

2 December 2014

Marcus Ray
A/ Deputy Secretary
Planning Services
NSW Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 2014/322027

Your Ref: PGR_2014_WARRI_001_00

Attention: Lee Mulvey

Dear Mr Ray

Planning Proposal- Ralston Avenue Belrose

At its meeting held 25 November 2014, Council resolved to undertake the role of the Relevant Planning Authority.

Please refer to the attached Council report for your reference.

Please advise of when Council may be expecting the consideration of this matter at gateway.

Yours faithfully



Theo Zotos
Senior Strategic Planner

Enquiries: 9942 22165

8.5 RALSTON AVENUE PLANNING PROPOSAL - RELEVANT PLANNING AUTHORITY**641/14 RESOLVED*****Cr Harrison / Cr Heins***

That Council:

- A. Undertakes to be the Relevant Planning Authority for the Ralston Avenue Belrose Planning Proposal (PEX2013/0003), and
- B. Submits the Ralston Avenue Belrose Planning Proposal (PEX2013/0003) to NSW Planning & Environment for Gateway Determination including the three conditions as articulated in this report, and
- C. Requests NSW Planning & Environment to include within its Gateway Determination the requirement that State Agency consultation be required after the Gateway Determination and prior to public exhibition. Particular reference is made to the assessment of threatened ecology by the Office of Environment and Heritage and the assessment of bushfire risk by the Rural Fire Service. Further, that outcomes of this consultation be appropriately reflected in the Planning Proposal for community consultation.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

Against the resolution: Nil

CARRIED**8.6 'SITE B' HOWARD AND OAKS AVENUE DEE WHY**

NOTE: With the permission of the mover and seconder the addition of Point C to the motion was accepted

642/14 RESOLVED***Cr Regan / Cr Menano-Pires***

That Council:

- A. Forward the Planning Proposal to amend Warringah Local Environment Plan 2011 for the land identified as 'Site B' Howard and Oaks Avenue Dee Why, to the Department of Planning and Environment seeking a Gateway Determination.
- B. Following the Gateway Determination, require the applicant to provide an economic assessment of the future employment potential of 'Site B' and the wider Dee Why Town Centre against regional planning objectives for further assessment in the post-gateway stage.
- C. Notes there is a serious deficiency in the provision of car spaces which must be addressed.

VOTING

For the resolution: Crs Daley, De Luca, Giltinan, Harrison, Heins, Kerr, Menano-Pires, Moskal and Regan

ITEM 8.5	RALSTON AVENUE PLANNING PROPOSAL - RELEVANT PLANNING AUTHORITY
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2014/338816
ATTACHMENTS	1 Letter from NSW Planning & Environment - Relevant Planning Authority Request

EXECUTIVE SUMMARY

PURPOSE

To seek Council's resolution to undertake the role of the Relevant Planning Authority in the assessment of the Ralston Avenue Planning Proposal (PEX2013/0003).

SUMMARY

NSW Planning & Environment, following a review by the Joint Regional Planning Panel, have determined that the Ralston Avenue Belrose Planning Proposal (the Planning Proposal) should proceed through to Gateway determination. They have asked if Council wishes to be the Relevant Planning Authority in the further assessment of this application. This report recommends that Council undertake this role.

FINANCIAL IMPACT

Application Fees can be charged to cover the cost of Council processing this application.

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council:

- A. Undertakes to be the Relevant Planning Authority for the Ralston Avenue Belrose Planning Proposal (PEX2013/0003), and
 - B. Submits the Ralston Avenue Belrose Planning Proposal (PEX2013/0003) to NSW Planning & Environment for Gateway Determination including the three conditions as articulate in this report, and
 - C. Requests NSW Planning & Environment to include within its Gateway Determination the requirement that State Agency consultation be required after the Gateway Determination and prior to public exhibition. Particular reference is made to the assessment of threatened ecology by the Office of Environment and Heritage and the assessment of bushfire risk by the Rural Fire Service. Further, that outcomes of this consultation be appropriately reflected in the Planning Proposal for community consultation.
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REPORT

BACKGROUND

On 26 April 2013 the applicant lodged a rezoning application (PEX2013/0003) for the residential development of land at Ralston Avenue Belrose.

On 13 November 2013 the Warringah Development Assessment Panel (WDAP) held a public meeting and made a recommendation to support the application.

On 17 December 2013 a report from Council staff following the WDAP meeting, supported the application to proceed to Gateway Determination. However, Council resolved not to support the Planning Proposal citing the high threat of bushfire and associated risk to life and property.

On 28 January 2014 the applicant lodged a Pre-Gateway Review of the Planning Proposal. Staff in NSW Planning & Environment assessed the proposal and recommended support for it to the Joint Regional Planning Panel (JRPP).

On 23 July 2014 the JRPP supported the proposal and recommended that it proceed to a Gateway Determination.

On 22 October 2014, NSW Planning & Environment wrote to Council (the Letter) informing that the application has been supported and that it should proceed to Gateway Determination, with the following conditions:

1. E2 Environmental Conservation zone be replaced with E3 Environmental Management zone
2. Introduce a minimum lot size of 600m², or lower
3. Apply a building height of 8.5 metres to the proposed residential land

In addition, the Letter asks whether Council wishes to be the Relevant Planning Authority (RPA) in the further assessment of the application. This report recommends that Council undertake this role.

Relevant Planning Authority

The Relevant Planning Authority's role is to assess the Planning Proposal following Gateway Determination, including undertaking public exhibition and reporting to NSW Planning & Environment (through a Council resolution) on the recommended outcomes. This is the role Council ordinarily undertakes with any Planning Proposal. Where the original RPA (Council) does not support the Gateway Determination and the refusal is appealed, an alternative RPA can be appointed, if the appeal is successful. Council can retain the role of RPA if amenable.

Issues for Consideration

The following key issues are noted with regards to Council undertaking to be the RPA in the planning assessment of this matter.

Planning Powers

If Council resolves not to be the RPA then the Minister for Planning will appoint this role to another authority. This could be NSW Planning & Environment or a Joint Regional Planning Panel. It is important to note that Council would have no further planning powers with respect to the Planning Proposal.

If Council agrees to be the RPA then the Planning Proposal would return to Council staff for assessment and would follow the usual course including referral to State Agencies, public exhibition etc. in accordance with the Gateway Determination. The Planning Proposal would be reported to Council following the consideration of submissions and the assessment of the proposal.

NSW Planning & Environment has determined that the application will proceed to Gateway Determination. A technical requirement is that if Council does take the role of RPA, then Council must submit the application to NSW Planning & Environment. This effectively means Council will overturn its previous resolution in order to be the RPA.

Creation of a Number of Future Council Assets

The proposal involves the development of 17.15 hectares of land on the north western periphery of Belrose for 169 residential dwellings. This will involve the creation of a range of future public assets and infrastructure to support the new community including, for example:

- Construction and (proposed) dedication of public roads servicing the site along with associated verges, footpaths, street trees etc.
- Embellishment and dedication of a neighbourhood park
- Construction of a section of Wyatt Avenue curb and roadway
- Works to the intersection of Ralston Avenue and Forest Way
- Storm water drainage linking into Council's established network

Council will have a range of design and quality requirements for the applicant to meet in delivering this infrastructure to a standard acceptable to Council.

There is the potential for a Voluntary Planning Agreement to be developed between the proponent and Council to establish the appropriate arrangements regarding dedication and maintenance (for a period of time) of this future infrastructure.

By undertaking the role of RPA, Council would have the opportunity to be involved in shaping a positive outcome in relation to these matters that meets Council's asset and infrastructure standards.

Threatened Ecology and Bushfire Risk

The issues of threatened ecology and bushfire risk have been raised by Council as needing further assessment following the Gateway Determination.

With regards to threatened ecology, Council has strong expertise in its Natural Environment Group, supported by detailed knowledge of local ecological issues in the area. The group's involvement in the further assessment of the proposal would contribute to achieving an acceptable ecological outcome on the land.

With regards to Bushfire Risk, Council has a strong working relationship with the local branch of the Rural Fire Service (RFS). Council is well positioned to work closely with the local RFS and the proponent's experts to achieve an acceptable bushfire planning outcome on the land.

There is the potential for the assessment of these issues to result in the need for future management plans, ecological surveys and agreements Asset Protection Zone fuel management plan, vegetation management plan, biodiversity certification agreement / bio banking agreement.

By undertaking the role of Relevant Planning Authority, Council would be appropriately positioned to be involved in shaping an appropriate outcome in relation to these matters.

The preparation of further reports/studies and assessment of these more detailed matters are normally dealt with in detail at the post Gateway stage of the application.

Assessment Fees

If Council undertakes to be the Relevant Planning Authority it may charge further assessment fees under Section 11 of the Environmental Planning Regulation 2000. In doing so, Council would be compensated for the staff resource that will inevitably be required to assist the various Authorities (RFS, Roads and Maritime, Office of Environment and Heritage etc.) involved in assessing the application

However if Council declines to be the Relevant Planning Authority, and this role is appointed to the JRPP, the assessment fees will go to that authority.

FINANCIAL IMPACT

Application Fees can be charged to cover the cost of Council processing this application.

POLICY IMPACT

Nil