



northern
beaches
council

MEMORANDUM

DATE: 19 March 2024

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Peter Robinson, Executive Manager Development Assessment

FROM: Stephanie Gelder

SUBJECT: Item No.4.2 - DA2023/1518 - 34 Castle Circuit SEAFORTH NSW 2092

TRIM REFERENCE: 2024/194647

The purpose of this memo is to advise the Panel that a late submission has been received from the applicant's town planner - Tracy Davey from (Levy Planning).

The late submission raises the following issues to which a response is provided:

Full support from Council's Engineers to the proposed subdivision

Comment: This statement is noted and not disputed. It is clear that the development is supported by Council's Engineers.

Full support from Council's Landscape Officer to the proposed subdivision

Comment: This statement is noted and not disputed. It is clear that the development is supported by Council's Landscape Officer.

No opportunity to respond to planning issues

Comment: The request for information made by Council related to technical matters associated with Engineering and Landscaping matters. The planning issues raised within the assessment are not matters overcome with additional information insofar that the proposed subdivision is predicated on the basis of the retention of the existing dwelling, which Council's does not support. It is noted that the pre-lodgement meeting supported the proposal, how such supported was predicated on a dwelling on Lot 2 meeting Council's controls. This has not been achieved.

Comments on the assessment report

It is acknowledged that the Assessment Report on p.79 of the Agenda erroneously states that the proposal is consistent with the aims of the LEP, and zone objectives of the LEP. For clarity, the proposal is considered to be inconsistent with the aims of the plan, and objectives of the zone as detailed on p.93 of the Agenda.

Council has never requested a dwelling layout in support of Lot 2

Comment: Council's requirement for this was established at the pre-lodgement meeting. Notwithstanding this, detailed plans were not pursued as a more fundamental issue in relation to the unsuitability of the subdivision was present.

The environmental features of the site limit the subdivision potential

Comment: For the reasons articulated within the planning report, the natural features of the site are considered to significantly constrain development opportunity on Lot 2.

The environmental performance of a new dwelling is like to be more sustainable than that of an existing dwelling

Comment: A new dwelling would be subject of BASIX requirements, which in themselves seek to reduce water and energy usage. It is considered that a BASIX dwelling would be more energy efficient than a non-BASIX dwelling.

The remainder of the issues raised in the late submission have been addressed in the Assessment Report.

As such, it is considered that the proposal is resultant in an undersized lot size that is not suitable for subdivision, and future development due to the environmental site constraints including the existing trees, and the rock outcrop.

Conclusion

For the reasons discussed within the assessment report, the site is considered to be unsuitable for proposed subdivision. It is an important and pertinent point that despite the claims made within the late submission, the application must be refused as the environmental planning grounds advanced within the written Clause 4.6 Variation request are not sufficient.

Recommendation

No changes required to the recommendation or reasons for refusal that are contained within in the Assessment Report.