

<b>ITEM 12.2</b>	<b>REVISED PLANNING PROPOSAL AND SUPPORTING DOCUMENTS FOR 1294-1300 PITTWATER ROAD AND 2-4 ALBERT ST, NARRABEEN</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2021/227014</b>
<b>ATTACHMENTS</b>	<b>1 <a href="#">⇒</a> Revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen (Included In Attachments Booklet)</b> <b>2 <a href="#">⇒</a> Draft Amendments to Warringah Development Control Plan 2011 (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To seek Council's endorsement to resubmit a revised Planning Proposal to the NSW Department of Planning, Industry and Environment for gateway determination in relation to the property at 1294-1300 Pittwater Road and 2 - 4 Albert Street, Narrabeen (the subject site), exhibit draft amendments to Warringah Development Control Plan 2011 and to not proceed with an affordable housing contribution due to impacts on development feasibility.

### EXECUTIVE SUMMARY

At the 29 May 2019 Council meeting, Council resolved:

*That:*

- A. *Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend Warringah Local Environment Plan 2011 to:*
  - a. *Increase the maximum building height standard on the site to 11 metres with the exception of 2 Albert Street, Narrabeen being lot 1, DP613544 (containing heritage listed dwelling house) and the front part of 4 Albert Street, Narrabeen being part lot 8C, DP200030 which will retain an 8.5 metre height limit.*
  - b. *Permit the additional uses of commercial premises, medical centre and shop-top housing on the area of the site adjoining the intersection of Pittwater Road and Albert Street.*
  - c. *Permit a maximum of 1,150 square metres of medical centre, commercial premises, and the retail/ business premises component of any shop-top housing to the area referred to b. above.*
  - d. *Require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing.*
- B. *The applicant is requested to submit draft site-specific planning controls to be incorporated Development Control Plan to further guide the redevelopment of the site having regard to the Urban Design Guidelines accompanying the Planning Proposal and addressing the matters outlined in this report.*

- C. *The applicant be requested to provide an amended Traffic Impact Assessment Report addressing the issues outlined in this report for exhibition with any Gateway determination issued by the NSW Department of Planning and Industry.*

On 7 June 2019, Council submitted the amended Planning Proposal to the NSW Department of Planning, Industry and Environment (the Department) seeking a Gateway determination. The Department responded on 5 August 2019, requesting that the Planning Proposal address various matters (explained within the body of the report) and be resubmitted. The Planning Proposal has been revised to address these matters and is ready for resubmission to the Department for a Gateway determination.

At the same time, draft amendments to Warringah Development Control Plan 2011 (draft DCP) have been prepared, in accordance with the Council resolution. The draft DCP has been referred to Council's Design and Sustainability Advisory Panel (DSAP) for urban design and sustainability advice. The advice has recommended an increase in design standards through the delivery of greater building setbacks, reduced street wall heights, increased overall height and increased landscape requirements. This has resulted in a reduction in overall development floor space and consequently, a reduction in value uplift.

The reduction of the developable floor space, together with other factors have resulted in the affordable housing contribution rate of 10% of the additional dwellings to be financially unfeasible. This is due to the small scale of the proposed uplift and noting that project feasibility is impacted by the provision of employment floorspace, protection of the heritage bungalow and the increased design requirements. The loss of opportunity for an affordable housing contribution at this site is regrettable but is considered acceptable in the circumstances of this proposal, which will allow for the delivery of a well-designed building and better public domain outcomes, and retention of a heritage building that aligns with strategic directions identified in Council's Towards 2040 Local Strategic Planning Statement.

Should Council choose to proceed with the revised development outcomes for the subject site, the revised Planning Proposal, without an affordable housing contribution, will be resubmitted to the Department for a Gateway determination. The draft DCP will be exhibited concurrently with the statutory exhibition of the Planning Proposal.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That:

1. Council resubmits a revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen to the NSW Department of Planning, Industry and Environment for a Gateway determination to:
  - A. Increase the maximum building height standard at 1298-1300 Pittwater Road, Narrabeen (Building A) to 12 metres to accommodate increased floor to floor heights at the ground and first floors.
  - B. Permit the additional uses of commercial premises, medical centre and shop top housing at 1298-1300 Pittwater Road, Narrabeen (Building A). The medical centre and commercial premises must not have a gross floor area exceeding 1,150 square metres.
  - C. Not proceed with the requirement for a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing due to development feasibility.
2. Council request to exercise the delegation of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979 regarding the making of local environmental plans in relation to this Planning Proposal.

3. Council place the draft amendments to Warringah Development Control Plan 2011 on public exhibition for a minimum of 28 days concurrently with the statutory exhibition of the revised Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen.
  4. The outcomes of the public exhibition of the amendments of the Warringah Development Control Plan 2011 and the Planning Proposal for 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen be reported to Council.
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## REPORT

### BACKGROUND

Council received a Planning Proposal on 21 December 2018, prepared by BBC Consulting Planners on behalf of the applicant, Highgate Management Pty Ltd.

The subject site at 1294-1300 Pittwater Road and 2-4 Albert Street, Narrabeen comprises six lots as depicted in Figure 1.

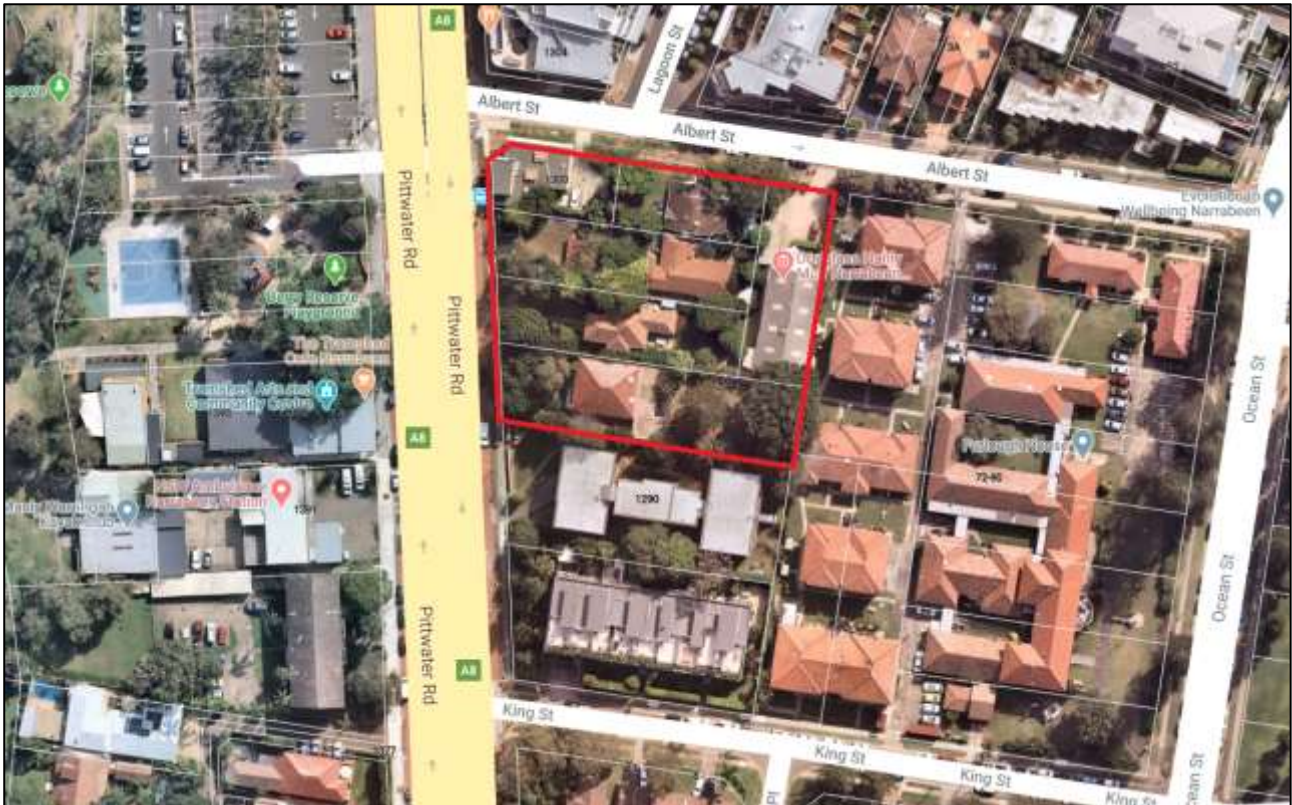


Figure 1: The subject site indicated in red (Source: Nearmap)

At the 29 May 2019 Council meeting, Council resolved the following:

*That:*

- A. Council submits an amended Planning Proposal to the NSW Department of Planning and Industry for gateway determination to amend Warringah Local Environment Plan 2011 to:
  - a. Increase the maximum building height standard on the site to 11 metres with the exception of 2 Albert Street, Narrabeen being lot 1, DP613544 (containing heritage listed dwelling house) and the front part of 4 Albert Street, Narrabeen being part lot 8C, DP200030 which will retain an 8.5 metre height limit.
  - b. Permit the additional uses of commercial premises, medical centre and shop-top housing on the area of the site adjoining the intersection of Pittwater Road and Albert Street.
  - c. Permit a maximum of 1,150 square metres of medical centre, commercial premises, and the retail/ business premises component of any shop-top housing to the area referred to b. above.
  - d. Require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing.

- B. *The applicant is requested to submit draft site-specific planning controls to be incorporated Development Control Plan to further guide the redevelopment of the site having regard to the Urban Design Guidelines accompanying the Planning Proposal and addressing the matters outlined in this report.*
- C. *The applicant be requested to provide an amended Traffic Impact Assessment Report addressing the issues outlined in this report for exhibition with any Gateway determination issued by the NSW Department of Planning and Industry.*

## Planning Proposal

On 7 June 2019, Council submitted the amended Planning Proposal to the Department seeking a Gateway determination. On 5 August 2019, the Department advised that several issues required further investigation and requested that Council resubmit the application following the resolution of these matters.

Council staff have worked with the Applicant to address the various matters raised by the Department (see Table 1).

Summary of issue	Response
<p><u>Building height</u></p> <p>The maximum building height control of 11 metres does not appear to facilitate the development outcome of a part four and part three storey-built form.</p>	<p>The Concept Design envisages a largely three storey-built form with the fourth storey in an attic configuration. The Proponent has demonstrated that this concept (inclusive of the flood planning level) is able to be achieved.</p> <p>Council notes that detailed design drawings are not a requirement for submission as part of the Planning Proposal process and that the Concept Designs are indicative built form outcomes</p> <p>Notwithstanding this, as part of the site-specific amendments to the Development Control Plan (DCP), Council referred the application to the Northern Beaches Design and Sustainability Panel (DSAP) to seek comment on urban design and sustainability matters.</p> <p>The DSAP recommended that Council consider increasing the building height at Building A to enable increased ceiling heights for the ground and first floor to improve the urban design and relationship with the public domain. Council has recommended a minor increase from 11 metres to 12 metres to enable this outcome. The overall number of storeys to be provided does not change.</p>
<p><u>Additional permitted uses</u></p> <p>The additional permitted uses at the corner of Pittwater Road and Albert Street appears unduly restrictive due to its confinement to one corner of the site.</p>	<p>The restriction was imposed in order to control the location of the additional uses to the corner site and provide street activation.</p> <p>Council is proposing to change this aspect of the Planning Proposal by extending the additional uses so that it applies to the entire lot at 1298-1300 Pittwater Road. By applying the additional uses to the entire lot as opposed to the small corner, this will allow for enough space for the additional uses (maximum 1,150 square metres) and associated supporting facilities. Amendments to the DCP will ensure that active frontages are provided at the corner site (Building A).</p>

Summary of issue	Response
<p><u>Maximum floor space cap</u></p> <p>Greater clarification is required on the maximum floor space cap of 1,150 square metres gross floor area (GFA) for commercial/retail uses and whether this includes or excludes neighbourhood shops, which are a permissible form of retail development in the R3 zone.</p>	<p>The maximum floor space cap of 1,150 square metres GFA applies to the additional uses of commercial premises and medical centres only. The floor space has been capped to ensure that there is minimal impact to the existing trade area. The floor space was established by the concept plans provided by the Applicant.</p>
<p><u>Draft Northern Beaches Affordable Housing Contributions Scheme</u></p> <p>An economic feasibility study and amended Scheme which refers to the subject site is to be submitted in accordance with the Department's guidelines.</p>	<p>The uplift in height proposed results in one additional storey across Buildings A, B and C which supports feasibility for the project to provide up to 1,150 square metres of employment floorspace to accommodate a growing medical practice and to provide the required setbacks to protect the heritage values at 2 Albert St.</p> <p>Increased design standards imposed by Council as part of the site-specific amendments to the DCP has resulted in a further impact to the floorspace yield assumptions that were used for feasibility analysis.</p> <p>Feasibility analysis prepared by the Applicant and independently peer reviewed on behalf of Council has demonstrated that an affordable housing contribution is not viable for this proposal and that further heights would be required to achieve an affordable housing outcome assessment by Council staff Accordingly, it is recommended that Council not pursue an affordable housing contribution for this Planning Proposal as there is not sufficient evidence to demonstrate that an affordable housing contribution rate is feasible, and we are unable to demonstrate that it would not impact housing supply.</p>
<p><u>Phase 1 Contamination Report</u></p> <p>An assessment is required regarding the provisions contained within <i>State Environmental Planning Policy No 55 – Remediation of Land</i> and the relevant Guidelines.</p>	<p>A Phase 1 Contamination Report has been prepared by the Applicant and the Planning Proposal has been updated to reflect the outcomes.</p>
<p><u>Maps</u></p> <p>Maps to amend <i>Warringah Local Environmental Plan (LEP) 2011</i> have not been submitted.</p>	<p>The relevant maps have been submitted as part of the updated Planning Proposal.</p>
<p><u>Information in the Planning Proposal</u></p> <p>Certain parts of the Planning Proposal require updating and further information is required in regard to an assessment against the relevant statutory requirements.</p>	<p>The Planning Proposal has been updated to incorporate further information and justification where relevant.</p>

Table 1: Matters raised by the Department

### Amendments to Warringah DCP 2011

On 7 April 2020, the Applicant submitted amendments to Warringah DCP 2011 in accordance with the Council resolution. The draft DCP controls have incorporated feedback from Council's Traffic Engineers, Landscape Architects and Urban Designers. In addition, urban design and sustainability advice from the DSAP has also been incorporated, where appropriate.

Feedback from the DSAP included consideration of the following matters:

- the need for greater front, rear and side setbacks and an improved presentation to the public domain, including Albert Street
- the need for greater upper level setbacks (or reduced street wall heights) to respond to the existing village context of the Narrabeen Town Centre. The village context largely comprises diverse styles, varying parapet heights, generally one to two storeys occupied by retail or commercial uses. Where shop top housing exists, this is above the first two floors and well set back
- noise mitigation design measures and maximisation of dual aspect apartments along Pittwater Road
- increased floor to floor heights for the ground and first levels of Building A
- a six-metre building separation distance between Buildings A and B
- improved architectural design treatments at the corner of Building A
- relocation of the vehicular entrance closer to Pittwater Road to improve the view corridor from Lagoon Street
- relocation of sewer infrastructure services in the road reserves instead of within the site to maximise deep soil planting opportunities
- applying a bonus floor space scheme if certain sustainability mechanisms are provided.

Council staff have worked closely with the Applicant to refine the draft DCP and there have been a series of working drafts developed between the Applicant and Council staff. Whilst most of the feedback from the DSAP has been incorporated, some have been excluded due to the impact on development feasibility.

Requirements that Council staff have not proceeded with include the six-metre building separation between Buildings A and B, relocation of the vehicular entrance closer to Pittwater Road and relocation of sewer infrastructure services. Further, the application of a bonus floor space scheme was not considered appropriate for this subject site due to impacts on building bulk and scale and the application of the *Warringah Local Environmental Plan 2011*, which does not apply floor space ratios for site-specific areas.

The draft DCP identifies future building footprints and divides the site into four buildings, as identified in Figure 1. No change to the local heritage item at 2 Albert Street is proposed.

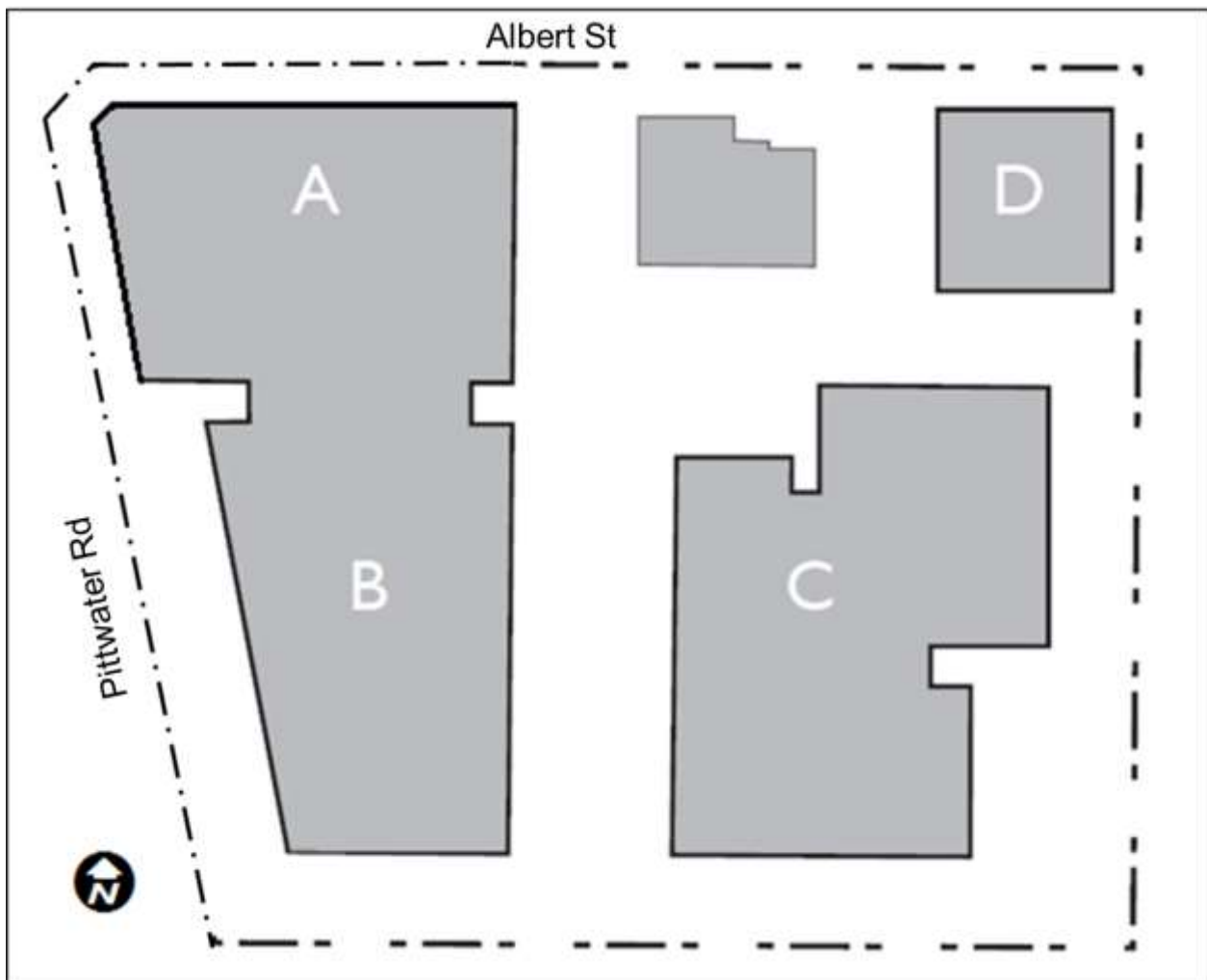


Figure 2: Future building footprints

The intended outcome of the development is to relocate the existing Narrabeen Family Medical Practice at 4 Albert Street, to a new building at the corner of Pittwater Road and Albert Street (Building A). The medical centre is proposed to take up two floors of Building A. Above the medical centre will be one level of apartments.

In addition to the relocated medical centre, the development also proposes the provision of apartment buildings (Buildings B and C) and an attached dwelling or terrace house typology (Building D), up to three storeys in height. An additional storey may be permitted for Buildings A, B and C where largely contained within the roof form.

The development controls proposed are summarised in Table 2.

Proposed development requirements	Reason
<u>Removal of the subject site from DCP maps</u> This includes number of storeys, side boundary envelopes, setbacks front, setbacks side, setbacks rear and landscaped open space and bushland setting.	To ensure consistency with the site-specific controls for Part G8.
<u>Building length</u> Apply a maximum building length of 35 metres and require articulation to be provided.	To reduce bulk and scale and ensure new development addresses public streets, creates visual interest and complements the streetscape.



Proposed development requirements	Reason
<p><u>Building A ground plane and public domain interface</u></p> <p>Ground plane is to be set back at least two metres from Albert Street and Pittwater Road.</p> <p>Floor to floor heights are to be at least four metres for the ground level and 3.6 metres for non-residential uses at the first level.</p> <p>Continuous awnings and other design features are to be provided at the ground plane and public domain interface.</p>	<p>To ensure that the built form responds well to the existing village context of the Narrabeen Town Centre, facilitate high quality landscaped streetscape outcomes and encourage key active travel connections at the corner of Albert Street and Pittwater Road.</p>
<p><u>Maximum number of storeys</u></p> <p>Three storeys are proposed for all buildings, with transitions required for development within the curtilage of the local heritage item at 2 Albert Street.</p> <p>For Buildings A, B and C, an additional storey may be considered where largely contained within a roof form.</p>	<p>To complement the scale and rhythm of the existing streetscape and fine grain context of lot patterning, ensure that built form responds to the sloping topography of the site, and provide a sensitive response to the local heritage item at 2 Albert Street.</p>
<p><u>Setbacks</u></p> <p>Front, rear and side setbacks for certain areas of the subject site have been identified.</p> <p>Building separation requirements have been identified for certain areas of the subject site, with consideration of the curtilage of the local heritage item at 2 Albert Street.</p> <p>Upper floor setbacks have been identified for all buildings.</p>	<p>To improve the visual quality of the streetscape and public domain, ensure spatial separation to create high amenity, provide opportunities for landscaping and street tree planting at site edges and minimise amenity impacts to adjoining residential lots.</p>
<p><u>Building design</u></p> <p>Various design requirements are proposed such as ensuring that building form, bulk and scale responds to the topography of the area, incorporation of passive design principles, maximising dual aspect apartments, requirement for durable and resilient materials that are suited to the coastal environment, avoidance of blank walls, integration of services into the building façade, maximising passive surveillance and incorporating noise mitigation measures for apartments within 25m of Pittwater Road.</p>	<p>To encourage innovative and contemporary building design that demonstrates design excellence and sustainability, high quality streetscapes and public domain, a well-articulated corner-built form strategy and consideration of noise impacts from Pittwater Road.</p>
<p><u>Parking</u></p> <p>Vehicular access is proposed off Albert Street.</p> <p>A Green Travel Plan will be required to support any reduction in parking spaces.</p> <p>Further, at least two car share spaces and two electric vehicle charging spaces are to be provided.</p>	<p>To minimise vehicular crossings along Pittwater Road and encourage the reduction of car trips and use of sustainable transport.</p>

Proposed development requirements	Reason
<p><u>Landscaping</u></p> <p>Areas for landscaping and deep soil zones will be provided between buildings and within site edges. Replanting of trees at a pre-ordered mature size will be required.</p> <p>Development will also need to retain the Mature Hills Weeping Fig Tree within the south-eastern corner of the site as a landscape character element.</p> <p>A landscaped communal open space area will be provided at the rear of the local heritage item at 2 Albert Street.</p> <p>Upgrades to the public domain along Albert Street will also be required including street trees and landscaping requirements.</p>	<p>To provide a positive contribution to the public realm, ensure adequate deep soil capacity for mature tree canopy and provide landscape screening to site boundaries and enhance privacy between buildings.</p>

Table 2: DCP requirements

### Amendment to draft Northern Beaches Affordable Housing Contribution Scheme

At the 29 May 2019 Council meeting, Council resolved to ‘require a minimum 10% of the additional dwellings on the site resulting from the Planning Proposal, to be dedicated to Council as affordable rental housing’.

Council staff note that this resolution was amended from the recommendation of staff by removal of the words ‘subject to feasibility’, which is a requirement under the Department’s Guidelines for developing Affordable Housing Contribution Schemes (the Guidelines). The Guidelines require Council to provide appropriate evidence and assumptions to ensure that any proposed affordable housing contribution rates are viable and will not impact on development feasibility and overall housing supply by preventing development from occurring.

To respond to the Council resolution, the Applicant completed a detailed feasibility assessment, which was peer reviewed by Council’s consultants. Both feasibility assessments were reviewed by Council staff who concluded that the ‘break-even point’ used to determine a feasible affordable housing contribution was below zero and as such, no contribution was feasible. Further, the draft DCP contained requirements which further reduced the floor space yield assumptions that were used to inform the initial feasibility analysis.

In view of the above and the overall intended outcomes of the development, Council staff noted that the proposal was seeking to achieve several outcomes over and above the residential development which could occur under existing controls. Each of these had implications on the feasibility including:

- Up to 1,150 square metres of commercial employment and medical floor space to support growth of the on-site medical practice to meet the needs of an ageing population in the catchment
- Protection of the local heritage item at 2 Albert Street, including appropriate setbacks for proposed development surrounding the property. Advice from the Applicant was that normally it would expect a density increase of 29% in uplift in going from 8.5m to 11m. The site had effectively achieved an increase of 19% in total or some 33% less than what could have been achieved if the site was not constrained by the heritage item
- Setbacks and deep soil planting at the site edge identified in the DCP to support pedestrian movement, improved built form outcomes and tree canopy outcomes aligned with Place

Score priorities for the Narrabeen Town Centre to improve overall visual character of the area and improvement of vegetation and natural elements.

Council staff noted that Council's Affordable Housing Contributions Scheme and proposed targets of 10% were developed based on feasibility assessments used for the Frenchs Forest Hospital precinct, which has an uplift at a very different scale to this proposal. Feasibility work by Council's consultants to support the affordable housing contribution scheme at Frenchs Forest advised that for a 10% contribution to be viable, a density greater than 1.5:1 for the precinct would be required.

This Planning Proposal generates uplift of one additional storey for Buildings A, B and C and as a result, lacks the scale for a contribution in the order of 10% to be feasible. The equivalent density under the current Warringah LEP 2011 controls for the site would be a floor space ratio (FSR) of 1.12:1, while the density under this proposal would be the equivalent of 1.34:1. The Applicant advised that to support the 10% affordable housing contribution requirement, a density of approximately 1.422:1 would be required, which would equate to an extra floor being added to Building C. Council staff advised that this level of growth would not be supported.

## CONSULTATION

Council will resubmit the Planning Proposal and associated documents to the Department for a Gateway determination. Consultation will be conducted in accordance with the Gateway condition requirements. The draft amendments to Warringah Development Control Plan 2011 will be exhibited concurrently with the statutory exhibition of the Planning Proposal.

## TIMING

Should Council decide to proceed with the revised Planning Proposal, the next step is to resubmit the Planning Proposal to the Department to seek a Gateway determination. Should a Gateway determination be issued, Council will undertake consultation in accordance with the Gateway conditions. The draft DCP will be exhibited concurrently with the statutory exhibition of the Planning Proposal. Following the public exhibition, the outcomes will be reported to Council.

## LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- Environment Sustainability - Goal 5: Our built environment is developed in line with best practice sustainability principles.
- Places for People - Goal 7: Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community.

## FINANCIAL CONSIDERATIONS

Funding to progress the Planning Proposal and draft DCP are covered by the application fees paid by the Applicant.

The recommendation to not proceed with an affordable rental housing contribution will have a minor financial impact as Council will not receive any affordable housing contributions. This is due to the small scale of proposed uplift and noting that project feasibility is impacted by provision of employment floorspace, protection of the heritage bungalow and the increased design requirements imposed by Council. Council staff consider this loss acceptable in order to deliver a well-designed building and better public domain outcome that aligns with strategic directions identified in Council's Towards 2040 Local Strategic Planning Statement.

It is noted that the Planning Proposal will achieve positive economic effects, with the delivery of the following number of jobs:

- 4 additional General Practitioner jobs
- 28 full time equivalent jobs from the commercial floor space (currently there are ten full time equivalent jobs)
- Further support staff and the provision of medical land uses
- 160 jobs during construction.

## **SOCIAL CONSIDERATIONS**

This Planning Proposal will achieve positive social and economic benefits including an additional 15 to 20 dwellings targeting downsizers within easy walking distance to high frequency public transport and existing services. The building heights and setbacks have been designed to enhance the heritage values of the local heritage item at 2 Albert Street, while setbacks and deep soil planting to support tree canopy at the site edges along Albert Street and Pittwater Road support high amenity shaded active travel links for the surrounding community to access the Narrabeen Town Centre and the B-Line bus stop.

The proposed location of medical and commercial floor space adjoining an established town centre, opposite public open space and in easy walking distance to the B-Line supports amenity and accessibility for workers, patients and visitors, encouraging use of public transport and enjoyment of public open space. Expanded floor space to accommodate a growing medical practice will provide an important service to the local community in an accessible modern building, recognising the ageing population within the Narrabeen Town Centre catchment area, which will see continued growth in demand for medical services.

The recommendation to not proceed with an affordable rental housing contribution will have a minor impact on the delivery of affordable rental housing to the local area. Notwithstanding this, there are other opportunities in the Northern Beaches to deliver affordable housing, such as precinct based urban renewal centres or site-specific areas with significant development uplift.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no natural environmental impacts as the subject site does not contain any critical habitat or threatened species, populations or ecological communities or their habitats that are mapped by Council. Regarding environmental health, a Contamination Assessment has been submitted which confirms that the subject site has a low potential to result in contamination and is considered suitable for the proposed development. Regarding natural hazards that impact the site such as flood risk and acid sulphate soils, it is considered that these matters can be managed at the development assessment stage.

Throughout the refinement of the draft DCP, Council staff have incorporated new sustainability and building design provisions. This includes passive building design requirements to maximise amenity such as building orientation and setbacks, the requirement for a Green Travel Plan to demonstrate any reduction in parking spaces given the subject site's proximity to the B-Line, car share and electric vehicle charging space requirements, and greater landscaping and deep soil requirements.

## **GOVERNANCE AND RISK CONSIDERATIONS**

Council's role to consider the orderly planning of land is set out in the *Environmental Planning and Assessment Act 1979* (the Act). The planning assessment addresses the requirements of the Act and recommends that the proposal is suitable for resubmission to seek a Gateway determination.

*"I am a joint owner of property which falls very close to the areas mentioned in this report."*

- Councillor Daley declared a not significant non-pecuniary interest in Item 13.2 Public Exhibition of the Amendment to Action 63 of the Dee Why Lagoon Wildlife Refuge Plan of Management (2002) and will remain for the item. The reason provided was:

*"I am a part owner of a property in Dee Why Parade."*

## 5.0 PUBLIC FORUM AND PUBLIC ADDRESS

*NOTE: The Mayor requested that each speaker acknowledge that they had been informed that the meeting was to be webcast live and that Council accepts no responsibility for any defamatory comments made.*

### 5.1 PUBLIC FORUM

- Gregory Hogan addressed Council on item 17.6 – Response to Question on Notice 07/2021.
- Penelope Auburn addressed Council regarding Trafalgar Park Shared Cycle/Footpath.
- Joeline Hackman addressed Council regarding Bulky Goods Waste and General Waste at Kimbriki.

### 5.2 PUBLIC ADDRESS

- **Item 11.1 – Stakeholder Consultation on NSW DPI Fisheries' Shark Management Strategy**

Malin Frick on behalf of Northern Beaches Clean Up Crew and Sea Shepherd Australia addressed Council on the item.

Lawrence Chlebeck and Layne Beachley addressed Council on the item.

*NOTE 1: Councillor De Luca declared a not significant non pecuniary interest and will remain in the meeting. The reason provided was:*

*"During my time in the Office of the Parliamentary Secretary to the Premier I made representations to the Federal Government on behalf of Captain Paul Watson to allow him to enter Australia as well as Mr Aaron Barnes in order for a Sea Shepherd vessel to dock at Darling Harbour. This was in an official capacity and has not compromised my impartiality and I will stay in the Chamber and vote on the matter."*

*NOTE 2: Councillors Ferguson and Amon left the chamber at 6:34pm due to a declared disclosure of interest in Item 12.2.*

- **Item 12.2 – Revised Planning Proposal and Supporting Documents for 1294-1300 Pittwater Road and 2-4 Albert St, Narrabeen**

Anthony Bernard and Gabrielle Morrish addressed Council supporting this item.

Lincoln Mountseer addressed Council against this item.

*NOTE 3: Councillors Regan, McTaggart, Harrison and Daley left the chamber at 6:44pm due to a declared disclosure of interest in Item 12.3.*

*NOTE 4: In the absence of Councillor Regan, Councillor Bingham assumed the Chair.*

- **Item 12.3 – Outcomes of the Public Exhibition of the Local Housing Strategy**

Phil Jones and James Ricketson addressed Council supporting this item.

Edwina Pedersen and Steve Jacobs addressed Council against this item.

**PROCEDURAL MOTION - MOTION OF URGENCY – ITEM 12.3 – LOCAL HOUSING STRATEGY EXEMPTIONS**

083/21 **RESOLVED**

***Cr De Luca / Cr Sprott***

That as a matter of urgency Council considers a motion in relation to exemptions for Item 12.3 – Local Housing Strategy:

**VOTING**

**FOR:** Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham, Cr De Luca, Cr Walton and Cr Sprott

**ABSENT:** Cr Daley, Cr Amon, Cr McTaggart, Cr Ferguson, Cr Harrison and Cr Regan

**CARRIED**

**MATTER OF URGENCY – LOCAL HOUSING STRATEGY EXEMPTIONS**

084/21 **RESOLVED**

***Cr De Luca / Cr Sprott***

That Council:

1. Note with concern the Office of Local Government's failure to grant exemptions to pecuniary interest provisions in the Local Government Act in relation to item 12.3 but they may be able to vote in the future.
2. Note this decision results in seven democratically elected councillors unable to vote.
3. That only:
  - a. One representative will vote in the Pittwater Ward
  - b. Two representatives in Narrabeen Ward
  - c. Two representatives in Forest Ward
  - d. One representative in Curl Curl Ward
  - e. Two representatives in Manly Ward.
4. That in order to ensure full democratic representation, Council's Chief Executive Officer be requested to write to the Minister for Local Government, the Honourable Shelley Hancock MP, formally requesting the decision of the Office of Local Government be reviewed.

**VOTING**

**12.2 REVISED PLANNING PROPOSAL AND SUPPORTING DOCUMENTS FOR 1294-1300 PITTWATER ROAD AND 2-4 ALBERT ST, NARRABEEN**

*NOTE 1: Councillor Regan returned to the chamber at 8:31pm and resumed the Chair.*

*NOTE 2: Councillors Amon and Ferguson left the chamber at 8:31pm due to declared disclosures of interest in the item.*

**098/21 RESOLVED**

**Cr Regan / Cr Grattan**

That the item be deferred to enable staff and the proponent to continue discussions in relation to the proposed 2 metre set-back in the Development Control Plan, the provision of adequate commercial floor space, and the provision of affordable housing.

**VOTING**

**FOR:** Cr White, Cr Daley, Cr Philpott, Cr Grattan, Cr Bingham, Cr Walton, Cr Sprott, Cr Harrison and Cr Regan

**AGAINST:** Cr Heins, Cr McTaggart and Cr De Luca

**ABSENT:** Cr Amon and Cr Ferguson

**CARRIED**

**12.3 OUTCOMES OF THE PUBLIC EXHIBITION OF THE LOCAL HOUSING STRATEGY**

*NOTE 1: Councillors Regan, Daley, McTaggart and Harrison left the chamber at 8:47pm due declared disclosures of interest.*

*NOTE 2: In the absence of Councillor Regan, Councillor Bingham assumed the Chair.*

**099/21 RESOLVED**

**Cr White / Cr Heins**

That Council:

1. Note the outcomes of the public exhibition of the Northern Beaches Local Housing Strategy.
2. Adopt the Northern Beaches Local Housing Strategy (as amended).
3. Submit the Northern Beaches Local Housing Strategy to the Department of Planning, Industry and Environment for approval.
4. Delegate authority to the Chief Executive Officer to adopt the Northern Beaches Local Housing Strategy upon written approval being received from the Department of Planning, Industry and Environment.
5. Prepare a clear infographic and short summary of the Northern Beaches Local Housing Strategy to communicate it simply to the community.

**VOTING**

**FOR:** Cr White, Cr Philpott, Cr Grattan, Cr Heins, Cr Bingham and Cr Walton

**AGAINST:** Cr De Luca and Cr Sprott