

spokespersons for planning on the cross bench of the Upper House.

VOTING

FOR: Unanimous

CARRIED

12.4 STATUTORY EXHIBITION FINDINGS FOR A PLANNING PROPOSAL FOR 1294-1300 PITTWATER ROAD NARRABEEN AND 2-4 ALBERT STREET, NARRABEEN

Note: Councillor Amon left the chamber at 7:50 pm due to a disclosure of interest

026/22 **RESOLVED**

Cr Crvelin / Cr Heins

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning and Environment for finalisation to amend the Warringah Local Environment Plan (LEP) 2011 to:
 - A. Increase the maximum building height standard at 1298 (front portion) and 1300 Pittwater Road, Narrabeen (Building A) from 8.5 metres to 12 metres to accommodate an additional floor and increased floor to floor heights at the ground and first floors.
 - B. Increase the maximum building height standard at 4 Albert Street, 1294 and 1296 Pittwater Road, and part of (rear portion) 1298 Pittwater Road, Narrabeen from 8.5 metres to 11 metres.
 - C. 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.
 - D. Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contributions Scheme.
2. Adopt the site-specific amendment to Warringah Development Control Plan for 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen.
3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of statutory notification of the amendment to Warringah Local Environment Plan 2011.
4. Write to all persons who made a submission during the public exhibition period advising them of Council's decision.

VOTING

FOR: Cr Glanville, Cr Walton, Cr Heins, Cr Korzy, Cr Gencher, Cr Regan, Cr Bingham, Cr Sprott, Cr Crvelin, Cr Robins, Cr Menano-Pires, Cr Grattan and Cr Ryburn

AGAINST: Cr De Luca

ABSENT: Cr Amon

CARRIED

ITEM 12.4	STATUTORY EXHIBITION FINDINGS FOR A PLANNING PROPOSAL FOR 1294-1300 PITTWATER ROAD NARRABEEN AND 2-4 ALBERT STREET, NARRABEEN
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING
TRIM FILE REF	2022/057503
ATTACHMENTS	<ol style="list-style-type: none"> 1 ⇒ Planning Proposal - 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen - September 2021 (Included In Attachments Booklet) 2 ⇒ Referral Response - DPE - Environment, Energy and Sciences Group (Included In Attachments Booklet) 3 ⇒ Referral Response - NSW State Emergency Service (Included In Attachments Booklet) 4 ⇒ Referral Response - Transport for NSW (Included In Attachments Booklet) 5 ⇒ Gateway Determination (Included In Attachments Booklet) 6 ⇒ DCP amendments - Warringah Development Control Plan 2011 - Part G8, Corner of Pittwater Road and Albert St Narrabeen (Included In Attachments Booklet) 7 ⇒ Submissions Review - Statutory Exhibition - PEX2018/0009 (Included In Attachments Booklet) 8 ⇒ Applicant - response to submissions - submissions analysis (Included In Attachments Booklet) 9 ⇒ Traffic Report - response to submissions (Included In Attachments Booklet)

SUMMARY

PURPOSE

To consider the outcomes of the statutory public exhibition and seek Council's endorsement for a Planning Proposal at 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen.

EXECUTIVE SUMMARY

Council, at the meeting on 15 June 2021, resolved to submit an amended Planning Proposal for 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen to the NSW Department of Planning and Environment (the Department) for a Gateway Determination.

The Planning Proposal seeks to:

- Increase the maximum building height standard at 1298 (front portion) and 1300 Pittwater Road, Narrabeen (Building A) from 8.5 metres to 12 metres to accommodate an additional floor and increased floor to floor heights at the ground and first floors.
- Increase the maximum building height standard from 8.5 metres to 11 metres for 4 Albert Street, 1294 and 1296 Pittwater Road and part of (rear portion) 1298 Pittwater Road, Narrabeen.

- Permit 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 consolidate existing uses on the site and must not have a gross floor area exceeding 1,150 square metres.
- Introduce a Local Environment Plan (LEP) provision that refers to the Northern Beaches Affordable Housing Contributions Scheme.

The NSW Department of Planning and Environment granted a Gateway Determination for the Planning Proposal on 20 August 2021. An amended version of the Planning Proposal (Attachment 1) was prepared and endorsed for public exhibition by the Department on 21 October 2021.

At the same meeting on 15 June 2021, Council also resolved to:

- Place draft amendments to the Warringah Development Control Plan 2011 on public exhibition concurrently with the statutory exhibition of the Planning Proposal.
- Amend the draft Northern Beaches Affordable Housing Contributions Scheme to include 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen as a site to which the scheme applies.

Amendments to the Northern Beaches Affordable Housing Contributions Scheme were exhibited alongside the Frenchs Forest Precinct Strategy from July 2021 to September 2021 and the Scheme was endorsed by Council at its meeting on 28 September 2021.

Consultation with the community occurred over a 28-day period in line with Gateway requirements from 17 November 2021 to 15 December 2021. The Planning Proposal to amend the Warringah LEP 2011 and the proposed amendments to Warringah Development Control Plan 2011 were publicly exhibited at the same time for comment.

During this time adjoining and nearby property owners were notified via post in accordance with Council's Community Participation Plan. A project page on Council's YourSay webpage invited submissions and the exhibition was also promoted via Council's Northern Beaches News distributed on Saturday 20 November 2021.

A total of 23 submissions were received: 21 objected to the proposal and two indicated support subject to conditions. Key themes within the submissions included:

- The bulk and scale of the proposed development x19
- Road network impacts to parking and traffic x13
- Interfaces of the proposal with the public domain x 8
- Concerns relating to the Planning Proposal process x 5
- Affordable Housing Contributions Scheme x 5
- Commercial land uses x 5
- Active Travel and car share x 3
- Heritage x 2.

A response to each of these issues is provided in this report and in greater detail in the attached 'Submissions Review' document which considers responses provided by the applicant alongside responses from Council officers.

Consultation with State Agencies commenced on 22 October 2021, with requests for comment sent to Transport for NSW, NSW State Emergency Service and the Department of Planning and Environment - Environment, Energy and Sciences Group in accordance with Gateway conditions.

- NSW DPE Environment, Energy and Sciences Group (Attachment 2) *would not anticipate any significant issue to arise due to the proposed increase in density.*
- NSW State Emergency Service (Attachment 3) provided a standard response as at the time staff were involved in operational responses in line with their legislative responsibilities.
- Transport for NSW (Attachment 4) raised no objection *as the planning proposal is not likely to have significant traffic impact on the adjoining classified state road network.*

No change to the Planning Proposal is recommended as a result of public exhibition process.

RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

That Council:

1. Adopt the Planning Proposal and submit it to the Department of Planning and Environment for finalisation to amend the Warringah Local Environment Plan (LEP) 2011 to:
 - A. Increase the maximum building height standard at 1298 (front portion) and 1300 Pittwater Road, Narrabeen (Building A) from 8.5 metres to 12 metres to accommodate an additional floor and increased floor to floor heights at the ground and first floors.
 - B. Increase the maximum building height standard at 4 Albert Street, 1294 and 1296 Pittwater Road, and part of (rear portion) 1298 Pittwater Road, Narrabeen from 8.5 metres to 11 metres.
 - C. 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.
 - D. Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contributions Scheme.
 2. Adopt the site-specific amendment to Warringah Development Control Plan for 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen.
 3. Publish the amendments to Warringah Development Control Plan 2011 in accordance with legislative requirements, to come into effect on the same date of statutory notification of the amendment to Warringah Local Environment Plan 2011.
 4. Write to all persons who made a submission during the public exhibition period advising them of Council's decision.
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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.

At the 28 May 2019 Council meeting, Council considered a report (Item 12.3) on the subject Planning Proposal and 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 in Council's 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.*

A further report was considered by Council on 27 April 2021, where Council resolved as follows:

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.

Following discussions with the proponent, a report was presented to the 15 June 2021 Council meeting and Council resolved as follows:

1. *Council resubmit a revised Planning Proposal for 1294-1300 Pittwater Road, Narrabeen 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. *Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contribution Scheme.*
- 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, Narrabeen and 2-4 Albert Street, Narrabeen.*
- 4. *The outcomes of the public exhibition of the amendments of the Warringah Development Control Plan 2011, Planning Proposal for 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street, Narrabeen and Affordable Housing Contribution Scheme be reported to Council.*
- 5. *Amend the draft Northern Beaches Affordable Housing Contribution Scheme as attached, to include 1294-1300 Pittwater Road, Narrabeen and 2-4 Albert Street as a site to which the scheme applies with a contribution amount of \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.*
 - A. *Submit the amended Northern Beaches Affordable Housing Contribution Scheme as attached to the Department of Planning, Industry and Environment together with this Planning Proposal.*
 - B. *Exhibit this Northern Beaches Affordable Housing Contribution Scheme and the Northern Beaches Council Affordable Housing Tenancy Guidelines concurrently with this Planning Proposal during post Gateway exhibition.*

The NSW Department of Planning and Environment granted a Gateway determination for the Planning Proposal on 20 August 2021. An amended version of the Planning Proposal was prepared in accordance with Gateway conditions and endorsed for public exhibition by the Department on 21 October 2021.

Amendments to the Northern Beaches Affordable Housing Contributions Scheme (the Scheme) were exhibited alongside the Frenchs Forest Precinct Strategy from July 2021 to September 2021. The Scheme was endorsed by Council at its meeting on 28 September 2021 and subsequently submitted to the Department in line with the Gateway determination (Attachment 5) condition to submit at least one month prior to the request to draft and LEP to finalise this Planning Proposal.

The Site and Planning Proposal Overview

The site comprises six lots, has an area of 4,704 square metres, and is occupied by a variety of one and two story commercial and residential buildings including a heritage item (Californian Bungalow) at 2 Albert Street and medical centre at 4 Albert Street (refer to Site Map below with subject site boundaries marked in red). The site is zoned R3 Medium Density Residential.

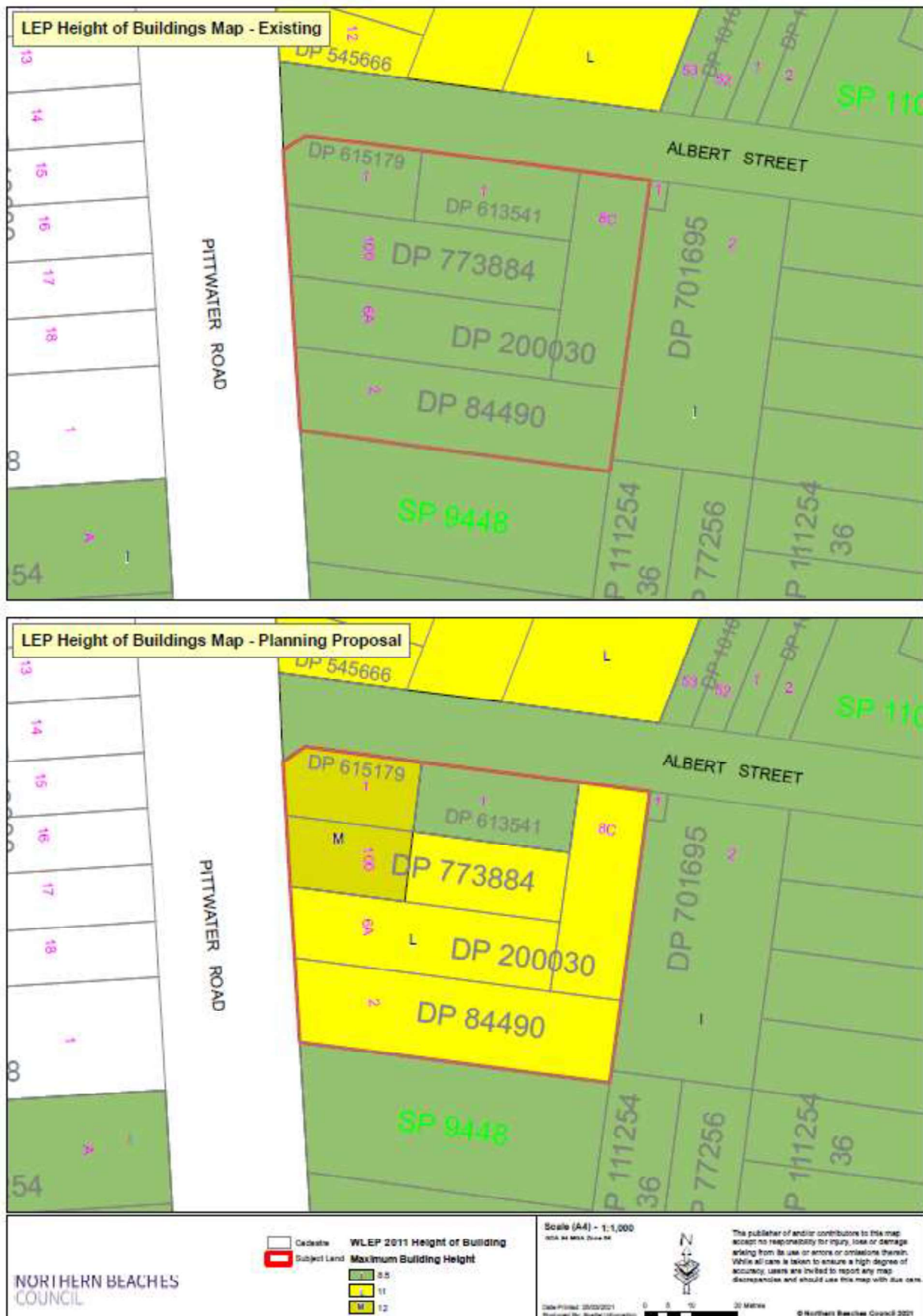




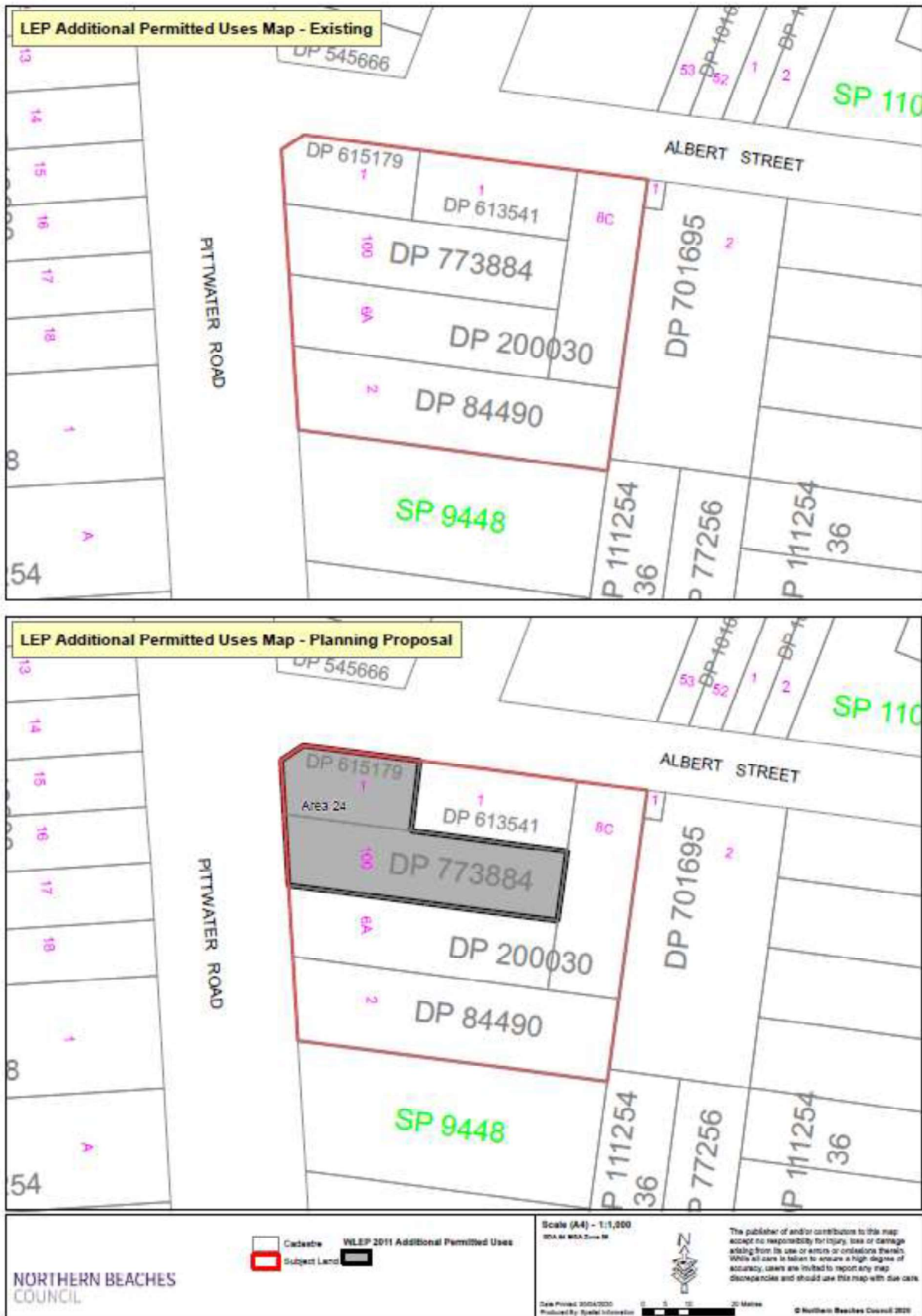
The Planning Proposal seeks to:

- Increase the maximum building height standard at 1298 (front portion) and 1300 Pittwater Road, Narrabeen (building A) from 8.5 metres to 12 metres to accommodate an additional floor and increased floor to floor heights at the ground and first floors;
- Increase the maximum building height standard from 8.5 metres to 11 metres for 4 Albert Street, 1294 and 1296 Pittwater Road, and part of (rear portion) 1298 Pittwater Road, Narrabeen.
- Permit 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 consolidate existing uses on the site and must not have a gross floor area exceeding 1,150 square metres.
- Introduce a LEP provision that refers to the Northern Beaches Affordable Housing Contributions Scheme.

The existing and proposed LEP heights in the Planning Proposal are summarised below:



The land subject to the proposed additional uses in the Planning Proposal are summarised below:



Proposed future building footprints and building setbacks, as identified in the draft DCP amendments (Attachment 6), and are provided below:



The Planning Proposal is considered to achieve both strategic and site-specific merit (for a detailed discussion on these issues see the Planning Proposal at Attachment 1).

CONSULTATION

Consultation with State Agencies commenced on 22 October 2021 with requests sent to Transport for NSW, NSW State Emergency Service and the Department of Planning and Environment - Environment, Energy and Sciences Group in accordance with Gateway conditions.

- NSW DPE Environment, Energy and Sciences Group *would not anticipate any significant issue to arise due to the proposed increase in density.*
- NSW State Emergency Service provided a standard response as at the time staff were involved in operational responses in line with their legislative responsibilities.
- Transport for NSW raised no objection *as the planning proposal is not likely to have significant traffic impact on the adjoining classified state road network.*

Consultation with the community occurred over a 28-day period in line with Gateway requirements from 17 November 2021 through to 15 December 2021. During this time adjoining property owners and occupiers and owners and occupiers across the road from the subject site were notified via post. A project page on Council's YourSay webpage invited submissions and the exhibition was also promoted via Council's Northern Beaches News EDM distributed on Saturday 20 November 2021.

A total of 23 submissions were received. 21 objected to the proposal and two indicated support subject to conditions. Key themes within the submissions included:

- 19 submissions highlighted bulk and scale of the proposed development, of which 13 were concerned about impacts to Narrabeen's village character; and 6 focused on the impacts of additional building height to solar access and privacy.
- 13 submissions highlighted road network concerns, including 11 mentions of parking constraints; 8 mentions of traffic congestion; and 3 submissions raising concerns about the location of the driveway access to the proposed development.
- 8 submissions mentioned the interface of the proposed development with the public domain including 5 focused on Pittwater Rd setbacks and flooding; 2 focused on landscaping and 1 focused on the Albert Street Interface.
- 5 submissions raised concerns about the planning proposal process including 3 objections to changing the planning controls for this proposal and 2 raising concerns they had not been formally notified of the statutory exhibition (neither were adjoining occupants or land owners).
- 5 submissions made comments on the application of the Affordable Housing Contributions Scheme including concern the dwellings would not be delivered / disbelief that the dwellings would be affordable, that affordable housing dwellings would not add value to existing residents and owners and 1 in support of implementing the scheme in this location.
- 5 submissions raised concerns about the proposal to include commercial uses on the site. 2 raised concerns about vacancy rates in Narrabeen, 1 felt there is no need to 'extend' the centre, a request for limits on hours of operation and concerns about parking for customers.
- 2 submissions raised concerns about preservation of the heritage item and concerns about overshadowing.
- 2 submissions made comments on the need for setbacks to support active travel with 1 stating there is no need for this and another highlighting that elderly patients of the medical practice cannot use active travel.
- 1 submission stated that the car share plan is non-compliant. No detail was provided to explain why it is non-compliant.

A detailed response to each of these issues is provided in the 'submissions review' (Attachment 7). This document includes a response from the applicant (Attachment 8) and a response from Council officers.

Summary of Response to submissions

Bulk and Scale

- Consolidating existing commercial uses at the front corner of the site and allowing an increase in height by one storey will support the medical centre to grow and meet the needs of a growing and ageing population in Narrabeen. It will not set a precedent for nearby sites as the rationale for this planning proposal is to recognise uses operating under existing use rights.
- The site's R3 Medium Density Residential zone has long supported a three-storey residential flat building format noting that this site has been underutilised for many decades. This proposal seeks one additional storey to align with the height controls in the adjoining town centre resulting in a four-storey built form with the fourth floor largely contained within the roof line.
- Building separation complies with and exceeds the requirements in the Australian Design Guidelines for Building separation to protect solar access and privacy.
- Landscaping requirements outlined in the DCP seek to ensure appropriate screening to protect privacy, seek to maximise opportunities for deep soil planting of mature trees at site boundaries to reduce heat, shade active travel routes and provide canopy habitat for birds.

Road Network

- On-site parking is proposed across two basement levels for future residents and for the operation of the medical practice. The site is within 450m of the B-line bus stop at Narrabeen.
- Albert Street is relatively narrow at 7.5m which is why passing opportunities have been created with no parking zones in front of 1-7 Lagoon Street and 3-5 Albert Street to support safe passing.
- The findings of the applicant's traffic report (Attachment 9) have been validated by more recent traffic assessment work undertaken by Council.
- The proposed driveway location on Albert Street aligns with Transport for NSW Guidelines and is directly supported in their submission. It also maintains heritage item setbacks, is set back from Pittwater Road to maintain safe intersection sight lines and provides an access point above the flood free board level.

Public Domain

- Council's position to require a setback of 2 metres at the ground floor for Building A is based on recommendations from the Design and Sustainability Advisory Panel (DSAP) and advice from Council's Urban Designers to enable a transition from the town centre (zero setback) to a 2 metre setback at Building A and then a 6.5 metre setback for Building B in line with existing controls for the residential zone. The 2 metre setback for Building A provides significant improvement compared to the current zero setback to support active travel and amenity at one of only two signalised pedestrian crossings in Narrabeen.
- The Proposal has been reviewed by Council's Stormwater Floodplain Engineering team who are satisfied the proposal generally complies with the flood controls in the LEP, DCP and recent changes to Ministerial Directions. Referral advice was also sought from NSW State Emergency Service.
- The desired urban design outcome for Albert Street is captured in the DCP controls, including excavation and retaining wall to make the most of available space.

Affordable Housing Contribution Scheme

- Detailed feasibility analysis has been undertaken, and having regard for the built form controls as proposed, the maximum affordable housing contribution achievable at this site is \$1,129,846 or equivalent amount at the time of payment as indexed in accordance with the Northern Beaches Council Affordable Housing Contribution Scheme.
- The provision of affordable housing across all communities on the Northern Beaches will bring benefits of greater diversity and attraction of key workers to provide essential services to the community.
- When physical dwellings are dedicated to Council, they will be provided as affordable rental dwellings in perpetuity with rents capped at a proportion of the worker's income.

Commercial Uses

- An Economic Impact Assessment considered vacancies in Narrabeen and determined that available spaces lacked the size and accessibility required for a medical practice.
- On-site parking for the medical centre will be provided within the two levels of basement parking proposed. The site is within 450m of the B-line bus stop.

Heritage

- Protection of the heritage bungalow at 2 Albert Street has been a consideration throughout the planning proposal process. The proposed changes to the LEP specifically exclude the

bungalow site while the DCP specifically addresses the heritage bungalow through a number of provisions including setbacks of other buildings and a requirement for a Heritage Management Plan.

Active and Shared Travel

- This proposal contributes to improved active travel routes for the broader Narrabeen community to access the B-line and Narrabeen town centre. Encouraging uptake of active travel reduces car dependency, reduces traffic congestion, frees up parking capacity, reduces carbon emissions and improves health outcomes.
- Requirements for car-share spaces will be confirmed at Development Application stage.

TIMING

If Council resolves to adopt the Planning Proposal and Development Control Plan amendments, it is anticipated that the amendment will likely be made in April/May 2022.

LINK TO STRATEGY

This report relates to the Community Strategic Plan Outcome of:

- 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.
- Vibrant Local Community - Goal 15: Our centres attract a diverse range of businesses, providing opportunities for work, education, leisure, and social life.

FINANCIAL CONSIDERATIONS

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

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

- Four 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 benefits including an additional 15 to 20 dwellings targeting downsizers within easy walking distance to high frequency public transport and existing services. 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 the 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.

Urban design outcomes have been developed to enhance the heritage values of 2 Albert Street and respond to Place Score insights for Narrabeen local centre which highlight overall visual

character of the area and vegetation and natural elements as the top priorities for investment. Deep soil planting opportunities have been maximised with requirements for mature tree plantings along site boundaries to support high amenity shaded active travel links for the surrounding community to access the Narrabeen Town Centre and the B-Line bus stop. While building heights and setbacks have sought to create a transition from town centre to residential neighbourhoods with a negotiated 2m setback from the site boundary providing a softer presentation to the public domain and increasing pedestrian space to access one of only two pedestrian crossings of Pittwater Road.

The delivery of affordable housing through the Affordable Housing Contributions Scheme will also have significant social benefits.

ENVIRONMENTAL CONSIDERATIONS

There are no natural environmental impacts, and 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 submission to the Department of Planning and Environment and to request legal drafting from the Parliamentary Counsel Office.

Council has been granted the 'Local Plan-Making Authority' by the Department of Planning, Industry and Environment in accordance with conditions outlined in the Gateway Determination.