

## **Pre-lodgement Meeting Notes**

### **Pre-lodgement Planning Proposal**

### **Proposed Rezoning to B1 Neighbourhood Centre to allow shop top housing**

**Application No:** PLM2019/0040

**Meeting Date:** 9 April 2019

**Property Address:** Nos. 1-3 Narrabeen Park Parade, North Narrabeen  
Lots 1 and 2 DP1005148

**Attendees for Council:** Anne-Maree Newbery – Manager Strategic and Place Planning  
Diane Galea - Planner  
Brendan Gavin – Principal Planner  
Dominic Chung – Senior Urban Design  
Joseph Tramonte – Senior Landscape Architect

**Attendees for proponent:** Peter Gurtner – Unity Australia  
Nigel Bramley – Land owner  
Lance Doyle – Doyle Consulting Group  
Vaughn Milligan – Vaugh Milligan Development Consulting  
Stefan Lombardo - o2 Architecture

**Owner** Petobi Pty Ltd and N B Bramley

## **1. INTRODUCTION**

These notes are based on submitted documentation and discussions in the pre-lodgement meeting held on 9 April 2019 with the proponents and their representatives. The comments provided are intended as a guide should the proponents decide to proceed with an application to lodge a planning proposal.

## **2. PROPOSAL**

The meeting was held to discuss the preparation of a planning proposal to amend the planning controls in Pittwater Local Environmental Plan (PLEP 2014) to rezone the site from R2 Low Density Residential to B1 Neighbourhood Centre and to increase maximum building height from 8.5 metres to 10.5 metres, to enable a three (3) storey shop top housing development on the site.

The pre-lodgement application was accompanied by the following documentation.

- (i) Planning Proposal (December 2018) by Doyle Consulting Group;
- (ii) Addendum - Planning Proposal response to Issues raised in PP0001/17 (July 2018) by Doyle Consulting Group;
- (iii) Concept Architectural Plans (mixed dates) by O2 Architecture;
- (iv) Aboricultural Assessment (June 2018) by Rain Tree Consulting;
- (v) Heritage Report (July 2018) by Colin Brady Architecture and Planning;

- (vi) Economic Impact Assessment (July 2018) by Hawes & Swan;
- (vii) Traffic and Car Parking Assessment (June 2018) by GTK Consulting;
- (viii) Flood Information Advice (October 2016) by Henry & Hymas;
- (ix) Bushfire Assessment Report (June 2018) by Building Code and Bushfire Hazard Solutions Pty Ltd; and
- (x) Preliminary Geotechnical Investigation (December 2016) by Crozier Geotechnical Consultants.

### **3. PREVIOUS PROPOSAL**

A Planning Proposal was previously lodged for this site in 2017 (PP0001/17) which sought a similar rezoning of land to B1 Neighbourhood Centre with a maximum height of 13.5m. Where still relevant certain feedback provided below, includes reference to comments made by public authorities or others in respect of the previous application.

### **4. SITE CHARACTERISTICS**

- (a) The site is known as Nos. 1 – 3 Narrabeen Park Parade, North Narrabeen, being Lots 1 and 2 DP DP1005148 and is located on the north eastern corner of Narrabeen Park Parade adjacent to Lake Park Reserve, being Crown land.
- (b) The site is irregular in shape, having an approximate area of 688m<sup>2</sup>, with approximate boundary dimensions of 20 metres to Narrabeen Park Parade to the west, 41 metres to Lake Park Reserve to the south, 18.5 metres and 30.5 metres to the adjoining residential property to the east and north respectively.
- (c) Existing development on the site comprises a single storey building at No. 1 Narrabeen Park Parade currently used as a restaurant/café with a detached rear garage. An existing detached dwelling house is located at No. 3 Narrabeen Park Parade. Vehicular access to No. 3 is via Narrabeen Park Parade. An informal driveway is located at the rear of No. 1 which is accessed via the adjoining reserve.
- (d) The site context is characterised by the adjoining reserve and Narrabeen Lagoon inlet to the south and Narrabeen Headland and Rock Pool further to the east and north east. The Lakeside Caravan Park is located on the opposite side of Narrabeen Park Parade to the west of the site. Development immediately to the north and east along Narrabeen Park Parade and Peel Place is characterised by large detached dwelling houses.
- (e) The site and surrounding residential properties are currently zoned R2 (Low Density Residential) pursuant to Pittwater Local Environmental Plan 2014 as shown in Figure 1 below. The adjoining reserve is zoned RE1 Public Open Space, with Narrabeen Headland zoned E2 Environmental conservation. The adjoining caravan park is zoned SP3 Tourist.

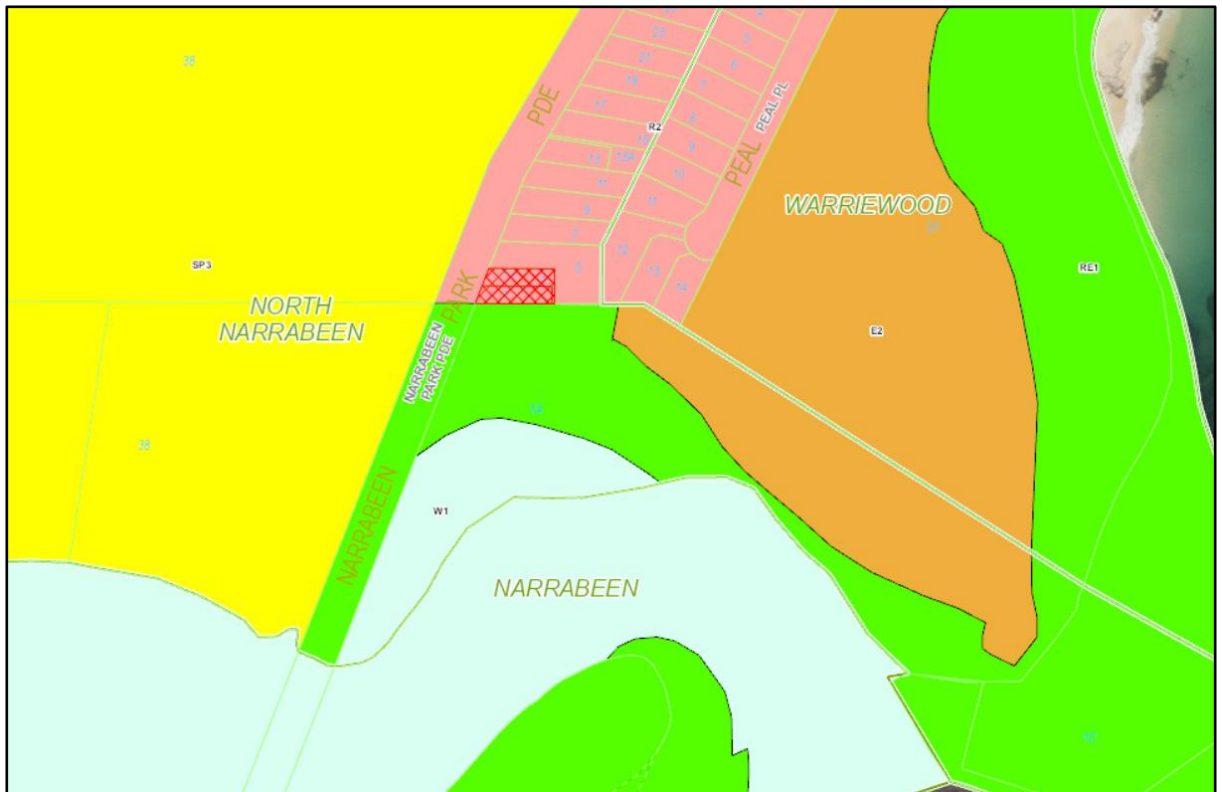


Figure 1: Current zoning (subject site shown hatched)

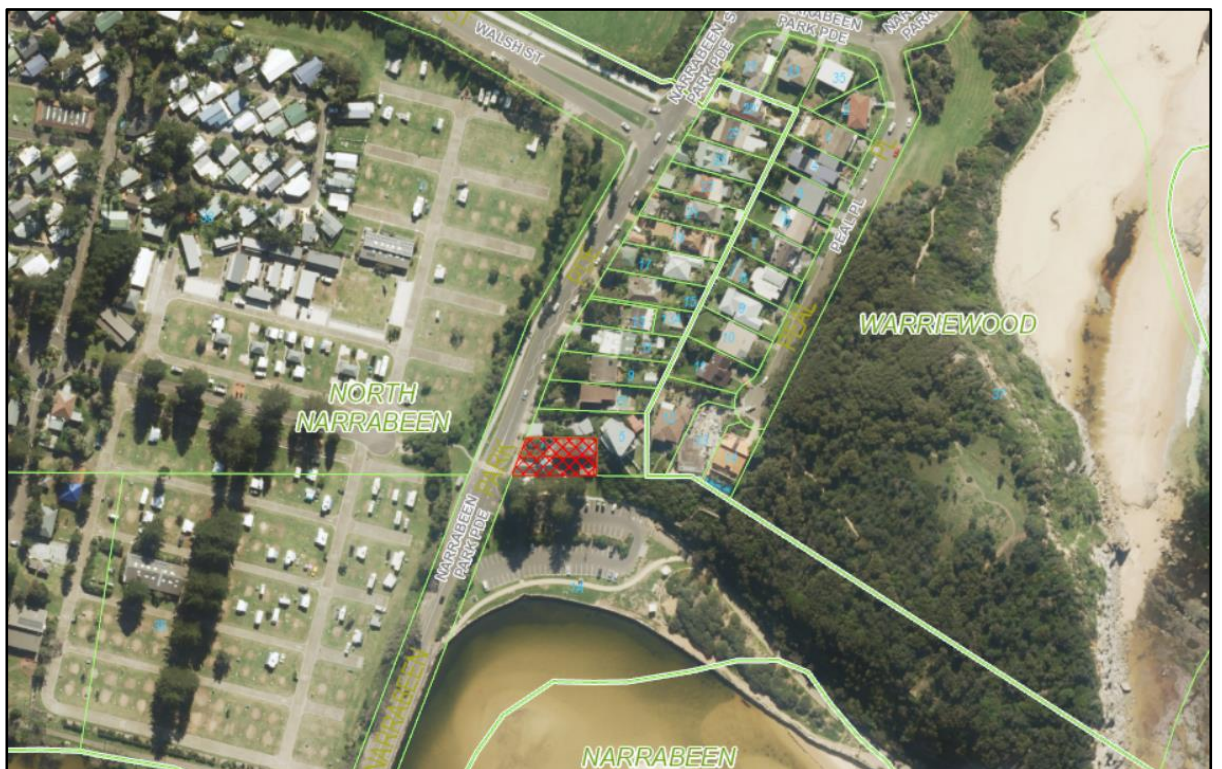


Figure 2: Aerial View (subject site shown hatched)

## **5. PLANNING CONTEXT**

### **5.1 Zoning**

The objectives and land use permissibility associated with the current zoning are outlined below.

#### **Zone R2 Low Density Residential**

##### **Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

##### **Permitted without consent**

Home businesses; Home occupations

##### **Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals; Water recreation structures

##### **Prohibited**

Any development not specified in item 2 or 3

Shop top housing is a prohibited use in the R2 Low Density Residential Zone.

### **5.2 Planning controls**

Local planning/development controls of note that currently apply to the site include:

- i. Maximum Building Height (8.5m)
- ii. Bush Fire Prone Land Map
- iii. Acid Sulfate Soil Map
- iv. Geotechnical Hazard Map
- v. Minimum subdivision lot size – 550m<sup>2</sup>
- vi. Low Risk Flood Precinct
- vii. Pittwater DCP 21 - Warriewood Locality
- viii. Pittwater DCP 21 – Landscape Area 3
- ix. Pittwater DCP 21 – Scenic Protection General

A range of State Government planning policies and guidelines are also applicable to the rezoning and redevelopment of the site. These have not been considered as part of this pre-lodgement advice but would need to be assessed within any future planning proposal.

### **5.3 North District Plan and Local Strategic Planning**

In March 2018, the Greater Sydney Commission released the North District Plan. The Plan identifies Narrabeen (focussed around Waterloo Street) and Warriewood (focussed around Warriewood Square) as local centres on the North District Structure Plan map. The subject site is located outside of the walkable catchment of either of these identified local centres.

As required by section 3.9 of the Environmental Planning and Assessment Act (the Act), Council is currently preparing a Local Strategic Planning Statement (LSPS) which will set out Council's land use vision, and planning principles, priorities, and actions for the next 20 years. The LSPS has to be consistent with the North District Plan. Council has also commenced a review of its Local Environmental Plans to give effect to North District Plan. As part of this work a Northern Beaches Housing Strategy is currently being prepared to identify locations suitable for additional housing growth.

Any proposal to rezone the site will be considered having regard to the statutory requirements of the Act and the current work Council is undertaking. In accordance with the NSW Government's Guide to Preparing Planning Proposals, the need for the proposal and whether or not the proposal has strategic merit will be important when demonstrating justification for the planning proposal. The proponent will need to provide Council with information to identify the relevant environmental, social, economic and other site specific considerations.

Council's concerns and key matters for consideration are discussed further in Part 6 of this report.

## **6. KEY CONSIDERATIONS**

### **6.1 Zoning**

The pre-lodgement planning proposal seeks to alter the land zoning from R2 Low Density Residential to B1 Neighbourhood Centre.

While No. 1 Narrabeen Park Parade has historically been used for non-residential purposes, this is not considered adequate justification to rezone No. 1 and No. 3 Narrabeen Park Parade to a commercial zoning.

The existing locality is currently serviced by a number of B1 Local Centres including at Ocean Street, Narrabeen (opposite Malcolm street); at Pittwater Road, North Narrabeen (between Walsh Street and Berry Avenue); and at Narrabeen Park Parade, Warriewood (near Hunter Street). Additionally, B2 Local Centres are located at Narrabeen (Waterloo Street), North Narrabeen (Pittwater Road near Rickard Road) and Warriewood Square at Warriewood. These existing centres are proximate to the site and adequately provide for the needs of local residents and visitors. Both Narrabeen (Waterloo Street) and Warriewood (Warriewood Square) are identified as local centres under the North District Plan.

It is likely that non-commercial uses on the subject site would predominantly cater to visitors of the existing North Narrabeen Rock Pool and Lake Park Reserve and the adjoining Lakeside Caravan Park.

The proposal to rezone the land to B1 Neighbourhood Centre is not supported. Any change to land use in this location may be more appropriate to be considered as an additional permitted use under Schedule 1 of Pittwater Local Environmental Plan 2014, as opposed to a wholesale rezoning of the land.

Any proposal which sought to widen the range of additional permitted uses on the site would be subject to a separate merit assessment. Additional commercial uses would need to be justified on economic grounds to ensure the range of land uses and volume of commercial space proposed is economically viable given potential seasonal fluctuations in demand in this location. The impact on nearby neighbourhood and local centres would also need to be considered.

With respect to shop-top housing, Council would be unlikely to support this land use in this location as it is not in character with surrounding development and is not located within a centre location. This is discussed further below under the heading 'Urban Design'.

## **6.2 Urban Design**

In accordance with Pittwater Development Control Plan 21, the subject site is located within the Warriewood locality. The desired future character of the Warriewood locality is described below:

*The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses. Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape.*

*Any medium density housing will be located within and around commercial centres, public transport and community facilities.*

*Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development.*

The pre-lodgement planning proposal seeks to provide a three (3) storey shop top housing development which is inconsistent with the desired future character statement that seeks to maintain a low density residential area (up to two (2) storeys) outside of centre locations.

Council's Senior Urban Designer has reviewed the preliminary planning proposal and provided the following comments:

*The proposal cannot be supported for the following reasons:*

- 1. The following built form controls have been breached ie. 6.5m/ 6m setback to the front and back boundary respectively, building height control 8.5m and envelope control 4m/ 45deg. The site is located at an iconic junction of lagoon, linear park, caravan and camping areas. Any built form proposed will need to be sympathetic to this sensitive and scenic environment. The proposal seeks to amend Pittwater Local Environmental Plan 2014, Height of Building Map by increasing the maximum building height of the site to 10.5m from 8.5m. The proposed 3 storey shop top housing built form would create a negative impact to the existing surrounding character of detached houses.*
- 2. The character of the area comprises of built forms of detached housing. A more acceptable built form would be a two storey building with a roof form with adequate separation and buffer landscaping to achieve the look of two big houses.*
- 3. The 3 storey proposal would come under the control of the Apartment Design Guide which requires floor to ceiling heights of 2.7m and 3.3m for the residential and commercial areas respectively. Allowing 0.4m for services and structure, floor to floor requirements would be 3.1m and 3.7m respectively. These will increase the proposal height even more as 3m and 3.1m floor to floor has been proposed respectively.*

4. *There are no public benefits generated in return for the increased building envelope controls.*
5. *The additional building height and bulk would block views and aspects for neighbouring properties compared to the existing controls.*
6. *The additional building height and bulk will set an undesirable precedent for future development around the area.*

The proposal in its current form would not be supported by Council from an urban design perspective given that the building typology and proposed bulk and scale of development is out of character with development in the immediate vicinity of the site and is inconsistent with the desired future character of the locality. Should the proponent wish to lodge a planning proposal it is recommended that an Urban Design Study be provided to address the desired future character of the area as well as the urban design comments above and landscape and heritage comments below. Consideration should also be given to appropriate densities consistent with the locality.

### **6.3 Density & Unit Mix**

The site is not currently subject to a floor space ratio control. However, Clause 4.5A of Pittwater Local Environmental Plan 2014 sets out density controls for certain forms of residential development. These are prescribed as 1 dwelling per 200m<sup>2</sup> in an R3 Medium Density Residential Zone and 1 per 150m<sup>2</sup> in a B1 Neighbourhood Centre Zone. While neither of these controls are applicable to the R2 Low Density Residential, it is noted that the pre-lodgement planning proposal provides for a density of 1 dwelling per 98m<sup>2</sup> which is substantially denser than what would be expected in a higher order R3 or B1 zone.

The documentation submitted with the pre-lodgement planning proposal provides justification for the proposed density by providing a comparison of total bedrooms where the proposed scenario of 5 x 3 bedroom units and 2 x studio apartments would generate a total of 17 bedrooms, compared with a potential maximum of 14 bedrooms should both No. 1 and No. 3 Narrabeen Park Parade each be developed as a 5-bedroom dwelling house plus a 2-bedroom secondary dwelling.

As neither site currently contains a dwelling house and secondary dwelling, and in the absence of concept architectural plans, it cannot be presumed that each property could accommodate this arrangement while still complying Council's planning controls. Furthermore, irrespective of the number of bedrooms, a dwelling in North Narrabeen (predominantly detached dwelling houses) has an average occupancy of 2.88 persons (ABS Census 2016) and as such is likely to generate a lower overall site occupancy compared to shop top housing units.

While shop top housing is not supported in this location, should a planning proposal be lodged, it is recommended that the unit mix be modified to allow for a range of 1, 2 and 3 bedroom dwellings. It is noted that the proposed 36m<sup>2</sup> studio units may not be appropriate within the locality. Should this dwelling size be desired, it should be supported by evidence demonstrating the suitability and need for this size dwelling within this location.

It was noted at the pre-lodgement meeting that reference was made to dwelling densities within the Lighthouse building in Dee Why. The Lighthouse building is located within Dee Why Town Centre and is within a B4 Mixed Use Zone with significantly higher heights pursuant to Warringah Local Environmental Plan 2011. Given the very different context of the subject site compared with the Lighthouse development, these cannot be used as comparable examples when considering appropriate built form, density or scale at the subject site.

## 6.4 Trees and Landscape

A number of existing Norfolk Island Pines are located within the adjoining reserve directly adjacent to the site. These trees are considered to be of significance and dominate the landscape setting of the area.

Council's Senior Landscape Architect has reviewed the preliminary planning proposal and has advised that the proposal in its current form is not supported due to the likely impact upon the Norfolk Island Pines as outlined below:

*The proposed planning proposal, in terms of landscape outcome, is not supported due to the impact upon the existing Norfolk Island Pines located within the adjoining public reserve.*

*The proposed extent of the basement does not satisfy the Pittwater LEP 2014 objective 7.2 Earthworks, to ensure that development will not have a detrimental impact on features of the surrounding land, upon which the Norfolk Island Pines are located, and this may reduce the scenic and landscape amenity offered by the Norfolk Island Pines.*

*The Arboricultural Assessment & Development Impact Report recognises that the Norfolk Island Pines are "highly significant". The report notes that the existing trees are considered viable for retention, whilst "new development works are likely to have a considerable impact on tree vitality", with TPZ (tree protection zone) encroachments at a Major level (greater than 10%) above the Australian Standard 4970, with tree decline likely.*

*The report notes that based "on overall assessment and long term coexistence between trees and existing site conditions it is more likely that tree and root zone conflicts would be greater than determined under TPZ encroachment calculations. Root loss at the point of excavation cut would likely result in a decline of tree vitality, with the TPZ area lost unable to be compensated elsewhere or be continuous with the existing tree protection zone (AS4970)".*

*The Norfolk Island Pines have become established as a group, with the expected root growth existing as an interconnected clump. Any decline in vitality by root loss may result in canopy growth changes where each individual tree's canopy will be exposed to wind and salt spray, as opposed to the current exposure as a stand. This will impact on the future growth habit of the canopy and will diminish the quality of the canopy.*

*The existing stand of six Norfolk Island Pines present a visually dominant landscape character as seen from the surrounding areas of the suburb, and in particular along and over the Ocean Street Bridge when travelling north. This view of the stand of Norfolk Island Pines presents a dominant visual element along the landscape at the edge of the lake and provides an emotive connection to nature along the lake and to the beach.*

*Impact to the vitality of the Norfolk Island Pines will diminish the highly valued landscape character of the area.*

*The planning proposal outlines the integration of the development within the existing natural and built environment, relying solely on the existing landscape within public land to reduce the visual impact of bulk and scale. Without the presence of the Norfolk Island Pines, that are likely to be impacted as reported, the proposal would be seen as a visually dominant built form along the lake foreshore.*

*The following Pittwater DCP21 controls are not satisfied:*

- C1.1 Landscaping, and in particular "Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, ..."*

- *D11.2 Scenic protection - General, where “development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.”*

*Within the site, the landscape proposals for on-slab landscaping are able to satisfy Pittwater DCP21, subject to the following C1.1 requirements:*

- *In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be provided to soften the built form.*
- *The following soil depths are required in order to be counted as landscaping:*
  - 300mm for lawn
  - 600mm for shrubs
  - 1metre for trees

Should a Planning Proposal be pursued, evidence would need to be provided to demonstrate no impact upon the existing Norfolk Island Pines. Where trees are still likely to be impacted, consideration should also be given to address the comments previously provided by the Office of Environment and Heritage (OEH) (regarding the previous planning proposal (PP0001/17)) that a Flora and Fauna Assessment be provided with respect to potential loss of habitat for native birds as outlined below:

*OEH also notes the planned removal of several Norfolk Island Pines. Consideration should be given to the possible significance of the trees for native species including the Osprey and White-bellied Sea Eagle. Records for these two threatened birds exist nearby and the trees may provide habitat. Adequate assessment should be undertaken for any relevant threatened species.*

## **6.5 Impact of Trees on Private Property**

At the pre-lodgement meeting, concern was raised with respect to the potential property damage being caused to No. 1 Narrabeen Park Parade by roots of the Norfolk Island Pines located in the adjoining reserve.

Council's Senior Tree Management Officer has advised that for this to be investigated further, it will be necessary for the property owner to supply Council with conclusive evidence that the roots are causing damage. This may be in the form of a Structural Engineers report.

If the damage is confirmed to be caused by the tree/s Council could undergo further investigation to determine mitigation process/es to abate the problem.

However, given the intention of the property owner to demolish the existing building at No. 1 Narrabeen Park Parade any measures to rectify damage to the existing buildings would be placed on hold pending the outcomes of redevelopment options.

It is noted that Council has previously responded to the land owners request to remove the trees and in February 2017 provided advice *that all of the trees are in good health, do not appear to pose an unacceptable risk, and should be retained.* A copy of the letter is attached for your reference.

## 6.6 European Heritage

The subject site is not currently listed as a local heritage item in Pittwater Local Environmental Plan 2014. However, both the building at No. 1 Narrabeen Park Parade and the adjacent Norfolk Island Pine trees, have both been identified as having potential local heritage significance.

The Heritage Report submitted by Colin Brady Architecture and Planning (July 2018)), concludes that the building at No. 1 Narrabeen Park Parade does possess representative heritage significance and also recognises the heritage significance of the pine trees.

Additionally, the community (in submissions relating to the previous planning proposal) raised concern regarding the potential loss of the building and the trees on heritage grounds, which reflects the esteem held by some members of the community, for this building and the pine trees. A heritage nomination has been submitted for the Norfolk Island Pine Trees, which is currently under consideration by Council for potential listing.

If this planning proposal was to progress, it is recommended that the Heritage Report should be revised to also include:

- Consideration of all possible options for retention or partial retention of the building at No. 1 Narrabeen Park Parade, given its representative heritage significance. This should include the exploration of options for adaptive reuse of the building or the possible incorporation of distinctive elements of the facade into a future redevelopment of the site; and
- Further assessment of the heritage significance of the Norfolk Island Pine trees, in their own right, and separate to the significance of the building.

Generally, from a heritage perspective, a lower scale building would be more responsive to the heritage significance of the site and would assist in ensuring that the health of the Norfolk Island Pine trees is not adversely affected.

## 6.7 Aboriginal Heritage

In response to the previous planning proposal (PP0001/17) the Office of Environment and Heritage (OEH) provided the following comments with respect to Aboriginal Heritage. It is suggested that these matter be addressed should a planning proposal be lodged with Council.

*The Planning Report notes there are possible Aboriginal heritage issues although the site is not within an area identified as being of Aboriginal Archaeological Significance. It notes the discovery of an Aboriginal skeleton in Ocean Street in 2005 and the need to address Aboriginal archaeological significance as a "watching brief" during the works on site. Also, there is reference to possible middens on the site and the potential for Aboriginal archaeological material to be impacted as a result of the proposed works.*

*OEH advises that the assessment and recommendations presented in the report do not conform to the requirements of the National Parks and Wildlife Act 1974 (NPW Act) which protects Aboriginal heritage in NSW and is administered by OEH.*

*Should the proposal proceed to gateway stage, OEH recommends an assessment be undertaken by a qualified archaeologist with experience in Aboriginal archaeology to assess the likelihood of Aboriginal objects, including skeletal remains and midden material, being present and advise on how the planning proposal will address the potential presence of objects and how impacts will be avoided and minimised by the future development of the site.*

*If it is assessed that there is potential for Aboriginal objects to be harmed by the proposed works, works must not proceed without an Aboriginal Heritage Impact Permit (AHIP) issued by the OEH. Please note that it is an offence under Section 86 of the NPW Act to harm an Aboriginal object. Information on AHIPS and the assessment of Aboriginal heritage is available on OEHs website:*

*<http://www.environment.nsw.gov.au/licences/investassessreport.htm>*

## **6.8 Flooding**

Council's Team Leader, Floodplain and Planning response has reviewed the pre-lodgement planning proposal and provided the following comments:

*The property at 1-3 Narrabeen Park Parade is located within the Low Flood Risk Precinct as identified in the Narrabeen Lagoon Flood Study, 2013.*

*Any Planning Proposal must be accompanied by a Flood Management Report to demonstrate consistency with Section 9.1 Direction 4.3 Flood Prone Land and that the site can be developed in accordance with the Pittwater Local Environmental Plan, 2014, Pittwater 21 Development Control Plan, Flood Prone Land Design Standard and the Flood Emergency Response Planning for Development in Pittwater Policy. Guidelines to prepare a Flood Management Report are available on Council's website, however the resultant reporting must account for the requirements of Planning Proposals not just Development Applications.*

*The Probable Maximum Flood level for the site is 4.7m AHD.*

It is noted in the assessment of the previous planning proposal (PP0001/17), the State Emergency Service (SES) stated that consideration should be given as to whether the roads surrounding or leading to the site could be inundated or impacted during a flood which may impact upon the safety of future occupants in a flood event. This should be addressed in any Flood Management Report.

## **6.9 Traffic and Transport**

The pre-lodgement planning proposal provides for vehicular access from both Narrabeen Park Parade and the adjoining reserve. In the assessment of the previous planning proposal, Council staff had advised that vehicle access and servicing of the site via the existing reserve should be deleted (irrespective of any current arrangements). An initial investigation of the adjoining reserve did not indicate the existence of any formal rights of way in favour of the subject site, and as such the existing vehicle access may not be legally recognised. Council would not support the intensification of any vehicle access or servicing (including deliveries, waste collection or the like) from the reserve.

Should a formal planning proposal be lodged, a revised Traffic and Parking Assessment should be provided reflecting the car parking rates set out in Pittwater Development Control Plan 21 for specific commercial uses likely to be sought and for any residential dwellings proposed. Consideration must also be given to the requirements for delivery and waste servicing.

Given the likely impact of excavation and basement construction on the Norfolk Island Pines, further investigation would be required to understand if the basement needs to be setback away from the site boundaries, and whether this would result in multiple basement levels being required to accommodate necessary car parking.

## **6.10 Contamination**

Under State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55), Council is required to consider whether land is contaminated and if the land is contaminated whether it is suitable, or will be made suitable through remediation, for all of the purposes for which it is proposed to be rezoned.

While the land is currently zoned for residential purposes, the historic use of the No. 1 Narrabeen Park Parade for non-residential purposes, raises the concern that there is some potential for the land to be contaminated. If a planning proposal is formally lodged, it is recommended that a Preliminary Contamination Assessment be prepared to determine if the site is suitable for the redevelopment sought.

## **6.11 Bushfire Protection**

The site is identified on the Bushfire Prone Land Map and any planning proposal and future development application will be subject to the requirements of Planning for Bushfire Protection.

The Bushfire Assessment Report provided with the pre-lodgement planning proposal makes reference to required Asset Protection Zones (APZ). Should a planning proposal be formally lodged, further detail should be provided in the Bushfire Assessment Report outlining the exact extent of any APZ.

Where an APZ falls outside of the subject property, any APZ within neighbouring land would require the formal agreement with any other affected owner. If the APZ extends within the adjoining reserve and headland, it is unlikely that Council would permit an APZ that would compromise the biodiversity significance of the adjoining reserve or headland. Documentary evidence in the form of a Flora and Fauna Assessment may be required if the APZ extends into existing vegetated areas.

## **6.12 Public Benefit Offer**

Should a planning proposal be lodged, the proponent is encouraged to make a public benefit offer commensurate to the value of uplift being sought. Any public benefit offer should bear a relationship to the site but does not need to be immediately adjoining the site. Consideration should be given to the relevant Plans of Management where works are proposed in the adjoining reserve/s.

## **6.13 Planning Proposal Format**

Should a Planning Proposal be lodged it should be set out in the format established in the Department of Planning & Environment's document titled *A Guide to Preparing Planning Proposals*.

## **7. CONCLUSION**

In principle, it is considered that a proposal to rezone the land to B1 Neighbourhood Centre and to increase the height to 10.5m to allow a three (3) storey shop top housing development will not be supported by Council in this location.

Should the proponent seek to lodge a planning proposal, this will be considered having regard to the statutory requirements of the Act and whether there is sufficient justification for the planning proposal. It is strongly recommended that any future planning proposal address the matters raised above.

Should you wish to discuss this matter further, please contact Diane Galea, Planner Strategic & Place Planning on 9970 1158.

A handwritten signature in black ink, appearing to read 'Anne-Maree Newbery', with a stylized, flowing script.

**Anne-Maree Newbery**  
Manager Strategic & Place Planning

**Attachment 1** – Letter dated 3 February 2017 regarding removal of Norfolk Island Pines