

MINUTES

ORDINARY COUNCIL MEETING

held at the Civic Centre, Dee Why on

TUESDAY 28 MARCH 2023

RESOLVED BY EXCEPTION**12.1 PLANNING PROPOSAL 10-12 BOONDAH ROAD, WARRIEWOOD PEX2022/0001**049/23 **RESOLVED****Cr Heins / Cr Grattan**

That:

1. Council reject the proponent's Planning Proposal and not forward it to the Minister for Planning for a Gateway determination for the following reasons:
 - A. The Planning Proposal has not demonstrated sufficient strategic merit or site-specific merit, and is inconsistent with the following elements of the strategic planning framework:
 - i. Greater Sydney Region Plan:
 - Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.
 - Objective 36: People and places adapt to climate change and future shocks and stresses.
 - Objective 37: Exposure to natural and urban hazards is reduced.
 - ii. North District Plan:
 - Planning Priority N16: Protecting and enhancing bushland and biodiversity
 - Planning Priority N22: Adapting to the impacts of urban and natural hazards and climate change
 - iii. Towards 2040 Local Strategic Planning Statement for the Northern Beaches:
 - Priority 1: Healthy and valued coast and waterways
 - Priority 2: Protected and enhanced bushland and biodiversity
 - Priority 8: Adapted to the impacts of natural and urban hazards and climate change
 - Priority 15: Housing supply, choice, and affordability in the right locations
 - iv. Warriewood Valley Strategic Review Addendum Report adopted 17 November 2014 and amended 19 December 2017 by Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the *Pittwater Local Environmental Plan 2014*.
 - v. Local Planning Directions issued by the Minister for Planning:
 - Local Planning Direction 4.1: Flood Prone Land
 - Local Planning Direction 4.2 Coastal Management
 - Local Planning Direction 4.4: Planning for Bushfire Protection.
 - B. The NSW State Emergency Service (SES) has raised significant concerns in relation to flood risk, and has indicated it does not support rezonings to enable development on the floodplain with risk management strategies that rely on early evacuation, private alarm systems, shelter in place, and transfer of residual risk in terms of emergency response to the SES, thereby increasing demands on SES resourcing and capabilities and potentially increasing risk to life, health and property for both existing and future communities.
 - C. The Planning Proposal seeks to rezone land within the flood planning area and insufficient information has been provided to demonstrate that the proposed

development will not:

- i. result in a net loss of flood storage in the floodplain;
 - ii. result in significant adverse impacts to other properties;
 - iii. result in an increased requirement for government spending on emergency management services, flood mitigation and emergency response measures;
 - iv. adversely affect the safe occupation and efficient evacuation of people; and
 - v. place people and property at unacceptable risk in the event of a major flood.
- D. The Planning Proposal is inconsistent with the objectives of Clause 5.21 Flood Planning of *Pittwater Local Environmental Plan 2014*.
- E. The Planning Proposal is likely to result in unacceptable impacts on biodiversity, particularly in respect of:
- i. failure to site and design development to avoid and minimise impacts to biodiversity;
 - ii. impacts on the remnant Bangalay Sand Forest, an Endangered Ecological Community of significant biodiversity value, as well as impacts to threatened species habitats, reduction in local wildlife connectivity, and potential for altered flow regimes to impact groundwater dependent ecosystems;
 - iii. uncertainty with regards to Biodiversity Certification and, given that offset obligations are not available in the Northern Beaches, the likelihood of a net loss of local biodiversity;
 - iv. failure to exclude from development all the mapped Coastal Wetland;
 - v. failure to provide an adequate 15-metre-wide landscaped buffer, exclusive of the bushfire asset protection zone, to protect the adjacent wetlands; and
 - vi. inadequate groundwater investigation and water quality monitoring to demonstrate adequate management of impacts on the downstream environment and the wetland.
- F. The Planning Proposal does not comply with Council's Affordable Housing Policy as it only offers dwellings as affordable housing for a period of 10 years, and it fails to include a suitable mechanism to include the site in the Northern Beaches Affordable Housing Contributions Scheme.
- G. The proposed C2 zoning of land could trigger acquisition obligations for Council, noting that this matter may be able to be clarified if the Planning Proposal were to progress.

RESOLVED BY EXCEPTION

12.3 PUBLIC EXHIBITION OF DRAFT PLANNING AGREEMENT AT 321-331 CONDRAMINE STREET, MANLY VALE

050/23 **RESOLVED**

Cr Heins / Cr Grattan

That:

1. Council place the draft Planning Agreement and supporting documentation on public