

## **1.0 INTRODUCTION**

This statement has been prepared on behalf of the applicant in support of a development application to Northern Beaches Council (the "Council") for the proposed stratum subdivision of the existing approved shoptop housing development at No. 91 – 93 McIntosh Road, Narraweena.

The property is zoned B1 Neighbourhood Centre pursuant to Warringah Local Environmental Plan 2011 (WLEP 2011).

This document has been prepared pursuant to s.4.12 of the *EP&A Act 1979* and cl.47 and schedule 1, Part 1, cl. 2(c) of the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the Act. The subject proposal is not Integrated or Designated Development pursuant to the *EP&A Act 1979*.

The need for consent for the stratum subdivision is procedural only and creates no environmental impacts. It is essential in ensuring good management and autonomy between the two distinct different land uses on the site and minimise the potential for conflicts. The proposal is acceptable and is worthy of approval on its merits having regard to the provisions of the EP&A Act 1979, the WLEP 2011 and WDCP.

## **2.0 SITE AND SURROUNDS**

The site is legally known as Lot 101 & 102, DP 868560, No. 91-93 McIntosh Road, Narraweena. It is located on the southern side of the street, at the intersection of Alfred Street. The surrounding development consists of shop top housing to the west and south, residential development to the east and north east, and Narraweena Public School to the north west. It is situated between other approved retail premises. It forms part of a mixed-use development. Development surrounding the site is predominantly commercial fronting Alfred Street and residential to the rear (east).

The approved three (3) storey shoptop housing development is nearing completion



**Figure 2: Aerial of subject site (shop is Unit 4 facing Alfred Street)**

### **3.0 DESCRIPTION OF PROPOSAL**

Development Consent is sought for a two (2) lot stratum subdivision creating two lots to separate the ground floor commercial use from the residential component on the upper two levels. Each stratum is to be subsequently strata subdivided.

The layout is depicted in the attached plan of subdivision prepared by Robert friend Surveyor and is accompanied by a Building Management Statement,.

### **4.0 SECTION 4.15 ASSESSMENT - HEADS OF CONSIDERATION**

In accordance with S4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application:

#### **4.15 Evaluation**

##### *(1) Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

##### *(a) the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

*(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,*

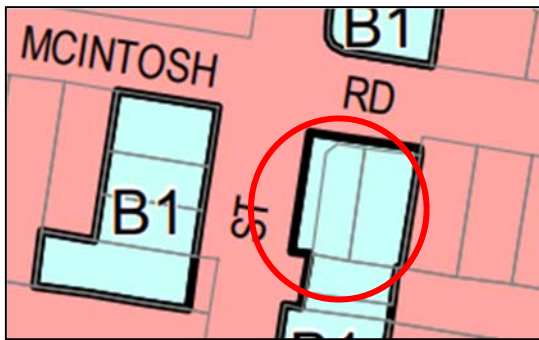
*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

#### 4.1 Warringah Local Environmental Plan 2011

##### Zoning



##### Zone B1 neighbourhood Centre

###### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that neighbourhood centres provide a village-like atmosphere and safety and comfort for pedestrians.
- To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.

###### 2 Permitted without consent

Home-based child care; Home occupations

###### 3 Permitted with consent

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; **Food and drink premises**; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Shop top housing; Shops; Any other development not specified in item 2 or 4.

###### 4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Hospitals; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Passenger transport facilities; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

The proposal relates to a permissible use, being a shoptop housing development.

###### Minimum subdivision lot size

Clause 4.1 of the LEP provides as follows:

- (1) The objectives of this clause are as follows—

- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) to achieve low intensity of land use in localities of environmental significance,*
- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*
- (f) to protect and enhance existing remnant bushland,*
- (g) to retain and protect existing significant natural landscape features,*
- (h) to manage biodiversity,*
- (i) to provide for appropriate stormwater management and sewer infrastructure.*
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

There is no prescribed minimum lot size applicable to the subject site under the Lot size map. Further the proposal, notwithstanding, is consistent with the objectives of the standard.

#### **4.2 Non Statutory Development Control Plans**

The following DCP is relevant to the assessment of the subject application.

##### **4.2.1 Warringah Development Control Plan**

The site is located within the Warringah DCP area. No provisions of the DCP are of strict application to the proposal.

##### **4.2.2 Service arrangements**

Parking allocation is allocated consistent with the original consent for the residential and commercial elements.

Separate garbage rooms are provided for both the residential and commercial components.

Easements are provided for access and use of lifts etc and a Building Management Statement is to be adopted.

#### **5.0 CONCLUSION**

The site is zoned B1 Neighbourhood Centre zone and the proposal is permissible as the subdivision of an existing shop top housing development to separate the commercial and residential component and to allow for efficient and autonomous operations of each distinctly different use with differing objective to be controlled via their own separate strata scheme and owners corporation.

No environmental impacts arise from the proposal which is procedural process only.

Having considered the requirements of the *EP&A Act 1979*, the provisions of WLEP 2011 and relevant environmental matters under WDCP and the Act, the application is worthy of approval.