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STATEMENT OF ENVIRONMENTAL EFFECTS

*STRATA SUBDIVISION OF APPROVED DUAL
OCCUPANCY*

LOT 11 IN DP 10548

14 GLADSTONE STREET NEWPORT

FOR

P & V FIEDLER

JULY 2020

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1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a draft plan of subdivision for the Strata title subdivision of an approved dual occupancy at **14 Gladstone Street, Newport**. The detached dual occupancy was approved by Council under Development Application No. 2019/1338 on 21 May 2020.

This Statement addresses the relevant planning controls and policies relating to the subdivision. As a result of this assessment it is concluded that the proposed subdivision is both permissible and supportable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:-

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater 21 Development Control Plan*

A Pre-DA meeting for the dual occupancy application was held with Council on 20 September 2020. Amongst other comments, Council advised that “Strata subdivision of the proposed dual occupancy could be considered subject to the proposal being issued development consent.” As the proposal has now achieved development consent, this application seeks Strata subdivision. No additional dwelling house entitlements are created by the subdivision beyond the approved dual occupancy.

2.0 PROPERTY DESCRIPTION

The subject allotment is described as **14 Gladstone Street, Newport**, being Lot 11 within Deposited Plan 10548 and is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014.

The site is not listed as a heritage item nor is it within a conservation area. The land is not identified being bushfire or flood prone land. The site is not identified as being within the Terrestrial Biodiversity zone. The site is within the Class 5 Acid Sulfate Soils area.

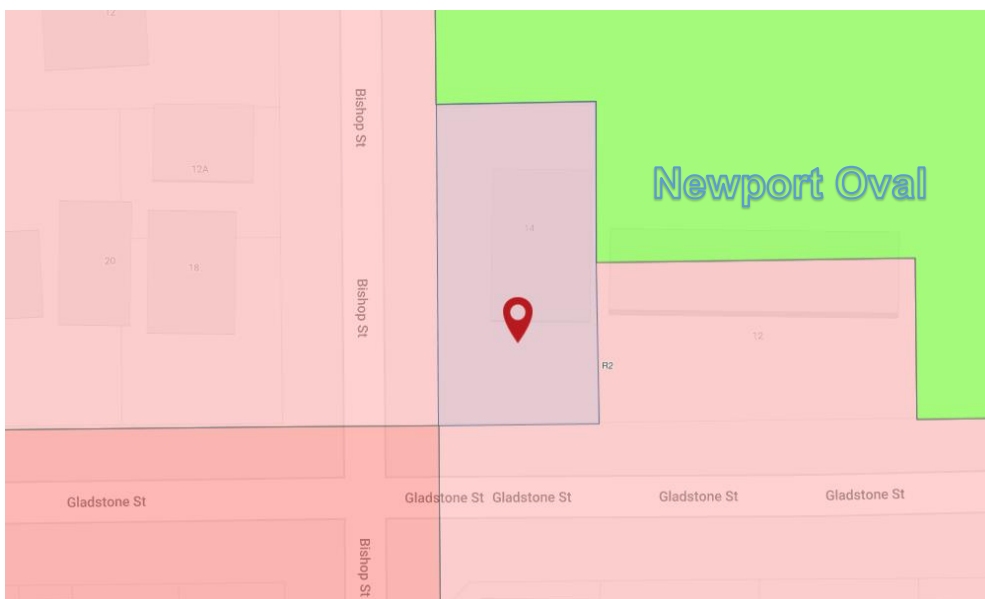


Figure 1: Location and zoning map, identifying the land within the R2 zone under the Pittwater LEP 2014

3.0 SITE DESCRIPTION

The property is located on the northern side of Gladstone Street in Newport. The site is a corner allotment, regular in shape, with a total area of 797m². The site has a total width of 20.115m for the northern and southern boundaries, and a total length of 39.625m for the eastern and western boundaries.

The site is currently occupied by a single storey weatherboard cottage with a tile and metal roof with a swimming pool in the rear yard. Vehicular and pedestrian access is provided through the driveway and entry gate at the western boundary, adjacent to Bishop Street. There are no significant trees on the site.

Under the approved application, all site structures will be demolished in preparation for the construction of two new dwellings (detached dual occupancy).



Figure 2: Aerial photo of the subject site



Figure 3: Photograph showing the subject site when viewed from Gladstone Street (facing north)



Figure 4: Photograph of the subject site when viewed from Bishop Street (facing east)



Figure 5: The subject site when viewed from Newport Oval (facing south west)

4.0 THE SURROUNDING ENVIRONMENT

Northern Beaches Council is the relevant Local Government, which forms part of the Northern Beaches region. The site is located within the suburb of Newport, which is a suburb approximately 31km north of the Sydney Central Business District.

A large proportion of the surrounding development is residential. The site is adjacent to Newport Oval, which is north-east of the subject site. The only neighbouring residential property is No. 12 Gladstone Street to the east which is a 4 storey residential flat building dating from the 1960's period.



Figure 6: Adjoining residential flat building at 12 Gladstone Street

5.0 PROPOSED DEVELOPMENT

The proposal seeks consent for the Strata subdivision of a detached dual occupancy approved under application DA2019/1338. The application was approved on 21 May 2020.

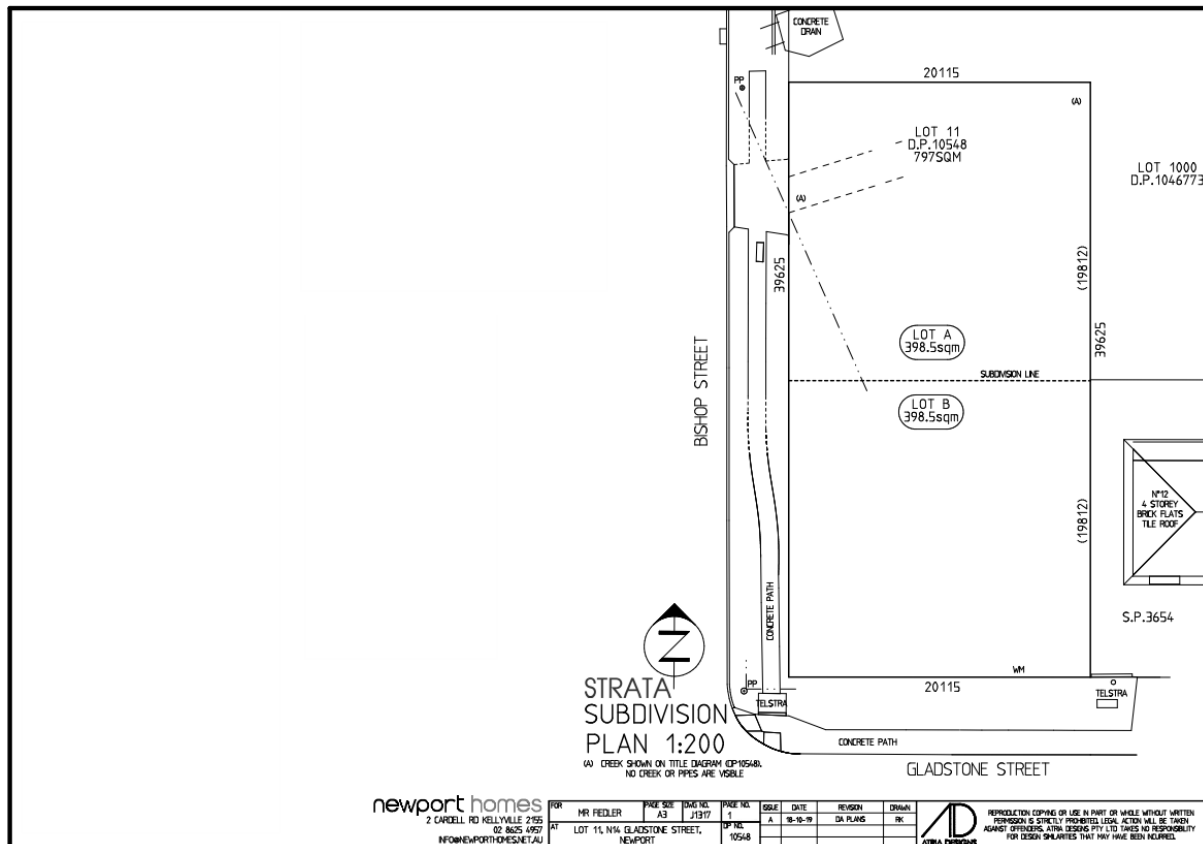


Figure 7: Draft plan of Strata subdivision

6.0 ZONING AND DEVELOPMENT CONTROLS

6.1 Pittwater Local Environmental Plan 2014

Clause 2.3 Zone objectives and land Use Table

The site is zoned as R2 Low Density Residential under the provisions of the PLEP 2014, gazetted on 30 May 2014.

The development of the land for residential purposes within the R2 Low Density Residential Zone is consistent with the zone objectives, which are noted as:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

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Subdivision is permissible with the consent of Council and in this case the subdivision follows approved development. The approved development achieves the zone objectives. The act of subdivision does not impair the achievement of the zone objectives. There are no adverse impacts arising from the subdivision of the development.

The following table addresses the principal clauses of the PLEP 2014.

CONTROL	PROPOSED	COMPLIANCE
Clause 2.6 Subdivision (1) Land to which this Plan applies may be subdivided, but only with development consent.	The application proposes the Strata subdivision of approved development.	Complies
Clause 4.1 Minimum subdivision lot size (4) This clause does not apply in relation to the subdivision of any land: a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i> , or b) by any kind of subdivision under the <i>Community Land Development Act 1989</i> .	The proposed dual occupancy will be subdivided by Strata title and therefore this clause is not applicable.	N/A
Clause 4.1B Minimum lot sizes for dual occupancies (2) Development consent may only be granted to development on a lot for the purpose of a dual occupancy if: b) the area of the lot is equal to or greater than 800 square metres.	This clause applies only to the parent lot size for dual occupancy development. This clause was applicable to the original development.	N/A
Clause 4.2A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements. (2) This clause applies to land in the following zones that is used, or is	The proposed Strata title subdivision will result in lot sizes which are less than the minimum lot size shown on the Lot Size Map. The size shown on the Lot Size Map is 700m ² . The minimum lot size is identified as a development standard and is sought to be varied by a request under Clause 4.6 of the PLEP. The environmental planning ground relied upon is the clear achievement of	No This application is supported by a Clause 4.6 variation.

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CONTROL	PROPOSED	COMPLIANCE
<p>proposed to be used, for the purpose of a dual occupancy—</p> <ul style="list-style-type: none"> a) Zone RU2 Rural Landscape, b) Zone R2 Low Density Residential, c) Zone R5 Large Lot Residential, d) Zone E4 Environmental Living. <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land. Note. Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that strata subdivision of a building in certain circumstances is specified complying development.</p> <p>(4) This clause does not apply to the strata subdivision of land used, or proposed to be used, for the purpose of a dual occupancy for which development consent was granted on or before 2 June 2003.</p>	<p>the objective of the standard as the subdivision does not result in a subdivision that creates additional dwelling entitlements.</p>	
<p>Clause 4.4 Floor Space Ratio</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>There is no specified floor space ratio for the subject site.</p>	<p align="center">N/A</p>

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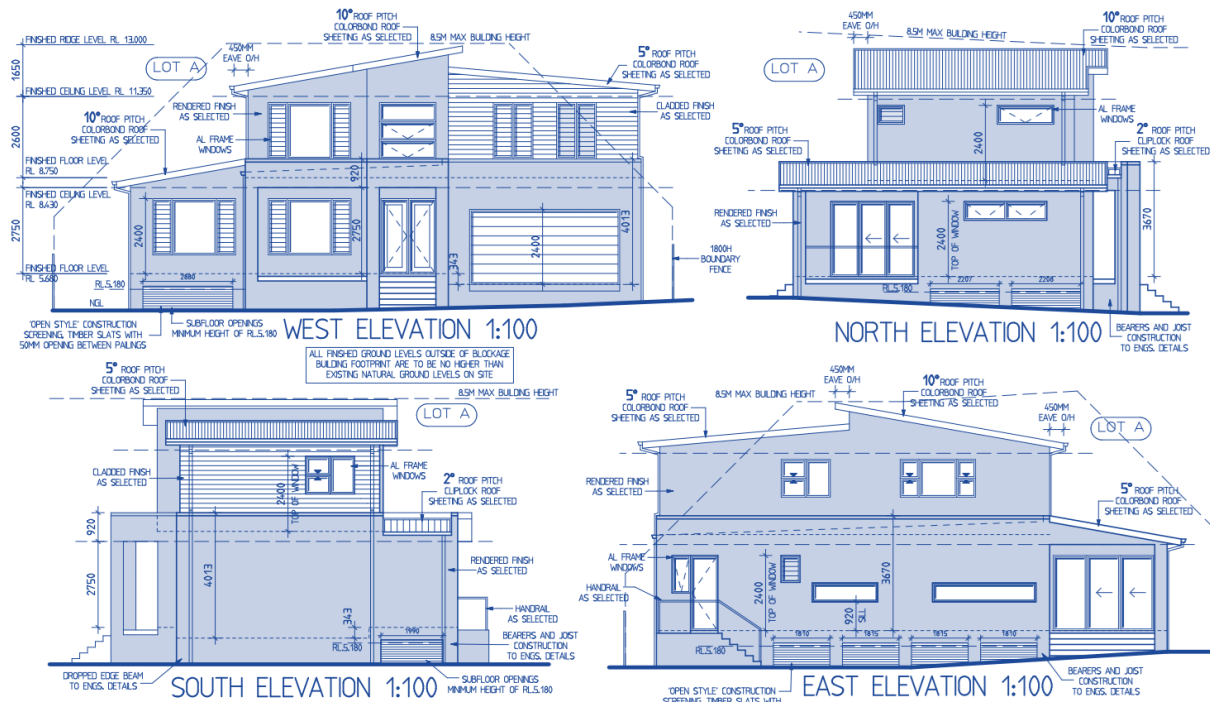


Figure 8: Extract from the approved architectural plan set showing the elevations for Dwelling A (Bishop Street)

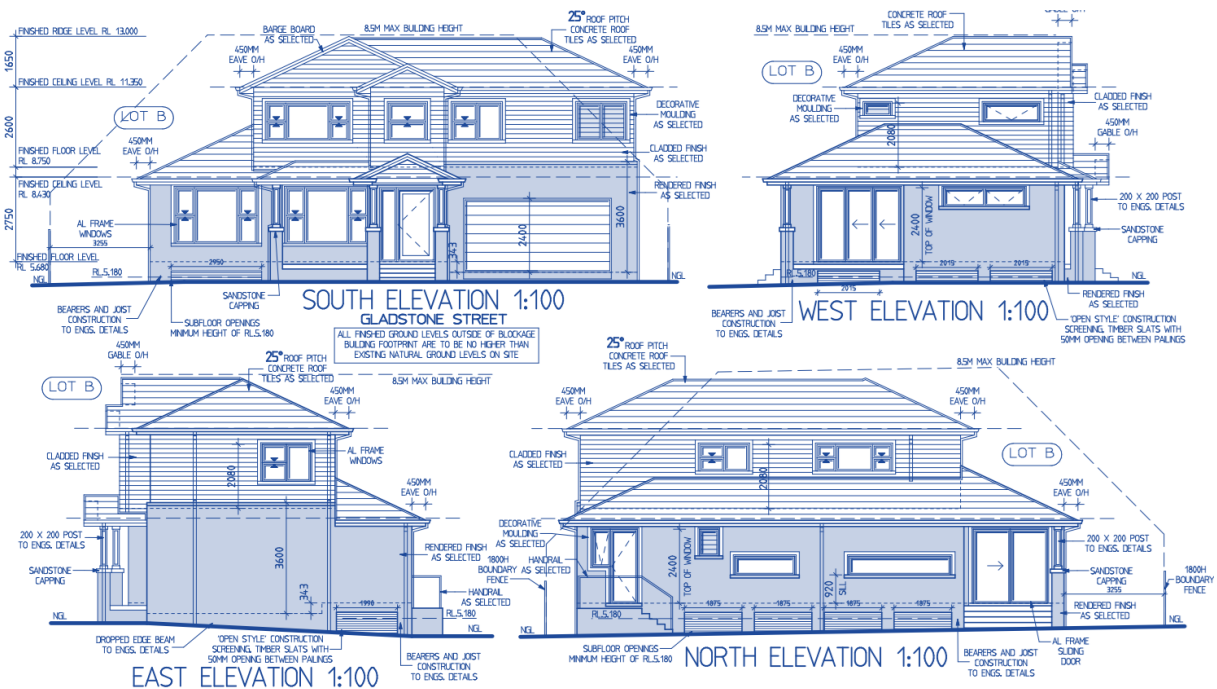


Figure 11: Extract from the approved architectural plan set showing the elevations for Dwelling B (Gladstone Street)

6.3 Pittwater 21 Development Control Plan

Council's Pittwater 21 DCP Section B (General Controls), Section C (Design Criteria) and Section D10 Newport Locality Statement provides a range of outcomes and controls which form the primary criteria control for development within the subject locality.

6.3.1 Section A Introduction

The desired outcomes for the Newport Locality, in which this site falls, are as follows:

A4.10 Newport Locality

The Newport locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a natural landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancy dwellings will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

Newport's coastal setting is what contributes most to the distinctive character of the commercial centre. Responsive, energy efficient buildings will support and enhance this relaxed, beachfront character and its outdoor lifestyle, contributing to a unique sense of place. Contemporary design solutions within the commercial centre will respond to Newport's climate and setting, including providing shade and shelter to streets and entries, generous private outdoor spaces, openings that capture ocean breezes, and shade elements.

It is considered that the proposal is consistent with the desired character of the locality as the subdivision supports an approved dual occupancy development. The resultant development is consistent with the low-density scale of the area and the subdivision does not result in any additional dwelling house entitlements beyond the approved dual occupancy.

6.3.2 Section B General Controls

There are no specific controls applicable to the proposed Strata title subdivision under this Section.

6.3.3 Section C Development Type Controls

There are no specific controls applicable to the proposed Strata title subdivision under this Section.

6.3.4 Section D Locality Specific Development Controls

There are no specific controls applicable to the proposed Strata title subdivision under this Section.

7.0 MATTERS FOR CONSIDERATION - SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Pittwater Local Environmental Plan 2014, and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument has been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the subdivision.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act

Northern Beaches Council has prepared Planning Proposal PP_2018_NBEAC_003_00 which seeks to prohibit dual occupancies in the R2 zone under Pittwater LEP 2014. The proposal is currently at Pre-exhibition stage.

7.3 Any development control plan

The development is subject to Council's Pittwater 21 Development Control Plan. There are no numerical provisions of the DCP that are directly relevant to the proposal.

It is considered that the subdivision of the approved detached dual occupancy respects the desired character objectives of the DCP in that the resulting development will reinforce the existing residential character of the area and does not result in additional dwelling house entitlements.

7.4 Any planning agreement that has been entered into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The Regulations (to the extent that they prescribe matters for the purposes of this paragraph)

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the Strata subdivision of an approved dual occupancy, will not have any physical impacts upon the amenity of adjoining properties or upon the character of the surrounding area.

The proposal is considered to be consistent with the objectives of Clause 4.2A of the PLEP 2024 as the subdivision does not create any additional dwelling house entitlements.

7.7 The suitability of the site for the development

The subject land is zoned R2 Low Density Residential under the Pittwater Local Environmental Plan 2014 and is considered suitable for the proposed development.

The subject site does not exhibit any constraint to the subdivision of the approved dual occupancy development in the manner intended.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposed subdivision will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and the granting of consent is therefore considered to be in the public interest.

The use of the land also sees the economic and orderly use of the land to provide for additional housing within the area, which will be designed and constructed in an environmentally friendly and sustainable manner, to the benefit of the wider community.

8.0 CONCLUSION

The principal objective of this development is for the Strata title subdivision of an approved dual occupancy development at **14 Gladstone Street Newport**.

It is considered that the proposed subdivision satisfies the stated objectives of Council's Development Controls as it does not fragment the land by introducing additional dwelling house entitlements.

As the proposed development will have no physical impacts upon the environment or the amenity of the adjoining allotments, the issue of Development Consent is supportable.



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