



northern
beaches
council

AGENDA

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

Notice is hereby given that a Meeting of the Northern Beaches Local Planning Panel will be held in the Council Chambers, Civic Centre, Dee Why on

WEDNESDAY 1 AUGUST 2018

Beginning at 1.00PM for the purpose of considering and determining matters included in this agenda.

Peter Robinson
Executive Manager Development Assessment

Panel Members

Lesley Finn	Chair
Robert Hussey	Town Planner
Graham Brown	Town Planner
Lloyd Graham	Community Representative

Quorum

A quorum is three Panel members

Conflict of Interest

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.

**Agenda for a Meeting of the Northern Beaches Local Planning Panel
to be held on Wednesday 1 August 2018
in the Council Chambers, Civic Centre, Dee Why
Commencing at 1.00PM**

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2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 18 JULY 2018

RECOMMENDATION

That the Panel note that the Minutes of the Northern Beaches Local Planning Panel held 18 July 2018 were adopted by the Chairperson and have been posted on Council's website.

5.0 PLANNING PROPOSALS

ITEM 5.1	PLANNING PROPOSAL PP0003/17 - 2-4 NOOAL STREET AND 66 BARDO ROAD, NEWPORT
REPORTING OFFICER	BRENDAN GAVIN
TRIM FILE REF	2018/391230
ATTACHMENTS	1 ↓ Council Report and Resolution for PP0003/17 2 ↓ Planning Proposal - PP0003/17 - 2 Nooal Street , 4 Nooal Street and 66 Bardo Road, Newport

PURPOSE

This Planning Proposal has been referred to the Northern Beaches Local Planning Panel for advice, in accordance with the Local Planning Panels direction for Planning Proposals.

SUMMARY

In September 2017 Northern Beaches Council received a Planning Proposal seeking to amend the Pittwater Local Environmental Plan 2014 to add Seniors Living as an Additional Permitted Use at 2-4 Nooal Street and 66 Bardo Road, Newport.

Council at its meeting of 27 November 2017 resolved to refuse the Planning Proposal and formally notified the applicant on 11 December 2018.

On the 28 of February 2018 the applicant sought a Rezoning Review with the Sydney North Planning Panel. At its meeting of 2 May 2018, the Planning Panel recommended that the Planning Proposal should be proceed subject to amendments.

On the 14 of June 2018 Council resolved to be the Relevant Planning Authority for the Planning Proposal. This means Council is now responsible of the preparation of a Planning Proposal and is required to submit it to the Department of Planning and Environment for a Gateway Determination.

In accordance with the Minister for Planning's Local Planning Panel Directions, the Planning Proposal must be referred to the relevant local planning panel first, before being forwarded to the Department of Planning and Environment and the Minister for a Gateway Determination. Subsequently the proposal has been prepared for the Panel's advice.

RECOMMENDATION OF MANAGER STRATEGIC AND PLACE PLANNING

That

- A. The Panel consider the Planning Proposal and provide advice to Council.
- B. Council then submits the Planning Proposal to the Department of Planning and Environment for a Gateway Determination with the advice from the Panel.

REPORT

BACKGROUND

Council received a Planning Proposal on 4 September 2017 to amend the Pittwater Local Environmental Plan 2014 (PLEP 2014) for land at 2-4 Nooal Street and 66 Bardo Road, Newport. The Planning Proposal sought to add an additional permitted use on the site through Schedule 1 of the PLEP to permit seniors housing. The subject properties would have retained their E4 Environmental Living Zoning.

Council at its meeting of 27 November 2017 resolved to refuse the Planning Proposal. Council resolved:

That

- A. Council does not submit the Planning Proposal lodged for 2-4 Nooal Street and 66 Bardo Road, Newport for a Gateway Determination for the following reasons:
 - a. It is inconsistent with the *Pittwater Local Planning Strategy (2011)*
 - b. It does not have strategic merit or site specific merit when assess in accordance with the NSW Planning & Environment's *Planning Proposal: A guide to preparing planning proposals (2016)*
 - c. It does not align with the goals and targets of the *Revised Draft North District Plan*.
 - d. It is inconsistent with the following State Environmental Planning Policies;
 - I. Housing for Seniors or People with a Disability
 - II. Coastal Protection
 - III. Draft Coastal Management
 - e. Is inconsistent with the following Local Planning Directions;
 - I. 2.1 – Environmental Protection Zones
 - II. 4.3 - Flood Prone Land
 - III. 7.1 – Implementation of the Metropolitan Strategy
 - IV. Draft Coastal Management Local Planning Direction.
 - f. It is inconsistent with the objectives of the E4 Environmental Living Zone in Pittwater Local Environmental Plan 2014.
 - g. It seeks to permit medium density residential development that is inconsistent with the established low density character of the area.
 - h. It would set an unacceptable precedent.
- B. The proponent and interested parties who made a submission be advised of Council's decision.

A copy of that Council Report is at **ATTACHMENT 1**

The applicant subsequently sought and was granted a Rezoning Review by the NSW Department of Environment and Planning. A proponent has 42 days from the formal notification of refusal to support a planning proposal to seek the review through the relevant planning panel. The request was accepted by the Department on 28 February 2018, being 60 days after Council notified the applicant it did not support the Planning Proposal. It is noted that periods may be extended over the Christmas and New Year's periods.

At its meeting of 2 May 2018, the Sydney North Planning Panel heard the matter. Council provided written commentary to the panel beforehand indicating their reasons for refusal and provided an oral submission on the day as to why it should not be supported. The following day the Panel determined the Planning Proposal should be proceed with substantial amendments that were not communicated or discussed previously. Rather than pursuing an amendment to Schedule 1 of the Pittwater Local Environmental Plan 2014 to introduce seniors housing as an additional permitted use the Panel supported a straight rezoning from E4 Environmental Living to R2 Low Density Residential, and a recommendation to investigate expanding the subject area to include 13 additional properties up to Irrubel Road.

Given the substantial changes proposed by the Sydney North Planning Panel, Council sought to be the Relevant Planning Authority (RPA) for this Planning Proposal. This means Council is now responsible for the preparation of a Planning Proposal, submitting it to the Department of Planning for a Gateway Determination, and its finalization and gazettal.

In accordance with the Minister for Planning's directions, the RPA must now submit a Planning Proposal to the relevant local council planning panel for advice, before it is submitted to the Department and Minister for a Gateway Determination. This direction was not in place when this Planning Proposal was first assessed by Council, and as such the Planning Proposal was not referred to the local planning panel at that time. The Minister's Direction came into effect on 1 June 2018, however it does apply to planning proposals prepared, but not submitted to the Minister, before 1 June 2018. As this proposal has not been submitted to the panel previously or the Minister, it must now be submitted to the Northern Beaches Local Planning Panel for advice.

Following the Northern Beaches Local Planning Panel providing advice on the Planning Proposal, it shall be forwarded to the Department of Planning and Environment for a Gateway Determination.

PLANNING PROPOSAL

The intended outcome of the Planning Proposal is to rezone 2 – 4 Nooal Street and 66 Bardo Road from E4 Environmental Living to R2 Low Density Residential. This is in line with the decision of the Sydney North Planning Panel on the 2 May 2018.

A copy of the Planning Proposal is at **ATTACHMENT 2**.

CONCLUSION

The Planning Proposal is prepared in accordance with the Department's *Guide to Preparing Planning Proposals* (August 2017) as well as the recommendations of the Sydney North Planning Panel. While Council previously resolved to not support the proposal, and has always opposed the proposal, it is now the Relevant Planning Authority and must comply with the direction of the Sydney North Planning Panel for the Planning Proposal to proceed.

CONSULTATION

This proposal was first placed on non-statutory public exhibition for 30 days from 16 September 2017 until 16 October 2017. During that time 28 submissions were received from the general public. Only four of the submissions supported the proposal, while one was neutral. The remaining 23 submissions objected to the proposal.

If the proposal was to proceed through Gateway and receive a determination to proceed, an additional round of statutory public exhibition would be undertaken for 28 days.

TIMING

It is anticipated that following the Northern Beaches Local Planning Panel providing advice on the proposal, it will be included with the proposal and forwarded to the Department of Planning and Environment for a Gateway Determination.

If the proposal receives a Gateway Determination to proceed, it is anticipated that it will take approximately 9 months to exhibit the proposal, finalize and then publish the proposed LEP amendment.

FINANCIAL CONSIDERATIONS

There are no substantive financial considerations with the preparation of the Planning Proposal.

ENVIRONMENTAL CONSIDERATIONS

The Planning Proposal is considered to have a negative outcome for the environment. The properties subject to the Planning Proposal are currently zoned E4 Environmental Living as they are subject to natural hazards while also valued by the community for their aesthetic qualities. The objectives of the E4 Environmental Living Zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors*

The proposed R2 Low Density Residential Zone has a different set of objectives and is clearly aimed at residential areas free from hazards or specific values and qualities that need to be preserved and enhanced. The objectives of this zone are

- *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.*

The proposed zoned would remove the aesthetic objectives of the original zone, as well as further weaken the strategic intent to allow development of a low scale and low impact, and enhance riparian and foreshore vegetation around Crystal Bay.

It is further noted that rezoning would provide for a seniors living development application to be lodged on the subject properties. This would allow for a medium density development of either multi-dwelling housing or residential flat buildings to be constructed on the site.

SOCIAL CONSIDERATIONS

This proposal is subject to community opposition. 23 submissions objecting to the proposal were received during the non-statutory public exhibition period from surrounding land owners as well as the Newport Residents Association.

GOVERNANCE AND RISK CONSIDERATIONS

Governance and risk considerations are standard procedural considerations in relation to actions arising from the recommendations of this report.



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MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held in the Council Chambers, Civic Centre, Dee Why on

WEDNESDAY 1 AUGUST 2018

**Minutes of a Meeting of the Northern Beaches Local Planning Panel
held on Wednesday 1 August 2018
at Council Chambers, Civic Centre, Dee Why
Commencing at 1.00PM**

ATTENDANCE:

Panel Members

Lesley Finn	Chair
Robert Hussey	Town Planner
Graham Brown	Town Planner
Lloyd Graham	Community Representative

1.0 APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

Nil

2.0 MINUTES OF PREVIOUS MEETING

2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 4 JULY 2018

The Minutes of the Northern Beaches Local Planning Panel held 4 July 2018, were adopted by the Chairperson and have been posted on Council's website

5.0 PLANNING PROPOSALS

5.1 PLANNING PROPOSAL PP0003/17 - 2-4 NOOAL STREET AND 66 BARDO ROAD, NEWPORT

PROCEEDINGS IN BRIEF

The intended outcome of the Planning Proposal is to rezone 2 – 4 Nooal Street and 66 Bardo Road from E4 Environmental Living to R2 Low Density Residential. This is in line with the decision of the Sydney North Planning Panel on the 2 May 2018.

The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by three neighbours, a representative of the applicant and the Executive Manager, Strategic Planning, Northern Beaches Council.

A late submission from Peter Haxell to the Panel was considered.

RECOMMENDATION

The Northern Beaches Local Planning Panel supports the recommendation as detailed in the planning report by the Principal Planner and for the below following reasons, that the Planning Proposal not proceed and the matter be referred to Council for their determination.

Reasons:

1. The proposal has not demonstrated strategic merit given the isolated nature of the site. It is inconsistent with the *Pittwater Local Planning Strategy (2011)*.
2. The proposal fails to provide any public benefit or improvement.
3. There is no physical contribution to local affordable housing proposed.
4. The proposal does not represent orderly and economic planning.
5. The site is adversely affected by flooding as shown in the Pittwater Overland Flow Mapping and Flood Study and is therefore an inappropriate site for any increase in housing density or development for aged and disabled persons.
6. It does not align with the goals and targets of the *North District Plan (March 2018)*.
7. The lack of strategic direction in the proposed amplifies the likelihood of similar applications in this environmentally sensitive area.

Vote: 4/0

The meeting concluded at 5.23pm

This is the final page of the Minutes comprising 12 pages numbered 1 to 12 of the Northern Beaches Local Planning Panel meeting held on Wednesday 1 August 2018.