



REZONING REVIEW

RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY NORTH PLANNING PANEL

DATE OF DECISION	17 August 2023
DATE OF BRIEFING	9 August 2023
PANEL MEMBERS	Stephen O'Connor (Acting Chair), Glennis James, Blake Cansdale and Graham Brown
APOLOGIES	Marcus Sainsbury
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2023-4 – Northern Beaches Council – PP-2022-2306 at 10 and 12 Boondah Road, Warriewood (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 briefings 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 assessed the strategic merit of the planning proposal in accordance with the LEP Making Guideline August 2023 and in particular, the three strategic merit tests namely, giving effect to the relevant District Planning framework, consistency with the relevant Local Strategic Planning Statement (LSPS) and having regard to changing circumstances that have not been formally recognised.

The Panel considered that the planning proposal did not demonstrate strategic merit as it did not satisfactorily address any of the abovementioned strategic merit tests.

The planning proposal is contrary to several objectives of the Greater Sydney Regional Plan including Objective 27 – Protecting Biodiversity, Objective 36 – Adapting to Climate Change and Objective 38 – Exposure to Natural Hazards.

It is also contrary to several of the Planning Priorities in the Northern District Plan including N16 – Protecting and Enhancing Bushland and Biodiversity and N22 – Adapting to Natural Hazards and Climate Change.

Finally, it is inconsistent with several of the Priorities listed in the Northern Beaches LSPS 2021, including Priority 2 - Protected Biodiversity, Priority 8 - Adaption to Climate Change and Priority 15 - Housing Supply in the Right Locations. Finally, it did not effectively demonstrate that it was a response to changing circumstances that have not been formally recognised.

The Panel was particularly concerned that the planning proposal was aiming to facilitate residential development in flood prone land. The Panel noted the strong opposition from the NSW State Emergency Service regarding the risk management strategies being proposed including reliance on early evacuation and shelter in place on upper levels of dwellings. The requirement for large volumes of fill to raise building platforms and the raising of Boondah Road was also noted by the Panel as being a matter of concern.

The Panel was also concerned about the loss of biodiversity that would result and especially the clearing of the remnant Bangalay Sand Forest on the site which is an Endangered Ecological Community (EEC). This EEC is not well represented in the Northern Beaches local government area which makes offsetting this EEC a major challenge.

The concerns raised regarding the shortfall of 225 dwellings in the housing targets in the Northern Beaches Local Housing Strategy 2021 as a consequence of the Ingleside Precinct not proceeding and Council not being able to meet its agreed housing targets were carefully considered by the Panel. The Panel heard from Council about the public exhibition of the Draft Brookvale Structure Plan which if implemented has the potential to contribute 1300 new dwellings in coming years. Given the planning proposal was proposing to facilitate between 40 to 45 dwellings to help offset the shortfall of 225 dwellings, the Panel was not convinced that this was the right location to supply additional housing.

The Panel noted that the site is within the southern portion of the Warriewood Valley Urban Release Area and is shown as a buffer to the nearby sewerage treatment works.


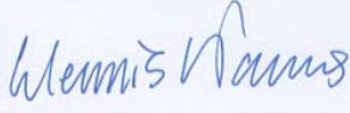


The Panel was aware that the planning proposal was not addressing the issue of Affordable Housing in a manner consistent with the approach endorsed by Council and that Council had concerns about the potential for the land proposed to be rezoned C2, to be the subject of compulsory acquisition proceedings at some future date. These matters are significant and remain unresolved.

The Panel noted that the planning proposal had been considered by Council officers, the Northern Beaches Local Planning Panel and the elected Council and had been rejected for similar reasons to that outlined above.

MATTERS FOR CONSIDERATION IN FUTURE

The Panel notes that there have been three previous planning proposals (2013, 2016 and 2019) including the site and in the vicinity of the site, which have sought some form of rezoning to accommodate residential development and that none of them have been considered to have strategic merit. The site and its surrounds comprise a mix of land uses including a shopping complex, sporting fields, apartment buildings, rural residential uses, a sewerage treatment works and wetlands. This diverse arrange of land uses is typical of localities going through a period of transition.

Alternative potential uses for the site which were discussed during the Panel briefings included recreational uses, conservation or even some form of employment generating land use. There is a need to undertake further investigations to identify the most appropriate land uses for the site and its surrounds which may recommend a rezoning of the site. This would provide greater certainty to all stakeholders.

PANEL MEMBERS	
 Stephen O'Connor (Acting Chair)	 Glennis James
 Blake Cansdale	 Graham Brown

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-4 – Northern Beaches Council – PP-2022-2306 at 10 and 12 Boondah Road, Warriewood
2	LEP TO BE AMENDED	Pittwater Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to facilitate the construction of 40, 3 storey dwellings in the form of multi-dwelling housing and 4 manor house dwellings and to protect the riparian corridor.</p> <p>It is proposed to amend Pittwater Local Environmental Plan 2014 to:</p> <ul style="list-style-type: none"> • rezone the site from RU2 Rural Landscape to R3 Medium Density Residential and C2 Environmental Conservation; • increase the maximum building height from 8.5m to 15m over the R3 zoned part of the site; • remove the 10,000m² Minimum Lot Size (MLS); • amend the Warriewood URA Map to identify a Sector for 10- 12 Boondah Road; and • amend Clause 6.1(3) to impose a dwelling yield range for the site of 40-45 dwellings.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Proponent rezoning review request documentation (4 April 2023) • Briefing report from Department of Planning and Environment (July 2023) • Rezoning Review Powerpoint Presentation prepared by Henroth Investments dated August 2023
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 10.00am - 10.45am, 9 August 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Stephen O'Connor (Acting Chair), Glennis James, Blake Cansdale and Graham Brown ○ Department of Planning and Environment (DPE) staff in attendance: Michael Cviden, Lauren Templeman, Matt Rothwell, Lisa Kennedy and Adam Williams ○ Site manager: Peter Ryder ○ Key issues discussed: <ul style="list-style-type: none"> • Wetland, creek and riparian vegetation; flooding – proposed cut and fill; vegetation including Endangered Ecological

Communities; adjoining development and setbacks from creek/wetland and APZ; character of locality.

- **Briefing with Department of Planning and Environment (DPE):**
11.27am – 12.03pm, 9 August 2023
 - **Panel members in attendance:** Stephen O'Connor (Acting Chair), Glennis James, Blake Cansdale and Graham Brown
 - **DPE staff in attendance:** Michael Cviden, Lauren Templeman, Matt Rothwell, Renee Ezzy, Tim Coorey, Lisa Kennedy, Barbara Gilbert and Adam Williams
 - **Key issues discussed:**
 - the material identified in the briefing package being the proposal, site location, background and identified key issues
 - land capability
 - flood risk – cut and fill plans; proposed raising of Boondah Road
 - biodiversity map – proposed land acquisition of wetland/C2 zoned lands. Adjoining C2 zoned land (28ha) owned by Northern Beaches Council
 - Affordable housing scheme and required percentage of housing in strategic plans

- **Briefing with Northern Beaches Council:** 12.15pm – 12.58pm, 9 August 2023
 - **Panel members in attendance:** Stephen O'Connor (Acting Chair), Glennis James, Blake Cansdale and Graham Brown
 - **DPE staff in attendance:** Michael Cviden, Lauren Templeman, Matt Rothwell, Renee Ezzy, Tim Coorey, Lisa Kennedy, Barbara Gilbert and Adam Williams
 - **Council representatives in attendance:** Liza Cordoba, Paula Moretti, Patrick Stuart and Joseph Hill
 - **Key issues discussed:**
 - Flooding – SES comments, shelter in place; flood storage; raising Boondah Road; other recent housing developments in locality on floodplain; proposed fill
 - Proposed maximum building height – contaminated material; cut & fill
 - Bushfire & APZ – DCP requirement for vegetated buffer to wetland; APZ of adjoining development to north
 - Biodiversity – Endangered Ecological Communities; acquisition of proposed C2 zoned land; open space requirements
 - Minimum lot size/community title scheme
 - Affordable housing - policy; contribution scheme
 - Planning for, and potential development of, the site – biodiversity mapping; housing targets; Warriewood Valley URA map
 - Possible changes to the planning proposal

		<ul style="list-style-type: none"> • Briefing with Henroth Group & SJB Planning (Proponent): 1.42pm – 2.54pm, 9 August 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Stephen O’Connor (Acting Chair), Glennis James, Blake Cansdale and Graham Brown ○ DPE staff in attendance: Michael Cviden, Lauren Templeman, Matt Rothwell, Renee Ezzy, Tim Coorey, Lisa Kennedy, Barbara Gilbert and Adam Williams ○ Proponent representatives in attendance: Dan Maurici, Scott Barwick, Troy Eyles and Michael Sheather-Reid ○ Key issues discussed: <ul style="list-style-type: none"> • Strategic merits – Warriewood Valley Strategic review, Northern Beaches Housing Strategy & LSPS; • Flooding – studies; risk management; flood free access; raising of Boondah Road; flood storage; • Biodiversity - Endangered Ecological Communities; Biodiversity Certification; vegetation management plan • Affordable housing – contribution rate & feasibility • Possible changes to the planning proposal • Panel Determination: 3.00pm – 3.29pm, 9 August 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Stephen O’Connor (Acting Chair), Glennis James, Blake Cansdale and Graham Brown ○ DPE staff in attendance: Michael Cviden, Matt Rothwell, Renee Ezzy, Tim Coorey, Lisa Kennedy, Barbara Gilbert and Adam Williams
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