

SUBJECT: N0481/17 - Construction of a new dwelling within currently unregistered Lot 17 of an approved subdivision (N0209/14)

Determination Level: Manager - Development Assessment

SUMMARY OF RECOMMENDATION: CONSENT WITH CONDITIONS

REPORT PREPARED BY: Nick Armstrong

APPLICATION SUBMITTED ON: 31 October 2017

APPLICATION SUBMITTED BY: AMDE CONSTRUCTION C/- GJ GARDNER HOMES
SYDNEY NORTH
NICOLE CHARISSIS
2/ 28-30 ORCHARD ROAD,
BROOKVALE, NSW 2100

OWNER(S): Abax Contracting Pty Ltd

1.0 SITE DETAILS

The site was formerly known as 2 Fern Creek Road, Warriewood and legally referred to as Lot 2 in DP 736961. The site is currently now known as 8 Cherry Lane, Warriewood and legally referred to as Lot 17 in DP 286740. The site is rectangular in shape with a total area of 410m². Vehicular and pedestrian access is gained via the 17m wide frontage which faces the western side of Cherry Lane. The site is currently vacant. The site is relatively flat with a slight fall from the western boundary to the eastern boundary. Adjoining the site is a mixture of rural landscape and recently subdivided medium density residential land.

2.0 PROPOSAL IN DETAIL

The application seeks consent for the construction of a new dwelling. A subdivision certificate has now been finalised within the former property of 2 Fern Creek Road, Warriewood as of 08/03/2018. The subject site within the subdivision has been renamed to 8 Cherry Lane, Warriewood.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The site has a zoning of R3 Medium Density Residential under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, dwelling houses are permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
 - Acid Sulphate Soils Map - Area 5
 - Biodiversity Map
 - Geotechnical Hazard Map - W ~ H1 Hazard
 - Height of Buildings Map - I ~ 8.5m and K ~ 10.5m
 - Lot Size Map - Y ~ 10,000m²
 - Urban Release Area Map - Warriewood Valley
- Pittwater 21 Development Control Plan (P21 DCP)
 - Warriewood Valley Locality
 - Warriewood Valley Sector 901B
 - Geotechnical Risk Management Policy for Pittwater

Variation to development standards:

The application does not seek to vary a development standard.

4.0 BACKGROUND

N0481/17 was lodged at Council at 31/10/2017 and referred to Council's Development Engineer, Natural Environment Officer, Specialist Floodplain Officer and Environmental Health Officer.

Property History

02/06/2015

Development Application N0209/14 for a 23 lot subdivision was approved by the NSWLEC through a Section 34 agreement.

08/09/2015

Section 96 Modification Application N0209/14/S96/1 for a 23 lot subdivision was approved by Council.

11/07/2016

Section 96 Modification Application N0209/14/S96/2 for a 23 lot subdivision was approved by the NSWLEC.

06/04/2017

Section 96 Modification Application N0209/14/S96/3 for a 23 lot subdivision was approved by the NSWLEC through a Section 34 agreement.

08/03/2018

Subdivision Certificate SC2017/0198 for 23 lot torrens title subdivision was registered.

5.0 NOTIFICATION

N0481/17 was notified from 06/11/2017 to 20/11/2017 to adjoining property owners in accordance with Council's notification policy. The site inspection on the 20/11/2017 confirmed the placement of the notification sign. During the notification period, zero (0) submissions were received.

6.0 ISSUES

- B5.7 Stormwater Management - On-Site Stormwater Detention
- D16.7 Side and rear building lines

7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
Pittwater Local Environmental Plan 2014					
1.9A Suspension of covenants, agreements and instruments		The subject allotment is affected by an easement for repairs 0.9m wide along the northern boundary. No are located within this easement.	Y	Y	Y
Zone R3 Medium Density Residential			Y	Y	Y
4.3 Height of buildings		7.2m	Y	Y	Y
5.10 Heritage conservation			Y	Y	Y
6.1 Warriewood Valley Release Area			Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.6 Biodiversity protection			Y	Y	Y
7.7 Geotechnical hazards			Y	Y	Y
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
A1.7 Considerations before consent is granted		Subdivision Certificate SC2017/0198 has now been registered. No deferred commencement conditions required.	Y	Y	Y
A4.16 Warriewood Valley Locality			Y	Y	Y
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B3.1 Landslip Hazard			Y	Y	Y

Control	Standard	Proposal	T	O	N
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B3.11 Flood Prone Land			Y	Y	-
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land			Y	Y	Y
B5.7 Stormwater Management - On-Site Stormwater Detention		See below for discussion.	Y	Y	Y
B5.8 Stormwater Management - Water Quality - Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B5.12 Stormwater Drainage Systems and Natural Watercourses			Y	Y	Y
B6.2 Internal Driveways			Y	Y	Y
B6.3 Off-Street Vehicle Parking Requirements			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill			Y	Y	Y
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
C1.1 Landscaping			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure			Y	Y	Y
D16.1 Character as viewed from a public place			Y	Y	Y

Control	Standard	Proposal	T	O	N
D16.5 Landscaped Area for Newly Created Individual Allotments		196.7m ² or 48%.	Y	Y	Y
D16.6 Front building lines			Y	Y	Y
D16.7 Side and rear building lines		See below for discussion.	N	Y	Y
D16.9 Solar access			Y	Y	Y
D16.10 Private and Communal Open Space Areas			Y	Y	Y
D16.11 Form of construction including retaining walls, terracing and undercroft areas			Y	Y	Y
D16.12 Fences			Y	Y	Y
D16.13 Building colours and materials		Technically non-compliant as no colour schedule submitted. SEE comments that colours will be natural and recessive. Conditions will be included to ensure proposed colours are consistent with DCP requirements.	N	Y	Y
D16.14 Pets and companion animals			Y	Y	Y
State Environmental Planning Policies and other					
SEPP (Building Sustainability Index: BASIX) 2004			Y	Y	Y
EPA Act 1979 No 203 section 147 Disclosure of political donations and gifts			Y	Y	Y

8.0 DISCUSSION OF ISSUES

- **B5.7 Stormwater Management - On-Site Stormwater Detention**

Council's Development Engineer provided the following comments;

The development is proposed within an approved multi lot subdivision which has a specific condition for water management facilities to be installed in accordance with the Water Management Report prepared by Civil Certification (Issue 6, dated May 2016) and in Addendum 6 to the Water Management Report (Civil Certification Letter dated 7 June 2016). These facilities include rainwater tanks, on-site detention tanks and rain gardens.

With regard to the above, the applicant must provide a Civil Engineering design and certification demonstrating that the submitted hydraulic design for the development has addressed the requirements of the above mentioned water management report and addendum. In this regard, the submission must include a copy of the report and addendum to clearly demonstrate how the design achieves their objectives.

Once the above information is received and the plans amended to suit if required, final assessment of the application will be undertaken.

Additional Information Received 14/02/2018

The revised water management design has been assessed and is satisfactory. The proposed driveway design meets the requirements of AS/NZS 2890.1:2004.

No objection to approval, subject to deferred commencement conditions relating to the registration of the proposed lot and conditions of consent. (As the subdivision certificate has been registered, deferred commencement conditions are no longer required.)

- **D16.7 Side and rear building lines**

Northern Side Setback = 2.23m

Southern Side Setback = 1.15m

Western Rear Setback = 4.5m to ground and first floor.

The application will be unable to comply with the minimum side requirements of 0.9m to one side and 2.5m to the other for lots 16m or wider and minimum rear setback requirement of 4m to the ground floor and 6m to the first floor.

The side setback non-compliance is minimal and only arises from a slight breach where a portion the media room extends within the setback area. The setback area is proposed to be landscaped which minimises any visual impact of the built form to any future development on the neighbouring allotment. The rear setback non-compliance is largely created by the skewed rear boundary. The subject site directly adjoins a community allotment to the rear which is zoned RU2 and heavily landscaped. The impact to this area is minimal and therefore a variation to the control is supported.

9.0 CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The proposal has been found to be consistent with the outcomes of the relevant controls of P21 DCP. The proposal is considered to be consistent with the existing character of Fern Creek Road and the desired future character of the Warriewood Valley Locality. As a result of these considerations the proposal is recommended for approval.

RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0481/17 for the construction of a new dwelling at 8 Cherry Lane, Warriewood subject to the conditions of consent.

Report prepared by

Nick Armstrong
PLANNER

Date: 9 April 2018

