

DATE OF DECISION	Wednesday 2 May 2018
PANEL MEMBERS	Peter Debnam (Chair), Sue Francis, John Roseth
APOLOGIES	Annelise Tuor, Steve Kennedy, Marcus Sainsbury
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2018SNH008 – Northern Beaches – RR_2018_NBEAC_001_00 at 2 & 4 Nooal Street and 66 Bardo Road Newport (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION




The Panel considers that the planning proposal has strategic merit because it provides much needed senior living consistent with the Sydney North District Plan.

The Panel also considers that the planning proposal has local merit because of the scale and form of development allowed by the planning proposal will be consistent with the built form and character of the area.

The Panel notes that prior to the zoning of the land E4 under the recent standard instrument, development under the Seniors Living SEPP was permissible on the site. The introduction of the E4 zone due to purported environmental concerns relating to the land switched off the operation of the SEPP. However, it is unclear to the Panel what the environmental factors were relating to this particular land and that in the immediate vicinity, that led to the decision to zone it environmental living (and thus the prohibition of dual occupancy and seniors living). The Panel notes in particular, that the biodiversity map of the Pittwater LEP 2014 generally equates to the E4 zone; however, it does not cover this land and neighbouring sites. Council could not indicate why this land was zoned E4 rather than R2, other than to indicate that it has “scenic value” and that the land is subject to coastal inundation up to 25%. In this respect the Panel notes that a foreshore building line exists on the land up to approximately 25% of the site, so that the possibility of inundation would not inhibit the proposal.

Therefore, it has not been demonstrated to the Panel that the zoning of the land E4 is justified having regard to the objectives of that zone. The Panel understands that the greatest concern to council is the potential precedent if seniors living becomes permissible just on this site within the E4 zone.

The Panel is reluctant to recommend that seniors living becomes permissible as a specific use on this site, which does not appear to be “unique” or unusual in any way in relation to other waterfront sites in its immediate vicinity. However, the Panel does consider that the zoning of the land E4 is unjustified and that R2 zoning would be more appropriate. Accordingly, the Panel recommends to the delegate that the land from Bardo Road northward along Nooal Street up to Irrubel Road currently zoned E4 be investigated and re-zoned R2 which would allow the proposed use as well as other suitable uses such as dual occupancy. The planning proposal should therefore be revised to reflect the above before it is exhibited.

PANEL MEMBERS	
 Peter Debnam (Chair)	 Sue Francis
 John Roseth	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018SNH008 – Northern Beaches – RR_2018_NBEAC_001_00 at 2 & 4 Nooal Street and 66 Bardo Road Newport
2	LEP TO BE AMENDED	Pittwater Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Pittwater Local Environmental Plan 2014 to allow Seniors Housing as an additional permitted use under Schedule 1, for 2 & 4 Nooal Street and 66 Bardo Road Newport.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment Council email dated 1 May 2018 Memo submitted by applicant at meeting 2 May 2018
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 2 May 2018, 9.30am <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth Department of Planning and Environment (DPE) staff in attendance: Wayne Williamson, Ellen Jones Briefing meeting with Department of Planning and Environment (DPE): 2 May 2018, 11.30am <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth Department of Planning and Environment (DPE) staff in attendance: Wayne Williamson, Ellen Jones Briefing meeting with Council & Proponent: 2 May 2018, 12.30pm <ul style="list-style-type: none"> Panel members in attendance: Peter Debnam (Chair), Sue Francis, John Roseth Department of Planning and Environment (DPE) staff in attendance: Wayne Williamson, Ellen Jones Council representatives in attendance: Brendan Gavin, Anne-Maree Newbery, Andrew Pigott Proponent representatives in attendance: Greg Boston, David Furlong, Jeff Butcher