

SUBJECT: N0501/17 - Construction of a new dwelling within currently unregistered Lot 2 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: 6 November 2017

APPLICATION SUBMITTED BY: RAWSON HOMES PTY LTD
PO BOX 3099
RHODES NSW 2138

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 Deposited Plan 736961. The site is currently now known as 25 Cherry Lane, Warriewood and legally referred to as Lot 2 in DP 286740. The site is rectangular shape and has a total area of 318.9m². Vehicular and pedestrian access is gained via the 12.3m wide frontage of which faces the southern side of Cherry Lane. The site is relatively flat, with a slight fall from the southwestern corner to the road frontage. The site is currently vacant. The property is surrounded by a mixture of rural landscape properties and recently subdivided medium and low 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 is zoned 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
 - Lot Size Map - Y ~ 10,000m²
 - Urban Release Area Map - Warriewood Valley
- Pittwater 21 Development Control Plan (P21 DCP)
 - Warriewood Valley Locality
 - Warriewood Valley Section 901B
 - Geotechnical Risk Management Policy for Pittwater
 - Flood Risk Management Policy for Development in Pittwater - Low Risk

Variation to development standards:

The application does not seek to vary a development standard.

4.0 BACKGROUND

N0501/17 was lodged at Council at 06/11/2017 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

The application was notified to adjoining property owners for a period of fourteen (14) days from 20/11/2017 to 04/12/2017 in accordance with Council's Notification Policy. During this time, no submissions were received.

6.0 ISSUES

- C1.1 Landscaping
- D16.7 Side and rear building lines
- D16.9 Solar access
- D16.13 Building colours and materials

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		7.3m	Y	Y	Y
5.10 Heritage conservation			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
7.6 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			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
B3.6 Contaminated Land and Potentially Contaminated Land			Y	Y	Y
B3.11 Flood Prone Land			Y	Y	-
B4.1 Flora and Fauna Conservation Category 1 Land			Y	Y	Y

Control	Standard	Proposal	T	O	N
B4.3 Flora and Fauna Habitat Enhancement Category 2 Land			Y	Y	Y
B5.8 Stormwater Management - Water Quality - Low Density Residential			Y	Y	Y
B5.9 Stormwater Management - Water Quality - Other than 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
B6.5 Off-Street Vehicle Parking Requirements - Low Density Residential (Amended 14/11/15 See B6.3)			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					
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		146.6m ² or 45.9%.	Y	Y	Y
D16.6 Front building lines			Y	Y	Y

Control	Standard	Proposal	T	O	N
D16.7 Side and rear building lines		See below for discussion.	N	Y	Y
D16.9 Solar access		See below for discussion.	N	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		See below for discussion.	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

- **C1.1 Landscaping**

Council's natural environment raise no objections to the proposal subject to conditions.

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

Eastern Side Setback = 984mm

Western Side Setback = 1.5m

Southern Rear Setback = 3m to pergola, 6.1m to dwelling

The application will be unable to comply with the minimum rear setback requirement of 4m to the ground level and 6m to the upper level for front loaded lots in Warriewood Valley greater than or equal to 20m deep. The only element that is within this setback area however is a portion of the ground floor pergola which is a lightweight, open, timber structure that does not contribute to an unreasonable bulk, scale and amenity impact to the neighbouring properties. A variation is acceptable.

- **D16.9 Solar access**

The main private open space, identified as the ground floor patio area, will be unable to receive a minimum of 2 hours solar access based on the shadow diagrams provided by the applicant largely due to the north-south orientation of the subdivided allotment and the private open space area being located behind the dwelling. However, as the patio is covered by a timber pergola, the intention of the residents is for this area to be predominately shaded. It is noted that the proposed level lawn located directly adjacent to the patio area will be able to receive a minimum of 2 hours sunlight. This is considered to be an acceptable arrangement.

- **D16.13 Building colours and materials**

The proposed colour schedule does not comply with Council's desired building colours and materials as 'Shale Grey' is intended to be used for the cladding and roof. However, the BCA classification for Shale Grey indicates that the colour is able to achieve a medium reflectivity index of 0.43 (solar absorbance). This is considered acceptable and the selected colour schedule 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 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 N0501/17 for the construction of a new single dwelling at 8 Cherry Lane, Warriewood subject to the conditions of consent.

Report prepared by

Nick Armstrong
PLANNER

Date: 9 April 2018

