

## Strategic Planning Referral Response

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| <b>Application Number:</b>             | DA2020/1533                                      |
| <b>Date:</b>                           | 03/03/2021                                       |
| <b>To:</b>                             | Jordan Davies                                    |
| <b>Land to be developed (Address):</b> | Lot 1 DP 1221920 , Dove Lane WARRIEWOOD NSW 2102 |

### Officer comments

#### Applicant's Description of the DA

The subject Development Application DA2020/1533, seeks development consent to subdivide the subject property into 4 Torrens Title lots. The applicant's Statement of Environmental Effects (SEE), prepared by Willow Tree Planning states:

*The primary objective of the proposal is to create appropriately sized residential lots (proposed Lots 1-3) which would be to facilitate future residential accommodation. Proposed Lot 4 will remain as a detention basin (existing) which will be utilised by proposed Lot 1-3. The detention basin was previously approved under DA N0379/14 (refer to Table 1 [in SEE]).*

*It is important to note that the future development and residential accommodation types for proposed Lots 1-3 are yet to be determined however, given the size and dimensions of these lots, it is considered reasonable to assert that these lots would be capable of catering to a range of residential accommodation typologies and are therefore suitable for the Site and its context...*

*Based on a review of the existing development and development consents across the Site and Section 901A, the following yield applies:*

1. Stage 1 allotments – 6 dwellings
  2. Stage 3 allotments – 27 dwellings
  3. Stage 4 allotments – 3 dwellings [the subject DA].
- Total = 36 dwellings.*

*The forecast dwelling yield is therefore consistent with the yield contained with the Strategic Review and with Clause 6.1(3) of the PLEP2014.*

Based on the submitted documents, the proposal is surmised as follows:

Lot 1 = 920.8m<sup>2</sup>

Lot 2 = 1330m<sup>2</sup>

Lot 3 = 1325m<sup>2</sup>

Lot 4 = 1203m<sup>2</sup> and containing the detention basin and is to service the 3 proposed lots

#### The Site

The subject property is a newly registered allotment that was subject of previously approved subdivisions (undertaken in three separate DA's) of the original parcels No. 204 Garden Street and 2, 2A Orchard Street Warriewood. The detention basin on proposed Lot 4 is an existing basin approved under consent N0379/14.

Access onto the 4 proposed lots will be from the newly constructed Dove Lane.

#### Assessment of the DA2020/1489

This DA is a paper subdivision to create 4 lots as there are no earthworks required to facilitate the subdivision.

Nonetheless, the SEE has erroneously stated this DA will result in 3 dwellings particularly given the size and dimensions of proposed Lots 1, 2 and 3. The overall subdivision/development of the parent lots (No. 204 Garden Street and 2, 2A Orchard Street Warriewood) is permitted up to 53 dwellings, therefore based on existing approvals there are up to 22 dwellings still to be realized.

These 22 dwellings could be spread across the proposed Lots 1, 2 and 3 (to be created by this DA).

I raise the following concerns:

(1) Proposed Lots 1, 2 and 3 will contain residential accommodation in the future and should be the subject of future DA (not a Complying Development Certificate pathway) for the following reasons:

a) Each of the proposed lots is subject to site-specific water management and impervious area requirements developed for the overall development of the parent parcels (namely No. 204 Garden Street and 2, 2A Orchard Street Warriewood) that these new lots are to be created from.

b) Clause 6.1 of Pittwater LEP details the permissible dwelling range for each sector/buffer area and is to be read in conjunction with the Warriewood Valley Strategic Review; wherein any proposal that results in exceeding the permissible dwelling numbers for same inherently acts as a prohibition. The Complying Development Certificate pathway however will need to consider the permissibility based on Clause 6.1 and not just the zoning table (see TRIM 2020/501044).

(2) The existing detention basin on proposed Lot 4 is inferred to only service proposed Lots 1, 2 and 3. Nonetheless, it is uncertain on the long-term ownership and ongoing maintenance regime of the detention basin and Lot 4.

**Additional Information** should be requested to specifically address the 2 above-mentioned matters:

1. Details of the proposed dwelling numbers and building footprint on Lots 1, 2 and 3 to ensure the future residential development of each of these lots addressing:

- a) the site-specific water management and impervious area controls developed in conjunction with detention basin on proposed Lot 4, and
- b) the distribution of a maximum 22 dwellings being accommodated across these three residential lots.

2. Details on the future ownership and maintenance of Lot 4 including the detention basin contained within it, given that this DA creates this lot and will service the three residential lots the subject of this DA.

Additionally, the applicant should be advised of the following:

The SEE has erroneously stated that this DA will result in 3 dwellings particularly given the size and dimensions of proposed Lots 1, 2 and 3. Proposed Lots 1, 2 and 3 are of a size and dimensions that can accommodate in excess of a single dwelling house on each.

The overall subdivision/development of the parent lots (No. 204 Garden Street and 2, 2A Orchard Street Warriewood) is permitted up to 53 dwellings, therefore based on existing approvals there are up to 22 dwellings still to be realized.

A maximum 22 dwellings can be distributed across proposed Lots 1, 2 and 3 (being the balance of permitted dwellings still to be accommodated on the overall development at former No. 204 Garden

Street and 2, 2A Orchard Street Warriewood). Any more than 22 dwellings will exceed the maximum permitted dwelling range and will result in those dwellings being prohibited development.

Given this DA does not contemplate the actual dwelling numbers for Lots 1, 2 and 3, the development contribution amount payable will be imposed on future consents for the construction of dwelling(s) on each of the three residential lots being created by this DA.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Liza Cordoba**  
**Manager Strategic and Place Planning** (Issued 2 March 2021)

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Strategic Planning Conditions:**

Nil.