

Strategic Planning Referral Response

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| Application Number: | DA2023/0129 |
| Proposed Development: | Subdivision of one lot into 13 lots and associated works |
| Date: | 31/07/2023 |
| To: | Gareth David |
| Land to be developed (Address): | Lot B DP 370222 , 4 Forest Road WARRIEWOOD NSW 2102 |

Officer comments

INTRODUCTION

On 27 June 2023, Strategic and Place Planning received a referral request for application (DA2023/0129), for the subdivision of 4 Forest Road into 13 lots and associated works.

SUBJECT SITE

4 Forest Road Warriewood (Lot B DP 370222) contains a dwelling and associated ancillary structures and is bounded by residential properties at its rear and eastern (side) boundary.

8 Forest Road abuts the western (side) boundary of 4 Forest Road (the 'development site') and has a development consent on the portion of this property for residential development involving 81 dwellings/lots. The Warriewood Valley Urban Release Area boundary traverses this property.

Forest Road is a closed road at the southern end. Vehicular access into the development site is from Forest Road, via the head-of the cul-de-sac.

The development site is zoned R3 Medium density residential under Pittwater Local Environmental Plan 2014 (PLEP). This land and 8 Forest Road are Sector 5 under the PLEP Urban Release Area Map and Sector 501 under the Warriewood Valley Strategic Review Addendum Report.

PROPOSED DEVELOPMENT

The existing dwelling and associated ancillary structures are to be demolished. The site involves land subdivision to create 13 residential allotments under Torrens Title (with each lot proposed to accommodate a single dwelling house on each lot subject to future consent). Earthworks includes:

- Construction of internal roads connecting from Forest Road to the approved road on adjoining 8 Forest Road.
- Civil drainage works for the subdivision and associated infrastructure including water management facilities.

Based in the submitted plan of subdivision, the subdivision is proposed as Torrens title subdivision. The On Site Detention tank servicing the overall development is on proposed Lot 7 with maintenance access via proposed Lot 6. No details on future ownership or maintenance of the water management facilities and internal road including the raingardens (as part of the water management facilities for the subdivision) are provided.

ASSESSMENT OF DA

Strategic Planning Response

Objective (a) of Part 6.1(1) of the Pittwater LEP requires consideration of the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and Warriewood Valley Strategic Review Addendum Report.

4 Forest Road and 8 Forest Road is identified as a residential sector, labelled as Sector 5 in the PLEP Urban Release Area Map.

Sector 5 has an assigned dwelling range for residential development, from 75 to 94 dwellings/lots. If the residential development is not within this dwelling range then it would be prohibited development [See Lotus Project Management Pty Ltd v Pittwater Council[2015] NSWLEC 166 and Karimbla Constructions Services (NSW) Pty Ltd v Pittwater Council[2015] NSWLEC 83]. In this regard:

- 8 Forest Road has an approval for 81 dwellings (under construction now).
 - 13 dwellings are unaccounted for, based on the maximum 94 dwellings assigned to Sector 5.
 - The 13 dwellings, as the balance, can be accommodated on the development site, 4 Forest Road.
- If the subdivision is to proceed, the assessment of this subdivision DA needs to firstly consider the following matters:

1 Water management for the subdivision, in particular:

- a) the sector coverage for the overall subdivision (known as the impervious fraction) and the resultant site cover at the individual lot scale being reflected in the submitted plans consistent with the submitted Water Management Report.
- b) The proposed water management facilities for the subdivision are shown on the internal road reserves and on proposed lots 6 and 7. However, concern is raised around the ownership and ongoing maintenance of these water management facilities under a proposed Torrens Title subdivision.
- c) Concern is raised that the future owners of Lots 6 and 7 are burdened with maintaining a critical component of the water management for this subdivision which is inequitable and unreasonable.
- d) Uncertainty is raised regarding the ongoing maintenance of the subdivision's water management facilities to ensure no adverse impacts on the surrounding and downstream properties in perpetuity.

2 Internal road network as no details provided in terms of ownership and maintenance of internal roads including the raingardens (part of the water management for the subdivision).

The northern section of internal road on 4 Forest Road is to connect to the approved road being constructed on 8 Forest Road as a public road.

3 As any future consent for a dwelling house on each lot could be subject to a CDC rather than a DA, how do you ensure that:

- a) There can only ever be 13 new dwellings built within this subdivision?
- b) The future dwelling house on each new lot will not exceed the site cover modelled as lot-scale impervious fraction under the submitted Water Management Report for this subdivision?

The applicant should be advised that the reconstruction of Forest Road (full width and full length of the subject property) is not an identified infrastructure item under the Warriewood Valley Contributions Plan. The reconstruction of Forest Road will be direct provision, via conditions being imposed if this DA is approved.

Development Contributions

Warriewood Valley Contribution Plan Amendment 16 Revision 4 adopted on 1 July 2022 applies to the subject site and to all residential, commercial and industrial development that would result in a commensurate increase in demand for infrastructure and services of the type provided for this Plan. The Warriewood Valley Contribution Plan levies contributions for each new residential lot/dwelling. The applicant should be advised that contributions will be levied on the 13 dwellings that will result from proposed lots 1 to 13 as shown on the submitted subdivision plan. The total contribution amount payable for this development has not been provided due to the matters raised earlier in this response. Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

RECOMMENDATION

A. Based on the information submitted with the DA, there are identified deficiencies with the application.

1. The applicant is to be requested to submit the additional information, namely:

- a) Details on the future ownership of internal roads and associated water management facilities (raingardens on the road reserve and the detention basin) for the subdivision.

Clarification is required on the proposed road being connected to the approved road (being constructed as a public road) on 8 Forest Road.

- b) A plan showing the site coverage for the individual lots based on the modelling assumptions for impervious fractions under the submitted water management plan.

- c) Provide demonstration of the mechanism/approach to be applied on the subdivision to ensure this subdivision is only accommodating 13 dwellings and that the site cover for each lot as modelled in the

submitted water management report will be maintained.

2. The applicant should also be advised that the reconstruction of Forest Road (full width and full length of the subject property) is not an identified infrastructure item under the Warriewood Valley Contributions Plan. If the DA is approved, the road reconstruction will be imposed as a condition of consent and is a direct provision.

B. Upon receipt of the abovementioned information, a referral be sent to Strategic and Place Planning to finalise its assessment including calculation of development contributions for inclusion in a future consent.

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.