

26 October 2020

The General Manager
Northern Beaches Council

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Strata Subdivision of approved DA2013/1511 at 1278 Pittwater Road, Narrabeen

1 Introduction and Overview

This report accompanies and supports a Development Application for strata subdivision. The proposed strata subdivision relates to the approved residential flat building development comprising 10 residential units (currently under construction) at 1278 Pittwater Road, Narrabeen.

Ordinarily planning approval for strata subdivision for the approved development would be obtained via a Complying Development Certificate under the provisions Part 6, Division 1 of State Environmental Planning Policy (Exempt & Complying Development Codes) 2008. However, in this instance more than 5 years have elapsed since the date that the approval was granted and a development consent is required for this aspect.

The proposed strata subdivision will have negligible environmental impact, and in our opinion, the circumstances are appropriate for Council to use its discretion and dispense with the need to publicly notify the application (further addressed within Section 4.3 below).

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, in support of the proposed strata subdivision. The report demonstrates that the proposal will be facilitatory to the approved development of the land under development consent DA2013/1511 and should be approved by Council.

2 The land

2.1 Description

The site is located at 1278 Pittwater Road, Narrabeen and is legally described as Lot 1 in Deposited Plan 12926.

2.2 The site's recent development approval history

The property benefits from the development rights conferred by development consent DA2013/1511 approved by the NSW Land and Environment Court on 11 June 2014.

The development consent provides for demolition and construction of a residential flat development comprising 10 dwellings, basement car parking, and 3 storeys in height.

2.3 Zoning and key environmental considerations

The property is zoned R3 under the Warringah Local Environmental Plan 2011 as is most of the surrounding land.

The proposal is not affected by environmental considerations like, for example acid sulfate soils, heritage, geotechnical, flooding, or waterways. The relevant environmental considerations have been appropriately addressed as part of the above referenced development consents.



Figure 1 – location of site 1278 Pittwater Rd (Council maps)

3 The Proposal

The application seeks development consent for strata subdivision of the approved development at 1278 Pittwater Road, Narrabeen. The application is accompanied and supported by a Draft Plan of Subdivision prepared by Bee and Lethbridge Land Surveyors.

4 Environmental Assessment

4.1 Statutory Planning Framework - General

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations are:

- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration. Due to the paucity of associated impacts a summary of these has been included in this report. Those matters which are required to be addressed are outlined, and the town planning justifications are discussed below.

4.2 Warringah Local Environmental Plan 2011

The property is zoned R3 medium density residential pursuant to Warringah Local Environmental Plan 2011 (LEP). Residential Apartment Buildings and commercial buildings are permitted with consent in the zone. The stated zone objectives are as follows:

- *'To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces'.*

Having regard to 2.3 in response, the built form and the land use function provided for by this application are consistent with the objectives of the zone and as anticipated by the zoning. The site is not a nominated heritage item and is not within the vicinity of a heritage item.

The proposed strata subdivision is permissible with consent and consistent with the zone objectives as outlined within this report.

4.2.1 Relevant provisions of the LEP

The proposed strata subdivision is permissible with consent under clause 2.6(1) of the LEP which is copied below:

‘2.6 Subdivision—consent requirements

- (1) *Land to which this Plan applies may be subdivided, but only with development consent.*

Notes.

- 1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.*
- 2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.*

- (2) *Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.*

Note.

The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling’.

The proposed strata subdivision is not exempt or complying development and therefore development consent is sought by the subject DA.

4.2.2 Other relevant provisions of the LEP

No other provisions of the LEP that are relevant to the assessment of the proposal.

4.3 Northern Beaches Community Participation Plan

The Northern Beaches Community Participation Plan is applicable to the proposal. Of relevance is the section on page 11 titled **‘Circumstances where DA exhibition is not required’**. Under this section it is stated that applications for strata subdivision do not need to be notified.

4.4 Development Control Plan

The proposed strata subdivision results in no physical changes to the approved development to which it relates. The proposed strata subdivision will have negligible environmental impact, and in our opinion, Council can use its discretion and dispense with the need to publicly notify the application. In our opinion, there are no other provisions of the DCP that are relevant to the assessment of the application.

4.5 Section 4.15 the Environmental Planning and Assessment Act 1979 (as amended)

The proposal has been assessed having regard to the matters for consideration pursuant to 4.15 of the Act, and to this extent, Council can be satisfied that:

- There will be no adverse environmental Impacts arising from the proposal.
- The proposal will result in positive social and economic impacts and facilitate the orderly, approved, development of the land.
- The proposed works are consistent with the objectives of the zone, and the relevant provisions of the LEP and DCP.
- Given the site's location within the R3 zone and approved development, the site is assessed as being entirely suitable for the proposed strata subdivision.
- The public interest is best served through the approval of the application.

5 Conclusion

The proposal will be faciliatory to the approved development of the land under development consent DA2013/1511 and is entirely within the public interest.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended and should be granted development consent.

BBF Town Planners



Director - Michael Haynes