

ITEM 12.2	PLANNING PROPOSAL - 4 BELLARA AVENUE, NORTH NARRABEEN (PEX2020/0007)
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC & PLACE PLANNING
TRIM FILE REF	2020/659909
ATTACHMENTS	1 ⇒ Planning Proposal 4 Berrara Avenue North Narrabeen (Included In Attachments Booklet)

SUMMARY

PURPOSE

To report the assessment of a Planning Proposal lodged by Sydney Water for 4 Bellara Avenue, North Narrabeen and recommend that Council progress the Planning Proposal to a Gateway Determination.

EXECUTIVE SUMMARY

On 24 August 2020, Northern Beaches Council (Council) received a Planning Proposal (PEX2020/0007) for 4 Bellara Avenue, North Narrabeen (Lot 26 DP 236548) (the subject site) that seeks to amend Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) to rezone the subject site from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential and to apply a 550sqm minimum lot size.

The site has an area of 562sqm and is surrounded by residential development zoned R2 Low Density Residential to the east, south and west, and E4 Environmental Living to the north (see Figure 1 & 2 below).

The site has no surface improvements and has been deemed surplus to Sydney Water's requirements. However, it is noted that the site is traversed by two sewer lines and includes a large concrete chamber with manholes. The subject site also contains sixteen (16) existing trees. The Proposal is supported by a concept architectural design and arborist report that identifies a compliant dwelling can be located on the site that avoids the existing sewer lines and concrete chamber and retains all but two trees.

The Planning Proposal is also accompanied by a Flood Risk Management Report, Geotechnical Report and Survey Plan.

The Planning Proposal was placed on non-statutory exhibition in accordance with the Northern Beaches Community Participation Plan from 2 September to 16 September 2020. During the non-statutory exhibition one submission was received which raised concerns relating to access arrangements to 47 Tatiara Crescent, which contains Sydney Water infrastructure.

The proposal is consistent with the relevant priorities of Northern Beaches Local Strategic Planning Statement (LSPS) and considered appropriate in its context.

The Northern Beaches Local Planning Panel considered the Planning Proposal at its meeting on 21 October 2020 and advised Council it supported the Planning Proposal progressing to a Gateway determination.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Endorse the Planning Proposal, lodged for 4 Bellara Ave, North Narrabeen, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.
 2. Request the applicant prepare and provide a preliminary contamination report prior to formal statutory exhibition
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REPORT

BACKGROUND

On 24 August 2020, a Planning Proposal (PEX2020/0007) was submitted to Council on behalf of Sydney Water in relation to their property at 4 Bellara Avenue, North Narrabeen (Lot 26 DP 236548) (the subject site) to seek amendments to the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014). The amendments sought include a change to the zone of the subject site from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential and to apply a 550sqm minimum lot size.

The site has an area of 562sqm and is surrounded by residential development zoned R2 Low Density Residential to the east, south and west, and E4 Environmental Living to the north (see Figure 1 & 2 below).

The site has no surface improvements and has been deemed surplus to Sydney Water's requirements. However, it is noted that the site is traversed by two sewer lines and includes a large concrete chamber with manholes. The subject site also contains sixteen(16) existing trees. The Proposal is supported by a concept architectural design and arborist report that identifies a compliant dwelling can be located on the site that avoids the existing sewer lines and concrete chamber and retains all but two trees.

The Planning Proposal is also accompanied by a Flood Risk Management Report, Geotechnical Report and Survey Plan.

On 21 October 2020, an assessment of the Planning Proposal was reported to the Northern Beaches Local Planning Panel and the LPP provided the following advice in relation to the Planning Proposal:

The Panel:

- A. Recommends that Council endorse the Planning Proposal, lodged for 4 Bellara Avenue, North Narrabeen, to be submitted to the Department of Planning, Infrastructure and Environment to seek a Gateway Determination.
- B. Recommends Council request the applicant prepare and provide a preliminary contamination report prior to formal statutory exhibition

Site Description

The subject site is undeveloped and contains 16 established and mature trees. The property is identified in the outlined area at Figure 1.

The subject site has an area of approximately 562m² with a frontage of approximately 16.7m to Bellara Avenue. The subject site adjoins land developed for residential purposes to the north, east and west. The properties to the north are zoned E4 Environmental Living. The properties to the east, west and on the opposite side of Bellara Avenue are zoned R2 Low Density Residential.

The subject site is currently only fenced on the common boundary with 5 Tatiara Crescent with a small partial fence existing in the rear portion of the site adjoining 6 Bellara Avenue. A low timber retaining wall appears to form the northern boundary of the site. The site has a moderate North-South slope down to Bellara Avenue of approximately 6m. A small drainage system appears to have been constructed along the boundary with 5 Tatiara Crescent.



Figure 1 – Aerial Photo

Current zoning

The site is zoned SP2 Infrastructure (Water Supply System) under Pittwater LEP 2014. Properties adjoining the site consist of a range of zonings, including zone E4 Environmental Living to the north and zone R2 Low Density Residential to the east, west and on the opposite side of Bellara Avenue.

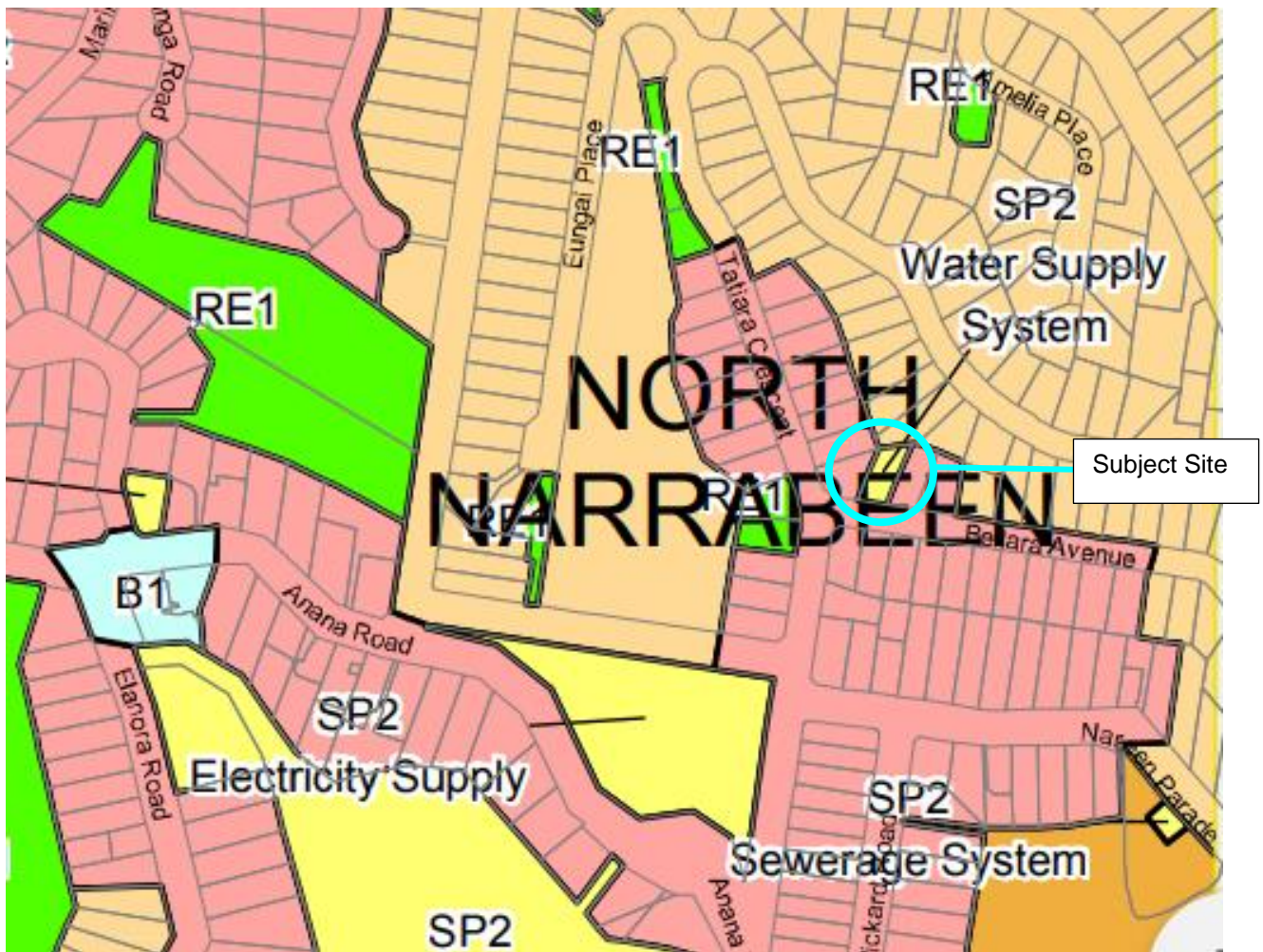


Figure 2 – Existing Zoning Map

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

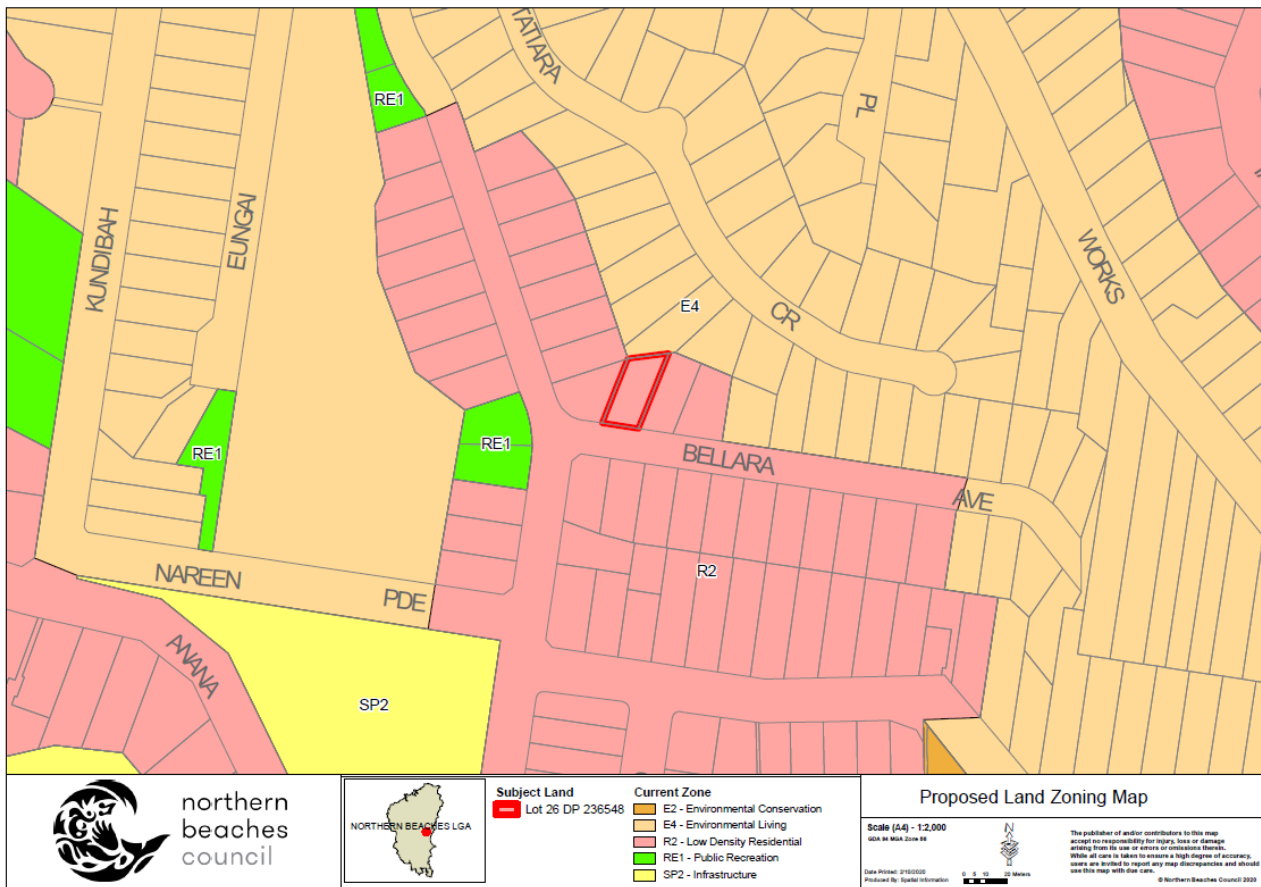


Figure 3 – Proposed Zoning Map

The Proposal

The Planning Proposal seeks to amend the planning controls within Pittwater LEP 2014 to rezone the site to enable development of this land for residential land uses. Specifically, the Planning Proposal seeks to:

- Change the zoning of the site from SP2 Infrastructure to R2 Low Density Residential.
- Apply a 550sqm minimum lot size to the site.

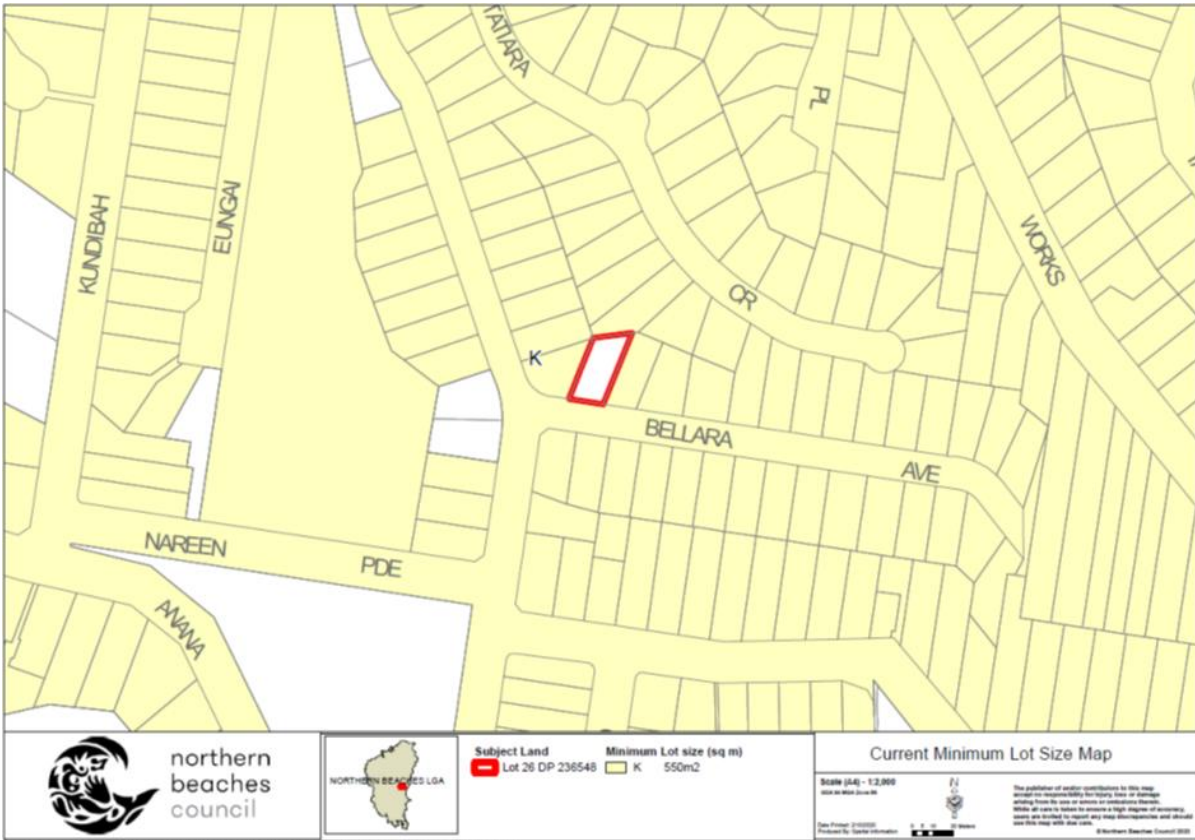


Figure 4 - Current Minimum Lot Size Map

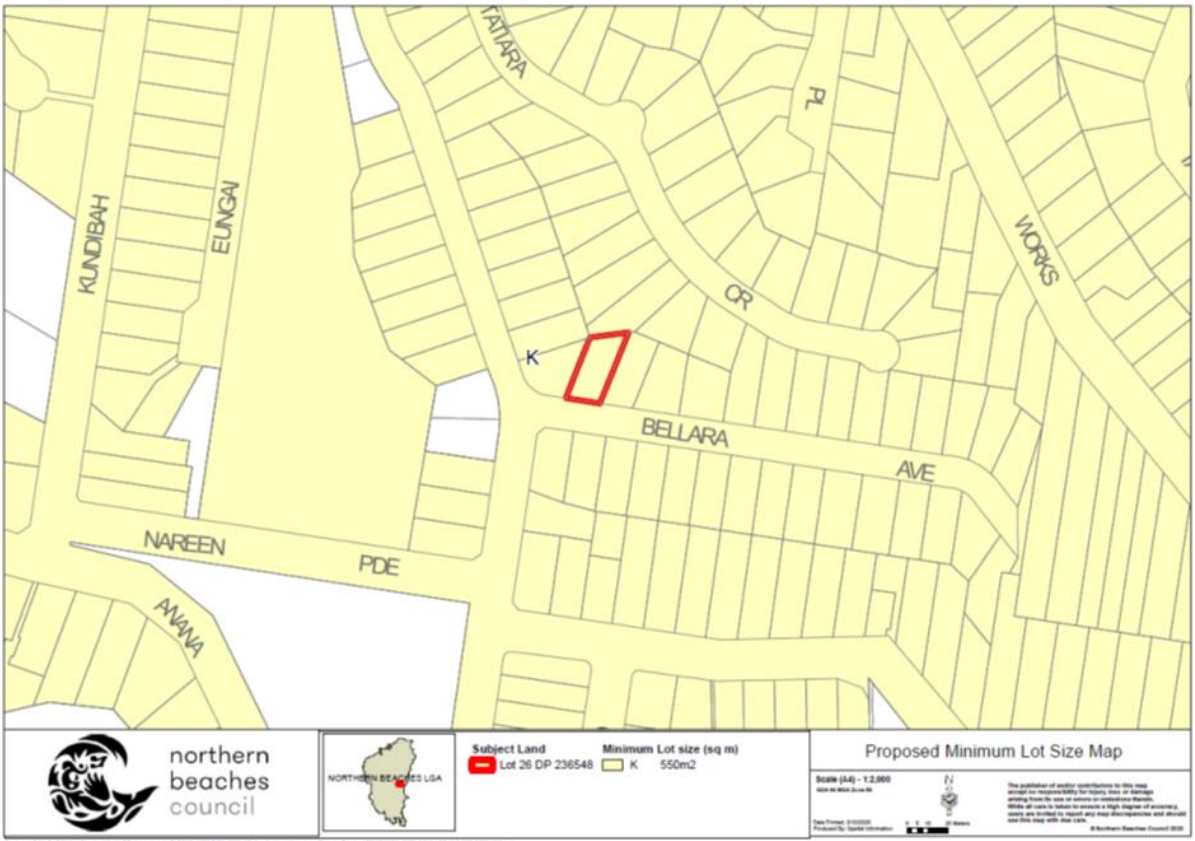


Figure 5 – Proposed Minimum Lot Size Map

Assessment of Planning Proposal

The following assessment is undertaken in accordance with the NSW Department of Planning, Industry and Environment's 'Planning Proposals: A Guide to Preparing Planning Proposals'.

Part 1 – Objectives or Intended Outcomes

The Planning Proposal seeks to amend the Pittwater LEP 2014 to change the zone of the subject site from SP2 Infrastructure to R2 Low Density Residential and to apply a 550sqm minimum lot size.

Part 2 – Explanation of Provisions

The following amendments to Pittwater LEP 2014 are proposed by the applicant:

1. Update Land Zoning Map (Sheet 013) to rezone the site from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential to allow for the future residential development of the site.
2. Update Minimum Lot Size Map (Sheet 013) to apply a minimum lot size of 550sqm to the site.

Part 3 – Justification

Section A – Need for the Planning Proposal

1-Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, Strategic Study or report?

The Planning proposal is not the result of any endorsed Local Strategic Planning Statement, strategic study or report.

The Planning Proposal responds to a change in circumstances with the property being deemed surplus to demand by Sydney Water. Located within an established residential area, the proposal will give effect to the North District Plan, in particular Planning Priority N5 'Providing housing supply, choice and affordability, with access to jobs, services and public transport'.

Local Strategic Planning Statement

Towards 2040 Local Strategic Planning Statement (LSPS) came into effect on 26 March 2020. The LSPS aligns with the North District Plan and Greater Sydney Region Plan and acts as the link between strategic land use planning at the district level and the local statutory planning for the Northern Beaches LGA.

The proposal is consistent with the LSPS, with specific reference to the following priorities:

- Priority 2 – Protected and enhanced bushland and biodiversity.

The site contains existing vegetation which will remain protected under the existing Pittwater 21 DCP (The DCP). The preliminary arborists assessment confirms that future residential development of the site can be achieved with minimal impact on the existing vegetation or biodiversity. Future development of the site will be consistent with that of the adjoining residential development in terms of amenity and appearance.

- Priority 8 – Greater community resilience to natural hazards and climate change.

The site is partially affected by flooding and geotechnical hazards. The proposal has been accompanied by flood and geotechnical assessments which confirm the site can satisfy all relevant development controls and has sufficient area for the construction of residential development outside the extent of the natural hazards.

- Priority 15 – Housing supply, choice and affordability in the right locations.

The proposal will allow surplus Sydney Water land to be reallocated to infill residential development within an established residential neighbourhood with access to existing infrastructure and community facilities.

- Priority 16 – Access to quality social housing and affordable housing.

Whilst the planning proposal does not directly deliver social or affordable housing stock, it does contribute to the supply of additional residential zoned land which is one factor impacting housing affordability.

1. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Amending Pittwater LEP 2014 and rezoning the land from SP2 – Infrastructure to R2 - Low Density Residential is considered the best means of achieving the objectives and outcome of the planning proposal. This will facilitate a redevelopment of the site for residential purposes.

Section B - Relationship to Strategic Planning Framework

2. Will the planning proposal give effect to the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategy?).

Greater Sydney Region Plan

The proposal has been reviewed against relevant outcomes of the Greater Sydney Region Plan 'A Metropolis of Three Cities'. The proposal is consistent with the broad Directions of the Plan, specifically the following:

- Objective 11 – Housing is more diverse and affordable.
- Objective 25 – the coast and waterways are protected and healthier.
- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced.
- Objective 28 – Scenic and cultural landscapes are protected.
- Objective 30 – Urban tree canopy cover is increased.
- Objective 36 – People and places adapt to climate changes and future shocks and stresses.
- Objective 37 – Exposure to natural and urban hazards is reduced.

North District Plan

The proposal supports the North District Plan and an assessment of the strategic and site specific merit against this plan is outlined below.

- Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport.

The proposal provides additional housing supply however, will have limited impact on addressing housing affordability given the single lot available for future residential development.

- Planning Priority N17 – protecting and enhancing scenic and cultural landscapes.

The site is surrounded by residential development. Future redevelopment of the site will be guided by the existing character of the area, relevant zone objectives and Pittwater 21 DCP controls in order to protect and enhance the scenic landscape of the area.

- Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid Connections.

The Planning Proposal itself will not impact the tree canopy, however future redevelopment of the site for residential purposes may have the potential to impact upon existing trees on site. The applicant has submitted concept architectural plans and an arborist report to demonstrate that the site can be developed with the loss of only two existing trees.

- Planning Priority N22 – Adapting to the impacts of urban natural hazards and climate change.

The site is partially affected by flooding during a 1% AEP event. The applicant has submitted a flood report, prepared by Stellen Civil Engineering that confirms the site has sufficient space available for the construction of residential development outside the 1% AEP flood extent meeting all applicable flood related development controls.

b) Does the proposal have site - specific merit, having regard to the following?

<p>The natural environment (including known significant environmental values, resources or hazards).</p>	<p>The site is affected by flooding and geotechnical hazards. The applicant has provided evidence to confirm that future residential development on site can be appropriately sited outside and/or designed to address these hazards in accordance with relevant development controls.</p> <p>The risk of potential site contamination associated with Sydney Water use is considered low. Council will request the Department, as part of the Gateway Determination, require a preliminary contamination report prior to the commencement of the statutory exhibition of the Planning Proposal.</p> <p>The future redevelopment of the site is consistent with the adjoining and nearby residential area and all environmental and natural hazards can be satisfactorily addressed.</p>
<p>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.</p>	<p>The proposal is consistent with the existing and likely future development of the adjoining and nearby residential area.</p> <p>The proposed zone and proposed minimum lot size will be consistent with adjoining properties.</p>
<p>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	<p>The site is currently vacant and surrounded by existing residential development. All necessary infrastructure and services are existing in the locality.</p>

The proposed R2 Low Density Residential is considered appropriate in its context. The site is affected by two sewer lines and a drainage channel with existing mature trees however, the applicant has demonstrated that an appropriate development outcome can be accommodated on the site within the existing site constraints.

3. Will the planning proposal give effect to a council's local strategy or other local strategic plan?

The planning proposal is consistent with the Northern Beaches Towards 2040 Local Strategic Planning Statement (LSPS), in particular Priorities 2, 8, 15 and 16 as outlined earlier in this report.

A review of the proposal against relevant Council policies and plans has been undertaken, including:

Dwelling Targets

Under the North District plan, Council has been assigned a target of 3,400 dwellings to 2021. The proposal will contribute to the overall dwelling target delivery.

Affordable and Appropriate Housing

This proposal is for a single residential allotment and is not considered urban renewal or greenfield development as identified in the policy. Given this, the 10% affordable housing target is not applicable to the proposal.

4. Is this Planning proposal consistent with applicable State Environmental Planning Policies?

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP No. 19- Bushland in Urban Areas	N/A	N/A
SEPP No. 21 - Caravan Parks	N/A	N/A
SEPP No. 33 - Hazardous and Offensive Development	N/A	N/A
SEPP No. 36 - Manufactured Home Estates	N/A	N/A
SEPP No. 44 - (Koala Habitat Protection) 2019	N/A	N/A
SEPP No. 47 - Moore Park Showground	N/A	N/A
SEPP No. 50 - Canal Estate Development	N/A	N/A
SEPP No. 55 - Remediation of Land	Yes	Yes
SEPP No.64 - Advertising and Signage	N/A	N/A
SEPP No.65 - Design Quality of Residential Apartment Development	N/A	N/A
SEPP No.70 - Affordable Housing (Revised Schemes)	N/A	N/A
SEPP (Aboriginal Land) 2019	N/A	N/A
SEPP (Activation Precincts) 2020	N/A	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Coastal Management) 2018	N/A	N/A
SEPP (Concurrences and Consents) 2018	Yes	Yes
SEPP (Education Establishments and Child Care Facilities) 2017	N/A	N/A
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes
SEPP (Gosford City Centre) 2018	N/A	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	Yes
SEPP (Infrastructure) 2007	Yes	Yes
SEPP (Kosciuszko National Park – Alpine Resorts)	N/A	N/A

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent
2007		
SEPP (Kurnell Peninsula) 1989	N/A	N/A
SEPP (Major Infrastructure Corridors) 2020		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
SEPP (Miscellaneous Consent Provisions) 2007	N/A	N/A
SEPP (Penrith Lakes Scheme) 1989	N/A	N/A
SEPP (Primary Production and Rural Development) 2019	N/A	N/A
SEPP (State and Regional Development) 2011	N/A	N/A
SEPP (State Significant Precincts) 2005	N/A	N/A
SEPP (Sydney Drinking Water Catchment) 2011	N/A	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A	N/A
SEPP (Three Ports) 2013	N/A	N/A
SEPP (Urban Renewal) 2010	N/A	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Yes
SEPP (Western Sydney Employment Area) 2009	N/A	N/A
SEPP (Western Sydney Parklands) 2009	N/A	N/A
SEPP (Western Sydney Aerotropolis) 2020	N/A	N/A

5. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal is consistent with applicable Ministerial Directions, including:

- **Direction 2.6 Remediation of Contaminated Land**

Council will require a preliminary contamination report to be submitted by the proponent after a Gateway Determination has been issued and prior to commencement of the statutory exhibition of the Planning Proposal.

- **Direction 3.1 Residential Zones**

The proposal is consistent with the objectives of Ministerial Direction 3.1 Residential Zones as it will make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands.

- **Direction 3.4 Integrating Land Use and Transport**

The site's location within an established residential area with access to public transport and existing infrastructure achieves the objectives of this Direction.

- **Direction 4.3 Flood Prone Land**

The site is in the Low Risk Flood precinct. As the Planning Proposal seeks to achieve residential land use, which is not categorised as 'vulnerable development', the proposal is consistent with this Direction.

- **Direction 6.2 Reserving Land for Public Purposes**

In accordance with Pittwater Local Environmental Plan 2014 the land is not identified for acquisition and the property has been deemed surplus to demand by Sydney Water, therefore the Planning Proposal is consistent with this Direction.

- **Direction 6.3 Site Specific Provisions**

The Planning Proposal does not include any unnecessarily restrictive site specific planning controls and is therefore consistent with this Direction.

- **Direction 7.1 Implementation of A Plan for Growing Sydney**

The Planning Proposal responds to a change in circumstances with the property being deemed surplus to demand by Sydney Water. It is consistent with this Direction by giving effect to the planning principles, directions and priorities of the North District Plan.

CONSULTATION

Council placed the applicant's Planning Proposal on non-statutory public exhibition in accordance with the Northern Beaches Community Participation Plan from 2 September 2020 to 16 September 2020. Notification included:

- Letters to land owners and occupiers adjoining the subject site
- Electronic copies of the exhibition material on Council's website
- Emails to registered community members who have listed their interest on Council's Community Engagement Register.

One submission was received in response to the public exhibition period. The submission raised only one issue relating to access arrangements to 47 Tatiara Crescent, which contains Sydney Water infrastructure:

Sydney Water assets are installed on our property 47 Tatiara Crescent and adjacent 4 Bellara Ave. These assets include 1 x lamp hole + 1 x maintenance hole + sewer mains approx 8m in one direction + 20m in another at the boundary line. Sydney Water assets are also located on 4 Bellara Ave.

My concern is that development of 4 Bellara Ave. will adversely impact serviceability of Sydney Water assets for these properties. When Sydney Water have serviced these assets in the past, access has been at 4 Bellara and onto 47 Tatiara.

Access arrangements to Sydney Water infrastructure is prescribed under the Sydney Water Act 1994. While access through Sydney Water's property at 4 Bellara Ave, North Narrabeen has historically provided convenient access to service infrastructure on the neighboring property, this is not considered a reason to oppose the Planning Proposal as appropriate access arrangements are already in place.

Agency referrals

The Planning Proposal was not referred to any state agencies for comment. This will occur following a Gateway decision.

Internal referrals

Referrals were sent to a range of Northern Beaches Council business units requesting advice on the following matters:

- Transport and traffic
- Aboriginal heritage
- Bushland and biodiversity
- Contaminated land

- Flooding and geotechnical hazards

Comments received have been incorporated into the assessment of the Planning Proposal (see attachment).

No internal referrals raised issues or concerns in regard to progressing the Planning Proposal to gateway.

TIMING

It is anticipated that the timeframe for the completion of the Planning Proposal is approximately 10 – 12 months from the date of Council's approval to proceed. Following the issue of a Gateway Determination, Council will be required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following exhibition.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Places for People - Goal 7: Our urban planning reflects unique character of our village, natural environment and is responsive to the evolving needs of our community.

FINANCIAL CONSIDERATIONS

The recommendations of this report pose no financial impact on Council.

The assessment of the Planning Proposal is funded by the prescribed Planning Proposal fee as set out in Councils Fees and Charges 2020/21 and does not have an adverse impact on Council's budget.

SOCIAL CONSIDERATIONS

The Planning Proposal is not anticipated to have any adverse social impacts given the site is located within an established residential locality, with access to existing infrastructure and facilities.

ENVIRONMENTAL CONSIDERATIONS

The environmental considerations associated with the Planning Proposal relate to retention of significant trees on site, flood affectation and geotechnical hazards. The application has provided a range of reports and information addressing these considerations and demonstrating, in principle, that a development outcome can be achieved without adverse environmental impacts.

GOVERNANCE AND RISK CONSIDERATIONS

The Planning Proposal is not anticipated to have any governance or risk implications.