

Strategic Planning Referral Response

Application Number:	DA2022/2152
Proposed Development:	Demolition works and subdivision of land into 9 lots including tree removal and infrastructure work
Date:	23/05/2023
To:	Adam Croft
Land to be developed (Address):	<p>Lot 3 DP 210342 , 128 Crescent Road NEWPORT NSW 2106</p> <p>Lot 21 DP 545339 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 407538 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 460612 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot 1 DP 503390 , 126 Crescent Road NEWPORT NSW 2106</p> <p>Lot 2 DP 210342 , 55 The Avenue NEWPORT NSW 2106</p> <p>Lot 111 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot LIC 188424 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p>

Officer comments

In conclusion - Proposal is unacceptable, however subject to design amendments of proposal it may become acceptable.

A consequence of the proposed subdivision is that the subject land would appear to be no longer be suitable for marinas, boat building and repair facilities and charter and tourism boating facilities. In particular the subdivision of the former marina site into residential lots restricts access to foreshore and land zoned W2 providing for marina services and facilities. It may be concluded that the opportunity for commercial waterway uses, under site specific provisions of the LEP would become unsuitable due to access and amenity issues created by the subdivision.

The site specific provisions of the LEP for the development site and adjoining foreshore are as follows:

- W2 zone directly adjoining the land is limited to the former Marina and permits in particular Marina, boat building and repair facilities and charter and tourism boating facilities. The DA would appear, based on the SoEE, to provide limited private residential access to the jetty and associated structures. The remainder of the foreshore is zone W1 with an APU for jetties , boatshed and water recreation structures which would appear to be consistent with the future residential purposes of the land

- APU 15 applies to the land being subdivided for the purposed of housing. The land uses additionally permitted in LEP Schedule 1 would likely no longer be suitable on the land (Marina, boat building and repair facilities and charter and tourism boating facilities.)

- FSBL realigned more contiguous with vicinity (deleting the drafting of line around the former commercial Marina building to be demolished and replaced with dwelling. Provisions exist under the LEP clause that provide for exceptions to the limited development clause.

The loss of land that is suitable for the above commercial waterway services and facilities is considered to be inconsistent with relevant strategic policy which is considered relevant in terms of the evaluation of the DA under s.4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, and s.4.15(1)(c) the suitability of the site for the development.

Pittwater Waterways Strategy

Theme 1. Economics of the Waterway. 9. Maintain and ensure access to commercial opportunities around the Pittwater waterway.

Theme 6. Waterway regulation Direction 3. Undertake a strategic sites assessment and planning proposal to amend the LEP to expand the W2 zone in appropriate locations to permit, with development consent, sustainable marina expansion

Northern Beaches Strategic Planning Statement

Priority 1. Healthy and valued coast and waterways (including support for a thriving marine industry Pittwater)

Action 1.8. Expand the W2 zone, subject to a strategic sites assessment, to permit, with consent, sustainable marina expansion. Marina expansion would only be considered subject to appropriate regard being given to all impacts including, but not limited to, environmental, social, economic, transport, traffic, visual and waterway navigation

While the proposal is considered to be unacceptable in terms of strategic directions and actions for sustainable marina expansion, consideration may be given to further submissions and/or amendments which may demonstrate that the proposal retains appropriate opportunity and suitability for marina purposes in the future as provided in the LEP.

In circumstances where the proposed subdivision may be supported in a manner in which use of the site and access to the foreshore for and access for marina purposes are no longer suitable and result in likely impacts of the development under the evaluation of the DA, the following DA condition is recommended.

THAT the applicant lodge a Planning Proposal with Council prior to the registration of the subdivision (or 'release of linen plan' is that terminology is still uses?) to amend Pittwater LEP 2013 in a manner which rezones the W2 zone directly adjoining the land to W1 with additional permitted uses (area 23) for jetties , boatshed and water recreation structures; omit APU 15 removing additional permitted Marina, boat building and repair facilities and charter and tourism boating facilities and to amend the FSBL, realigned more contiguous with adjoining dwelling houses.

Further note: In relation to the consideration of future development of the site for the erection of a dwelling houses adjoining the foreshore, the siting of such development, particularly in the vicinity of the former Marina building and notwithstanding the FSBL, may more appropriately align with adjoining residential development – noting the existing FSBL is drafted to particularly reflect the location of the Commercial Marina building on the land.

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.