectare, which for the site equates to 22 dwellings. This rate has been demonstrated through recent developments to facilitate dwellings that are consistent with the DCP controls.

The size of the proposed lots is consistent with development found in the vicinity of the site. It can be concluded that the site will be able to provide for dwellings that are consistent with the DCP Building Envelope controls. Such matters would be addressed in detail as part of future development applications and are not a matter of consideration at this Planning Proposal stage. Notwithstanding, it must be expressed that the Planning Proposal is seeking to provide a dwelling yield maximum for the site, consistent with the established rate in the WVSR. Future development applications would need to demonstrate compliance with the DCP provisions in order to achieve this maximum dwelling yield.

Figure 14 – Combined Constraints Analysis



Source: Urbis

5. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

5.1. OBJECTIVES

The primary objective of the proposed rezoning is the creation of a viable medium density residential development.

The future development of the land would be guided by the following design principles:

- Neighbourhood Structure: Create a walkable neighbourhood structure that provides opportunities for a connected community, with local retail convenience needs and public transport within walking distance.
- Trees: Trees will be retained wherever possible to maintain the existing landscape character.
- Open Space: Provide a range of formal and informal recreation spaces within walking distance of proposed dwellings.
- Views: Protect significant views and view lines.
- Solar access: Ensure that built form does not unreasonably impact on solar access.
- Ecologically Sustainable Development: Achieve best practice in sustainable design.
- Flood Management: Accommodate safe and flood-free development that does not compromise the safety of surrounding areas and is based on best practice hydrological solutions.

5.2. INTENDED OUTCOMES

The intent of the Planning Proposal is to:

- Amend the PLEP clause 6.1 Warriewood Valley Release Area subclause (3) table as follows:

Column 1	Column 2
Buffer area, sector or address	Number of dwellings to be erected
Buffer area 1m	No dwellings
Buffer area 1m	Not more than 22 dwellings

6. PART 2 – EXPLANATION OF THE PROVISIONS

6.1. PROVISIONS OVERVIEW

The intended outcome of the Planning Proposal is to facilitate the redevelopment of the site to accommodate medium density residential development. This Planning Proposal aims to achieve this outcome by amending the table in subclause (3) of clause 6.1 of the PLEP to achieve no more than 22 dwellings in buffer area 1m.

It is anticipated that a site-specific development control plan may be required to guide the future development of the site.

6.2. PROPOSED OUTCOME

The intended outcome of the proposal is to achieve an uplift in the development density of the site. The proposed amendment represents an opportunity to optimise the development potential of the site in a manner that is responsive to site constraints.

The proposed outcome will be achieved by:

- Amending the PLEP clause 6.1 Warriewood Valley Release Area subclause (3) table as follows:

Column 1	Column 2
Buffer area, sector or address	Number of dwellings to be erected
Buffer area 1m	No dwellings
Buffer area 1m	Not more than 22 dwellings

It is accepted that the current dwelling limit for Buffer area 1m was based on previous studies informing the Warriewood Valley Strategic Review. As demonstrated by recent correspondence with Council, the circumstances relating to the previous studies have now changed, presenting the opportunity to revisit the development potential of the site.

It is considered that the proposed amendments to the PLEP 2014 are the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

6.3. PROPOSED LAND USE ZONING

No changes are proposed to the existing land use zone R3 Medium Density Residential.

6.4. PROPOSED HEIGHT OF BUILDINGS AND FLOOR SPACE RATIO CONTROLS

No changes are proposed to the existing height controls being 'l' 8.5 metres.

The site is not subject to a floor space ratio control.

6.5. RELATIONSHIP TO EXISTING LOCAL PLANNING INSTRUMENT

It is proposed that PLEP 2014 will continue to apply to the site. PLEP 2014 will be amended by the site specific LEP.

7. PART 3 – JUSTIFICATION

7.1. SECTION A – NEED FOR THE PLANNING PROPOSAL

Questions 1 and 2 provide criteria to demonstrate why there is a need for the Planning Proposal above any other option for the future of the site.

7.1.1. Question 1: Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal responds to the Warriewood Valley Strategic Review Report (WVSR) which identifies capacity for more intensive development within the Warriewood Valley Urban Land Release Area in appropriate locations. Additionally, there is a clear alignment between State policy settings and the proponent's vision for the site as:

- It will support and assist the growth of Warriewood Valley as a thriving residential area.
- It will increase development densities in proximity to existing public transport infrastructure.
- It will complement development opportunities being pursued elsewhere within the WVULR area.
- It will enable new housing opportunities and choice within the locality.
- It positively responds to State planning policies which support increasing dwelling density within proximity to existing and planning centres.

Furthermore, correspondence from the former Director-General of DPI to Council on 1 May 2013 concluded that whilst DPI endorsed the WVSR Report, DPI was of the view that there was *opportunities for higher density development beyond that recommended in the Strategic Review and could be explored through planning proposals subject to appropriate merit assessment*. Therefore this position forms part of the strategic outcomes of this report.

This position was reaffirmed by the former Director-General in correspondence to the proponent on 13 March 2014 in regards to the previous Planning Proposal submitted for the site. This Planning Proposal is the result of this position and the findings of the WVSR Report.

An adjustment to the sites dwelling density is appropriate. An adjustment to the controls would provide balance between economic feasibility, urban design and amenity and facilitate the development of more diverse housing typologies. This will directly implement a key aspect of both *A Plan for Growing Sydney*, the draft North East Subregional Strategy as well as the key priorities that DPE and the Greater Sydney Commission have released for the North District.

Finally, the site is already zoned for urban purposes and is serviced by existing infrastructure and has good access to local centres and public transport. The site is therefore a logical and appropriate place for new residential development in an established urban release area.

7.1.2. Question 2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only means of achieving the objectives and intended outcomes for the site as detailed in Section 5 of this report.

Without an amendment to the planning controls, housing is not achievable on a site that is zoned for residential purposes and an opportunity to improve the range of accommodation available within the locality will be lost. The site is a logical and appropriate place to concentrate future growth within the Northern Beaches LGA being within an area designated for urban growth and development (namely the Warriewood Valley Urban Land Release area) and conveniently located near to facilities and public transport infrastructure.

7.2. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

DPE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

7.2.1. Question 3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The revised Planning Proposal meets the relevant Assessment criteria of the “Guide to preparing Planning Proposals” updated August 2016, as summarised below.

a) Does the proposal have strategic merit?

The strengthened strategic merit test criteria requires that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria:

Table 2 – Strategic Plan Merit Test

Criteria	Planning Proposal Response	
i. Is the Planning Proposal consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment. <u>OR</u>	Relevant Plan: A Plan for Growing Sydney The intended outcome of the Planning Proposal is to facilitate the redevelopment of the site to accommodate residential development. In doing so, the proposal will respond to the strategic goals and Directions which underpin <i>A Plan for Growing Sydney</i>. The relevant provisions of this Plan are outlined below.	
	Goal/Direction Objectives	Planning Proposal
	<i>Goal 2: A city of housing choice, with homes that meet our needs and lifestyles</i>	
	Direction 2.1 Accelerate housing supply across Sydney	
	Action 2.1.1. • Work with councils to identify where development is feasible. • Identify where investments in local infrastructure can create housing supply. • Target locations which deliver homes closer to jobs. Action 2.1.2 • The site aligns with State, regional or local strategies that relate to housing, employment or urban renewal. • There is potential to maximise existing and planned infrastructure, especially transport investments. • Development would be financially viable and is consistent with market demand.	The Plan identified that Sydney required an additional 664,000 new homes over the next 20 years. Of this target, 105,350 homes were identified for the North District which includes Northern Beaches. The Warriewood Valley is a designated release area for growth. The Strategic Review identified where development was feasible and outlined the constraints to further development. The recent commitment by Council to local infrastructure upgrades addresses these constraints and thereby unlocks potential to maximise the housing potential of this release area. This investment assists in creating housing supply. The proposal would maximise the value of this investment. The proposal reflects market demand for people wanting to live in the area, demonstrated by the strong demand in housing uptake.
	Direction 2.3 Improve housing choice to suit different needs and lifestyles	
	Action 2.3.1. • Deliver a range of building forms	The proposal is consistent with the supporting studies of the WVSR which identifies the range of

Criteria	Planning Proposal Response	
	and types, aligned with market demand, minimum household projections and development capacity in the local area.	housing types suitable for the area. The proposal will deliver new housing supply that grows the variety of housing types in the locality.
	Direction 2.4 Deliver timely and well planned greenfield precincts and housing	
	Action 2.4.1. - Realise the full potential of investment in new infrastructure. - Co-ordinate and deliver enabling infrastructure at the local level to assist the conversion of zoned land into homes.	Whilst not a greenfield precinct, the delivery of housing on this site zoned for residential development would be consistent with this Direction's actions to see new infrastructure unlock the potential for new homes and maximise the value of the infrastructure investment.
	Goal 3: A great place to live with communities that are strong, healthy and well connected	
	Direction 3.1 Revitalise existing suburbs	
	Prioritising the delivery of housing in or near centres in the established urban areas to help more people to live where they want.	The Proposal will deliver new homes within an area that is close to services and amenity, an area in demand for new homes. The supporting studies of the WVSR indicate that housing uplift will help stimulate economic success in the region, supporting the growth of commercial services.
	Overall the proposal makes a significant and much needed contribution to housing land supply in the District. The proposal has given extensive consideration to matters raised by Council as part of the WVSR Report and in response has provided a site concept that responds to the road infrastructure upgrades underway and mitigates flooding, biodiversity and bushfire site constraints.	
ii. Consistent with a relevant local council strategy that has been endorsed by the Department <u>OR</u>	The proposal builds on the findings of the Warriewood Valley Strategic Review, endorsed by the Department in 2013. The Planning Proposal is consistent with the objectives of the WVSR to provide development that <i>demonstrates an accessible and liveable community that values its ecologically significant setting</i>. This is demonstrated by the indicative civil plans in Appendix A which provide for the retention of a large portion of vegetation that is of high ecological value and will be an improvement on the existing site conditions. Furthermore, the Planning Proposal has been prepared in consideration of the recommendations and outcomes envisaged by the WVSR. Consideration of this strategic document has been detailed in Section 7.1.1 (Question 1: Is the Planning Proposal the result of any strategic study or report?) of this report. Correspondence from the former Director-General of DPI to Council on 1 May 2013 concluded that whilst DPI endorsed the WVSR Report, DPI was of the	

Criteria	Planning Proposal Response
	view that there was <i>opportunities for higher density development beyond that recommended in the Strategic Review and could be explored through planning proposals subject to appropriate merit assessment</i> . This Planning Proposal is the result of this position and the findings of the WVSR Report.
iii. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls	On 9 August 2016, Council resolved to commence the upgrade of Macpherson street adjoining the site. This change in circumstance, being an investment in new infrastructure unlocks the potential of the site to provide new homes. The current planning controls do not recognise this change in circumstance as the dwelling limit that applies to the site is based on the flooding impacts that are present without the road upgrade. Correspondence from Council on 18 August 2016 to the proponent confirmed that the road upgrades are being designed for flood emergency access and that these improved access arrangements are a suitable change in circumstance to warrant consideration of a planning proposal for the site.

It is considered that the Planning Proposal meets the Strategic Plan test as it meets the criteria above because it is consistent with the existing Metropolitan Plan. Furthermore, the Planning Proposal is a clear response to a change in circumstances as the existing dwelling yield of zero is now considered redundant given the construction of the new Macpherson Street bridge over Narrabeen Creek.

b) Does the proposal have site-specific merit

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site specific merit against the following criteria:

Table 3 – Site Specific Merit Test

Criteria	Planning Proposal Response
Does the planning proposal have site specific merit with regard to: <i>the natural environment (including known significant environmental values, resources or hazards)?</i>	There are no endangered fauna populations identified on the site or within the vicinity that would be likely to constrain development at the site. A high proportion of vegetation identified as being of high ecological value is proposed to be retained and enhanced by the proposal. The proposed indicative plans for the site are considered to be sympathetic to the important ecological features within the Warriewood Valley area and that balanced conservation and development opportunities can be achieved with this Planning Proposal. The investment by Council in upgrades to Macpherson Street with a new bridge crossing over Narrabeen Creek unlocks the potential of the site to provide residential development. This investment alleviates previous concerns for the site in regard to flood related emergency access and evacuation. As outlined in Section 4.3 of this report, site considerations have included flooding, bushfire and ecological constraints. Detailed consideration of these matters has been provided in specialist reports in Appendices B, C and E respectively. These additional studies and the indicative civil plans have reviewed all natural environment matters for consideration, concluding that there is site specific merit with regard to the natural environment of the site alongside the Planning Proposal's intended outcome for residential development.
Does the planning	The site is zoned R3 Medium Density Residential. The Planning Proposal to amend the dwelling limit imposed on the site would unlock the opportunity of

Criteria	Planning Proposal Response
proposal have site specific merit with regard to: <i>the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i>	the site to provide new housing that is consistent with the zone and the surrounding residential development. The proposal for 22 dwellings is directly informed by the established rate of 32 dwellings per hectare within the WVSR. The WVSR outlines that this rate is <i>contingent on appropriate design criteria and infrastructure provision</i>. The attached indicative plans and supporting studies demonstrate that future development of the site (as a result of this Planning Proposal) would meet the design criteria outlined in the Pittwater DCP. Furthermore, the site has the necessary existing and planned infrastructure provisions to support this rate. It is considered that the site can effectively support this rate of dwellings and will therefore be consistent with the scale of density and residential development occurring in this part of the Warriewood Valley release area. The indicative plans for the site have been informed by this background research and study as well as the surrounding built form and market expectations. Based on these analyses and studies undertaken to date, the Planning Proposal is considered to have site specific merit in regard to the existing uses, approved uses and likely future uses both for the site and the surrounding community.
Does the planning proposal have site specific merit with regard to: <i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i>	Section 7.3.4 of this report considers infrastructure for the site. The site is serviced by existing water, sewer and electricity that is readily available and can accommodate the intended outcome of the Planning Proposal. The WVSR is supported by a background land capability assessment as well as consultant reports. It has been recognised that the constraint to providing dwellings at the site was flood related; being insufficient emergency access and evacuation. The works underway for a new Macpherson Street bridge over Narrabeen Creek adjacent to the site remove this constraint. Supporting technical studies have been provided as part of this Planning Proposal to demonstrate the other site constraints can be managed and mitigated effectively. The site will provide for a new access road to service future development. Therefore suitable infrastructure is available to meet the demands arising from the proposal. Furthermore, any future development would be subject to Section 94 contributions as applicable to the site. Based on the supporting technical studies, the WVSR and its background reports, as well as the opportunity for Section 94 contributions, it is considered that the Planning Proposal has site specific merit with regard to the services and infrastructure that are or will be available to meet the needs for the site.

7.2.2. Question 4: Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The Local Strategy that applies to the site is the WVSR, seeking development that *demonstrates an accessible and liveable community that values its ecologically significant setting*.

The response to Question 1 (Is the Planning Proposal a result of any strategic study or report?) in Section 7.1.1 of this report identifies that the Planning Proposal is informed by and consistent with this strategic plan for the Warriewood Valley. The proposal will directly contribute to the vision outlined above.

Based on this information above in Section 7.1.1 of this report, and the reasons outlined in Table 3 (Site Specific Merit Test), it is considered that the Planning Proposal is consistent with Council's local strategy; the Warriewood Valley Strategic Review.

7.2.3. Question 5: Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified below.

Table 4 – SEPP Consistency Review

POLICY	DETAILS
SEPP 55 Remediation of Land	The site has been used for market gardens for at least 44 years, potentially up to 78 years. ZOIC Environmental has completed a site audit review of the site conditions to confirm the potential for contamination within the site. The audit has reviewed previous studies associated with the site including a Phase 1 Site Contamination Assessment by Coffey (7 November 2014). This Audit, with consideration of the previous Phase 1 report concludes there is likely contamination from: ▪ Fill material historically placed across the site; ▪ Historical use of pesticides and herbicides, which may have degraded over time; ▪ Historical storage and use of fuels and/or oils; and ▪ Weathering of hazardous materials associated with site structures. The auditor concurs with the 2014 advice of Coffey and finds that there is a low to moderate potential for contamination of the subsurface at the site, and that the site is capable of being made suitable for the proposed residential use. This is contingent on the requirement for characterisation of subsurface conditions, involving a field investigation to assess fill and soil conditions, and if results indicate contaminate above residential land use criteria the material should be appropriately remediated or managed.
SEPP (Buildings Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The proposed development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. It has been identified that the site has sufficient infrastructure to support intended development outcomes resulting from this Planning Proposal, with the addition of section 94 contributions to planned upgrades in the area.

7.2.4. Question 6: Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against the Section 117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

Table 5 – s.117 Directions consistency review

DIRECTION	COMMENT
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable
2.4 Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The proposal will broaden the range of housing choices and provide ample opportunity for good urban design. The site is located adjacent to established residential areas and local services such as shops and public transport is located in close proximity.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable.
3.4 Integrating Land Use and Transport	The proposal is consistent with the direction for the following reasons: The site supports the principle of integrating land use and transport. The site exhibits good access to public and private transportation use. The site's proximity to public transport will provide opportunities for residents to access the site.

DIRECTION	COMMENT
	The proposal will provide additional employment (during construction) within the Northern Beaches LGA within close proximity to existing services and infrastructure.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	The site is identified to have class 3 and class 4 soils. A Geotechnical Report has been provided at Appendix G and finds that the site can be used for the proposed intended purposes, which are consistent with the sites existing zoning that remains unchanged. Future works which may involve site earthworks would require an Acid Sulfate Soil Management Plan as part of development consent.
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	The proposed site layout has been designed to mitigate the existing flooding issues that affect the site and avoid any unacceptable impacts on surrounding properties arising from the proposed development. To address flood impacts site levels within Site B (2 Macpherson Street) will be modified. Given that the flood planning level is generally the 1% Average Exceedance Probability (100 Year Average Recurrence Interval) flood level with 0.5m freeboard, the assumed corresponding flood level for the site is RL 3.79m.
4.4 Planning for Bushfire Protection	A Bushfire Hazard Assessment Report has been prepared for the site, provided at Appendix C. As a result of this report and the <i>Planning for Bushfire Protection 2006</i> (PBP) information, a 25m Asset Protection Zone (APZ) has been accounted for between the Riparian Zone and the indicative boundaries of the proposed subdivided lots (Appendix A). This demonstrates that residential development can occur on the site, observing the necessary PBP requirements. The report also notes that proposed access and water supply are considered adequate and satisfy the requirements of <i>Planning for Bush Fire Protection 2006</i>.
5. Regional Planning	
Directions 5.1 -5.8.	Not Applicable
6. Local Plan Making	

DIRECTION	COMMENT
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the Pittwater LEP 2014.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The planning proposal is consistent with the aims of the plan as detailed previously within the Planning Proposal (Section 7.2.1 of this report).

7.3. SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7.3.1. Question 7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Flora and Fauna study has been undertaken by Total Earth Care, found at **Appendix E**. The study identifies that the site does contain vegetation of high ecological value, predominantly located within the riparian zone along the perimeter of the site. The site, currently used for market gardens is a highly disturbed site. There are large numbers of exotic species. Proposed future development is largely contained to these disturbed areas as no development is proposed to take place in the 25m riparian corridor. Furthermore, no critical habitats were identified on the site.

The study notes the following:

The vegetation and habitats present have been substantially altered by human occupation and land use over a number of decades. As a consequence, the majority of the site contains some variably limited natural resources and supports a reduced diversity of native flora, fauna and their habitats.

However, the remnant native vegetation located along the boundaries, north and south west of the site consists of endangered ecological communities of high conservation value. The nearby Warriewood Wetland contains vegetation communities that are part of endangered ecological communities as well and is of regional significance.

Consideration has been given to these findings, ensuring potential development is largely confined to the disturbed parts of the site, and the areas of high conservation value along the boundary of the site will be retained. Furthermore, the study provides recommended mitigation measures and concludes that adequate measures can take place alongside the proposed development.

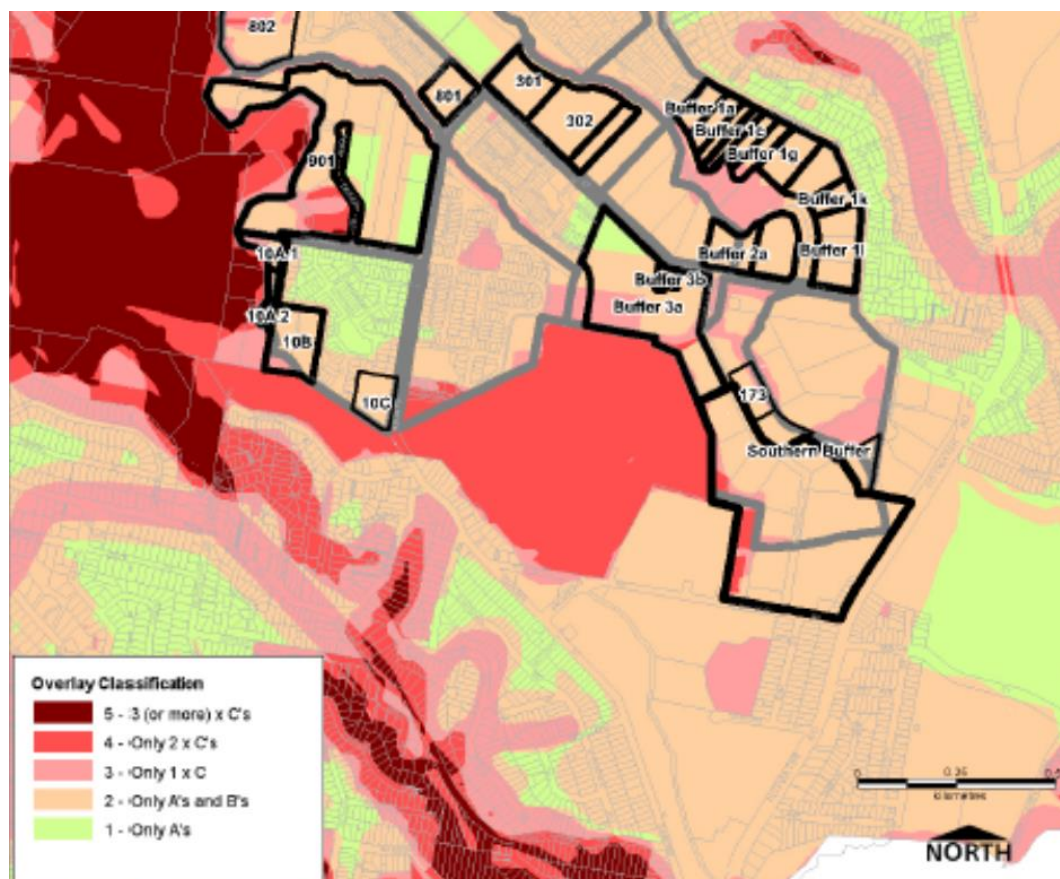
The study concludes that the site can be made suitable for residential development as shown on the indicative civil plans, noting that:

- *The assessments have concluded that the current proposal is unlikely to result in a significant effect on the threatened biodiversity recorded on site, or their habitats.*
- *The subject site is predominately a highly modified semi-rural landscape with very limited natural resources; no critical habitat was assessed within the site.*
- *The proposed actions to supplement the removal of exotic trees and weed species with native species characteristic of the local vegetation communities that will provide future fauna habitat, the removal of exotic weeds, the rehabilitation of the bounding banks of Narrabeen Creek and the regeneration of the Riparian Zone will be significant proposed ecological improvements on the current biodiversity within the subject site.*

- The proposal acknowledges the ecological significance of the Warriewood Valley area and has considered the biodiversity and riparian zone (creek line corridor) as part of a combined constraints analysis (Section 4.3.5 of this report). It is concluded that the proposal will contribute to retention and enhanced quality of vegetation of high ecological value along the periphery of the site.

7.3.2. Question 8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Figure 15 – Site Constraints



Source: Warriewood Valley Strategic Review Report

Flooding: The site is impacted by flood. To address this, site levels will be raised and a large proportion of the site will remain undeveloped. An appropriate design solution will be developed to address potential flood impacts. This has been detailed in section 4.3.2 of this report.

Bushfire: The site is identified as bushfire prone land as part of the site is subject to a vegetation buffer. Indicative civil plans for the site have accommodated an Asset Protection Zone in addition to the Riparian zone. The site can be made suitable for future development and comply with the requirements of Planning for Bushfire Protection 2006. This has been detailed in Section 4.3.4 of this report.

Easements and encumbrances: There are no easements or encumbrances across the site.

Visual impact: Housing will be proposed in future Development Applications that comply with Council's planning controls, which will be at a scale consistent with dwelling houses in the locality. With almost 50% of the site remaining undeveloped and revegetated, the visual impact will be mitigated, however this needs to be viewed in contrast to the present market farm uses on site which are not consistent with the local character of the area. The site will contain low density housing, consistent with surrounding development in the Warriewood Valley.

Visual impact remains an important consideration and can be appropriately managed through design with particular consideration given to well-scaled and proportioned street edge design.

Overall, it is considered that the site will not result in any significant environmental effects that would preclude it from being redeveloped for residential development.

7.3.3. Question 9: Has the Planning Proposal adequately addressed any social and economic effects?

Proposed housing for the site will be both economically and socially beneficial. Economically, new housing will be provided in the area to increase supply that will address a continual underlying demand. Direct employment includes housing construction and landscaping. Longer indirect economic benefits will be typical household expenditure into the wider community.

From a social perspective, the land is perceived to be vacant. Future housing for the site will create a local community. Importantly, part of the land is required to continue bike and walking tracks that continues a link to other housing estates, shops, playing fields, local cinema and takeaway food outlets. In summary the social benefits will be consistent with other residential developments in the locality

In contrast, consideration must be given to the future of the site should the planning proposal not proceed. The site is currently zoned R3 Medium Density Residential. Under this zone, aside from residential development, permissible uses include:

- Child care centres,
- Community facilities,
- health consulting rooms,
- neighbourhood shops,
- places of public worship,
- respite day care centres,
- veterinary hospitals.

None of the above uses are constrained by the dwelling yield applicable to the site which this Planning Proposal seeks to amend.

In considering the social and economic effects for the orderly development of the site, the intended outcome of this Planning Proposal for residential development is considered to serve a greater social and economic benefit to the existing community than any of the potential permissible uses above. In many instances, the uses above would attract a higher intensity of land use that would have a far greater impact on the local environment. Residential development on the site presents the greatest opportunity to provide appropriate development on the site that is consistent with the WVSR, the surrounding community and support enhanced riparian protection outcomes.

Should the site remain in its current use, there is no significant contribution to an improved social and economic outcome for the area. The existing use if exploited to its full potential has the possibility of attracting higher visitor numbers as a commercial nursery and pose further degradation of the ecological communities along the periphery of the site. While this would result in an economic gain, it is unlikely that this is an appropriate social outcome for the area and would further be inconsistent with the strategic directions of *A Plan for Growing Sydney* and the WVSR.

7.3.4. Question 10: Is there adequate public infrastructure for the Planning Proposal?

The site is served by existing utility services and is located to allow incoming residents to capitalise on the wide range of existing infrastructure and services within the area. A range of established services are available within the vicinity of the site including health, education, entertainment, sport, recreational and emergency services networks. Further assessment of the capacity of the existing services to accommodate the increased residential population will be undertaken.

The Warriewood Valley Section 94 Contributions Plan provides the framework for the provision, extension and augmentation of public infrastructure considered likely to be required as a consequence of development in the WVULR area. The following streets are identified for upgrades, that may have already commenced at the time of finalising this report:

- Sub-arterial: Ponderosa Parade, Jacksons Road, Macpherson Street, Warriewood Road (east of Macpherson Street), Garden Street and Boondah Road. Of particular note, the intersection of Warriewood Road and Macpherson Street is proposed to be realigned to promote Macpherson Street as the main access corridor.
- Collector: Orchard Street, Fern Creek Road, Jubilee Avenue, Daydream Street, Foley Street and Vineyard Street.
- Local roads constructed by developers in conjunction with subdivision and site development.
- Creek Crossings: Ponderosa Parade / Macpherson Street at Narrabeen Creek, Macpherson Street at Narrabeen Creek*, Garden Street at Fern Creek, Boondah Road at Narrabeen Creek.

*The identified upgrade of a creek crossing of Macpherson Street at Narrabeen Creek commenced works in September 2016. This significant investment provides the necessary infrastructure for the site to provide adequate flood evacuation and allow suitable residential development on site.

Correspondence from Council on 18 August 2016 to the proponent confirmed that the road upgrades are being designed for flood emergency access and that these improved access arrangements are a suitable change in circumstance to warrant a planning proposal for the site. Therefore considering the previous strategic review identified this as the sole reason to not develop the subject site, it is considered that the site will have adequate infrastructure for the proposal.

7.3.5. Question 11: What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

It is acknowledged that Northern Beaches Council will consult with relevant public authorities following the Gateway determination.

8. PART 4 – MAPPING

No amendments to maps associated with PLEP 2014 are proposed by this Planning Proposal.

9. PART 5 – COMMUNITY CONSULTATION

Clause 57 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publically exhibited for 28 days in accordance with the requirements of the Department of Planning and Environment's guidelines "A Guide to Preparing Local Environmental Plans."

It is anticipated that the public exhibition would be notified by way of:

- A public notice in the local newspaper(s)
- A notice on the Northern Beaches Council website.
- Written correspondence to adjoining and surrounding landowners.

The gateway determination and Planning Proposal would be publically exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

10. PART 6 – PROJECT TIMELINE

This Planning Proposal represents the first step in initiating the rezoning process and deals with high level planning issues in the first instance. Should the proposal proceed to a positive “Gateway” determination, more detailed technical investigations are likely to be required prior to a draft LEP amendment instrument being publicly exhibited. These have been discussed throughout the report.

The proposed indicative timeline for the project is summarised in the following table.

Table 6 – Proposed Indicative Project Timeline

Project Milestone	Proposed Project Timeline
Anticipated commencement date (date of Gateway determination)	Q1 2017
Anticipated timeframe for the completion of technical information if required by Gateway.	Q2 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Q2 2017
Commencement and completion dates for public exhibition period	Q2 2017 – 28 days
Dates for public hearing (if required)	Not proposed to be required.
Timeframe for consideration of submissions	Q3 2017
Timeframe for the consideration of a proposal post exhibition	Q3 2017
Date of submission to the Department to finalise the LEP	Q3 2017
Anticipated date RPA will make the plan (if delegated)	Q3 2017
Anticipated date RPA will forward to the Department for notification.	Q3 2017

11. CONCLUSION

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*.”

It sets out the justification for the proposed amendments to clause 6.1 of the Pittwater LEP in relation to 2 Macpherson Street, Warriewood to allow for medium density residential development under the provisions of an amending site specific LEP.

This Planning Proposal request has been based around *A Plan for Growing Sydney*, the *Warriewood Valley Strategic Review* and the recent change in circumstances to provide new infrastructure; an upgraded Macpherson Street bridge crossing Narrabeen Creek. This Planning Proposal recognises these changes and provides for an intended outcome that will meet future land and housing needs of the area. This is consistent with the strategic planning framework applicable to the site.

The proposal also responds to State government’s direction of seeking to increase density within this part of the WVULR area. Importantly, the density sought does not result in a radical departure from the prevailing built form or character of the area. Rather the proposal is of a scale similar to new development within the immediate surrounds. The proposal successfully achieves a balance between good urban design whilst also recognising the benefits of providing medium density development to take advantage of the locational and amenity benefits that the sites’ proximity to existing centres and public transport infrastructure can provide.

The intended outcome would provide for a maximum yield of 22 dwellings on the site in Buffer 1m. This is consistent with the established rate of 32 dwellings per hectare, informed by the WVSR. Furthermore, this is consistent with the adjoining low rise medium density residential development in the area.

The Warriewood Valley Urban land release area is a critical component of the future residential potential of Northern Beaches LGA and the wider District. Key aspects of *A Plan for Growing Sydney* emphasise the importance of concentrating future housing in existing urban areas and along transport corridors, in view of a wide range of transport, environmental, sustainability and liveability objectives. The provision of significant densities of housing within the very limited locations available within walking distance of existing infrastructure will achieve many significant strategic planning objectives. **As such it is considered that the proposal is consistent with the Strategic Planning Framework that applies to the site and therefore warrants strategic planning merit.**

The proposal is a response to a change in circumstances; improved infrastructure which ameliorates previous flood constraints to the sites development potential. This change in circumstances allows the site to be developed in accordance with the permissible land uses already afforded the subject site under its current R3 Medium Density Residential zone. **This change in circumstance to provide new infrastructure adjacent to the site ensures that there is site specific merit.**

Should the Planning Proposal not proceed, available permissible uses for the site (as analysed in this report) would result in urban development outcomes that while lawful, are inconsistent with the desired vision and future character of the area. The intended outcome is considered the most appropriate use of the site from both a strategic planning outcome and a social and economic outcome.

The proposal will result in a number of important public benefits as demonstrated within this report. In summary:

- The proposal will enable new dwellings to be accommodated increasing housing choice and diversity within an identified urban land release area.
- The proposal will contribute to the range of housing available within the LGA.
- The proposal will contribute to the introduction of public infrastructure to support the further development of the Warriewood Valley area through the relevant Section 94 Contributions.

Overall, it is considered that the Planning Proposal is satisfactory and it is requested that Northern Beaches Council take the necessary steps to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.

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APPENDIX A CIVIL PLANS OF INDICATIVE SUBDIVISION

APPENDIX B FLOOD REPORT

APPENDIX C BUSHFIRE REPORT

APPENDIX D CONTAMINATION REPORT

APPENDIX E ECOLOGY REPORT

APPENDIX F TRAFFIC AND ACCESS REPORT

APPENDIX G GEOTECHNICAL REPORT

APPENDIX H

ARBORIST REPORT



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