

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christie Conference Centre on Tuesday 29 September 2015 at 1.30pm

Panel Members: David Furlong (chair), Sue Francis, Julie Savet Ward, Julie Hegarty and Jacqueline Townsend

Apologies: None Declarations of Interest: None

Determination and Statement of Reasons

2015SYE071 Pittwater Council at N0180/15: Construction and subdivision of a community title development of 33 units, 22 attached dwellings and 6 semi-detached dwellings with ancillary landscaping, water management and ancillary development at 2 Orchard Street and 204 Garden Street, Warriewood as described in Schedule 1.

Date of determination: 29 September 2015

Decision:

The panel determined to refuse the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:



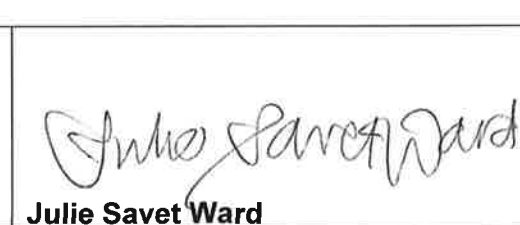
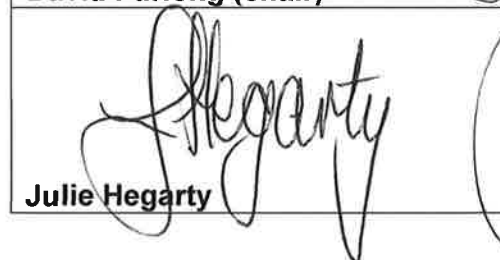
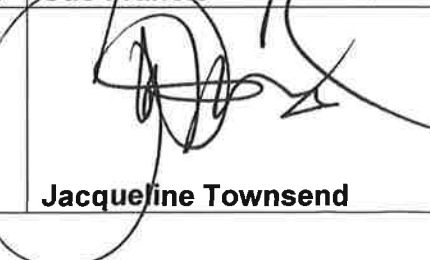
The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings and the matters listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The proposed development exceeds the pro-rata dwelling allocation identified for the site in the *Warriewood Valley Strategic Review Addendum Report*, attributing to inconsistency with the objectives of clause 6.1 (Warriewood Valley Release Area) of PLEP 2014. The objectives of clause 6.1 of PLEP 2014 are also compromised by the incorporation of fill and the presence of large retaining walls within the outer creekline corridor, and inadequate stormwater management facilities across the site.
2. The height, scale, form and landscaped treatment of the residential flat building are inconsistent with the relevant standards, controls and guidelines of PLEP 2014, P21 DCP, and the RFDC, resulting in an overly large development, unable to be screened by landscaping, inconsistent with the desired future character of the locality. The amenity of the units within the residential flat building is inexcusably poor, with non-compliance with the relevant provisions of P21 DCP and the RFDC with regard to solar access, natural ventilation, energy efficiency, ceiling heights, acoustic privacy, water management, adaptability, accessibility, and the provision of communal and private open space. Overall, the design of the residential flat building is seen to fail in accordance with the design principles of SEPP 65.
3. The design of the proposed attached and semi-detached dwellings responds poorly to the orientation of the site, such that adequate levels of solar access are not achieved, resulting in inconsistency with the provisions of P21 DCP. The amenity of the attached dwellings on the western side of the site is further compromised by the extent of earthworks proposed, which also attributes to unreasonable visual impacts from the public domain, and unacceptable impacts upon the amenity of adjoining properties to the south. The application fails with regard to the provisions of clause 7.2 (Earthworks) of PLEP 2014, and is inconsistent with the desired future character of the Warriewood Valley Land Release Locality.

Conditions: Not applicable.

Panel members:

		
David Furlong (chair)	Sue Francis	Julie Savet Ward
		
Julie Hegarty	Jacqueline Townsend	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015SYE071 Pittwater Council at N0180/15
2	Proposed development: Construction and subdivision of a community title development of 33 units, 22 attached dwellings and 6 semi-detached dwellings with ancillary landscaping, water management and ancillary development
3	Street address: 2 Orchard Street and 204 Garden Street, Warriewood
4	Applicant: ABAX Contracting Pty Ltd
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy 65 – Design Quality of Residential Flat Development • Pittwater Local Environmental Plan 2014 • Pittwater 21 Development Control Plan • The Roads Act 1993 • Environmental Planning and Assessment Regulations 2000 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report dated 15 September 2015 Written submissions during public exhibition: 12 Verbal submissions at the panel meeting: On behalf of the applicant: Tom Baxter
8	Meetings and site inspections by the panel: Briefing meeting on 19 August 2015
9	Council recommendation: Refusal
10	Draft conditions: Not supplied