

SUBJECT: N0541/17 - 8 Orchard Street, WARRIEWOOD NSW 2102 Construction of a new two storey dwelling and driveway

Determination Level: Manager - Development Assessment

SUMMARY OF RECOMMENDATION: CONSENT WITH CONDITIONS

REPORT PREPARED BY: Hugh Halliwell

APPLICATION SUBMITTED ON: 24 November 2017

APPLICATION SUBMITTED BY: O FAINBAUM & M MORIKI
C/- VAUGHAN MILLIGAN DEVELOPMENT
CONSULTING P/L
PO BOX 49
NEWPORT NSW 2106

OWNER(S): Michele Moriki
Oliver De Almeida Fainbaum

1.0 SITE DETAILS

The site is known as 8 Orchard Street, Warriewood and legally referred to as Lot 204 in Deposited Plan 121459. The site is regular in shape and has a total site area of 364.4m². Vehicular and pedestrian access is gained via the 12m wide, south facing frontage. The site is located on the northern side of Orchard Street and adjoins vacant land to the north, east and south, and residential dwellings to the south. The site is virtually flat with a slight fall from north to south towards the road frontage. The site is currently vacant with no vegetation on the site. A site inspection was carried out on 12 January 2018.

2.0 PROPOSAL IN DETAIL

The proposal seeks consent for the construction of a two (2) storey dwelling, consisting of (5) bedrooms and an attached double garage.

The cost of works is estimated to be \$626,098.

3.0 STATUTORY AND POLICY CONSIDERATIONS

The site is zoned R3 Medium Density Residential under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, new dwellings 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
 - Height of Buildings Map - Area 6 Clause 4.3 (2F)
 - Height of Buildings Map - K Maximum 10.5m
 - Urban Release Area Map - Sector 901A
- Pittwater 21 Development Control Plan (P21 DCP)
 - Warriewood Valley Locality
 - Scenic Protection - General

Variation to development standards:

The application does not seek to vary a development standard.

4.0 BACKGROUND

Development application N0541/17 was lodged at Council on 24 November 2017 and referred to Council's Environmental Health Officer, Senior Development Engineer and Natural Environment Officer for comments and/or recommendations.

A search of Council's records revealed one (1) related document:

1. N0379/14 - Council approved subdivision of land, which includes the subject site. The application was also followed by three (3) subsequent section 96 modification applications.

5.0 NOTIFICATION

Development application N0541/17 was notified from 5 December 2017 to 12 January 2018 to adjoining property owners in accordance with Council's notification policy. The site inspection on the 12 January 2018 confirmed the placement of the notification sign. During the notification period, zero (0) submissions were received.

6.0 ISSUES

- 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			Y	Y	Y
Zone R3 Medium Density Residential			Y	Y	Y
4.3 Height of buildings		Proposed building height = 7.712m	Y	Y	Y
6.1 Warriewood Valley Release Area			Y	Y	Y
7.1 Acid sulfate soils			Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.10 Essential services			Y	Y	Y
Pittwater 21 Development Control Plan 2014					
A1.7 Considerations before consent is granted			Y	Y	Y
A4.16 Warriewood Valley Locality			Y	Y	Y
B1.4 Aboriginal Heritage Significance			Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land			Y	Y	Y
B6.3 Off-Street Vehicle Parking Requirements			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
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control					
C1.23 Eaves			Y	Y	Y
D16.1 Character as viewed from a public place			Y	Y	Y
D16.5 Landscaped Area for Newly Created Individual Allotments	35% or 127.54m ²	42% or 1532m ²	Y	Y	Y

Control	Standard	Proposal	T	O	N
D16.6 Front building lines		4.013m (to front porch); 5.589m (to study); and 6.617m (to garage)	Y	Y	Y
D16.7 Side and rear building lines	Side setbacks: 0.9m at ground level and 1.5m for upper level to both sides Rear setback: 4m to ground level and 6m to upper level	Side setbacks: 0.25m to one side (east), and 1.32m to the other side. Rear setback: 4.399m to ground level and 8.359m to upper level See discussion below.	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
D16.13 Building colours and materials		No schedule of finishes provided. Condition recommended.	N	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

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

The proposed dwelling largely complies with the minimum side setback requirements, with the exception of the side setback to the eastern boundary. Due to the narrow nature of the lot, the double garage is located within close proximity of the eastern side boundary (0.25m). Notwithstanding this, the first floor complies at 2.3m, providing sufficient setback to the eastern boundary and any future development on the adjoining lot. A large majority of the ground floor also complies (2.3m) with the garage being the only structure within the side setback. The breach is not considered unreasonable, in so far as the bulk and scale of the built form is not inconsistent with a typical medium density area and remains consistent with those dwellings located to the south. Sufficient landscaping is also provided for (see above). Full amenity will be provided to the subject site and future developments on adjoining sites, including No. 6 to the east. A variation is therefore supported on merit.

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.

Notwithstanding a minor non-compliance with side setback requirements, 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 Warriewood Valley 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 N0541/17 for the construction of a new single dwelling at 8 Orchard Street, Warriewood subject to the conditions of consent.

Report prepared by

Hugh Halliwell
PLANNER

Date: 29 January 2018

