



northern
beaches
council

MINUTES

NORTHERN BEACHES LOCAL PLANNING PANEL MEETING

held via Teleconference on

WEDNESDAY 21 DECEMBER 2022

Minutes of the Northern Beaches Local Planning Panel held on Wednesday 21 December 2022

The public meeting commenced at 2.00pm and concluded at 3:09pm.

The deliberations and determinations commenced at 3:23pm following the public meeting and concluded at 4.45pm.

ATTENDANCE:

Panel Members

Annelise Tuor	Chair
Kara Krason	Town Planner
Robert Hussey	Town Planner
Peter Cotton	Community Representative

The meeting considered Item 4.1 deferred from Northern Beaches Local Planning Panel meeting that was held on 16 November 2022. The Panel has visited the site personally, or electronically, been briefed by Council officers and has had regard to the assessment report, all accompanying documentation, submissions from the public and the Proponent and any supplementary reports.

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

No apologies.

In accordance with Section 4.9 of the NSW Government Code of Conduct for Local Government Planning Panels, all members prior to the meeting on 16 November 2022 have signed a declaration of interest in relation to the item on the agenda. No conflicts of interest were disclosed.

2.0 MINUTES OF PREVIOUS MEETING

Nil.

3.0 Category 3 Applications

Nil.

4.0 PUBLIC MEETING ITEMS

4.1 PEX2022/0001 - 10-12 BOONDAH ROAD, WARRIEWOOD - PLANNING PROPOSAL

PROCEEDINGS IN BRIEF

The proposal seeks to amend Pittwater Local Environmental Plan 2014 by rezoning the subject site from RU2 Rural Landscape to R3 Medium Density Residential and C2 Environmental Conservation, along with other amendments, to enable residential development comprising 40 dwellings in a 3-storey townhouse typology and 4 affordable housing dwellings for a period of 10 years in a manor home or 2-storey residential flat building typology.

The proposal was deferred from the meeting of 16 November 2022 'for the applicant to submit a response ... to the Supplementary Memo dated 14 November 2022, specifically items 2-6'.

At the public meeting which followed the deferral, the Panel was addressed by two (2) representatives of the applicant.

All additional information submitted to Council was considered, and the Panel's advice to Council is set out below:

RECOMMENDATION OF PLANNING PANEL

That the Northern Beaches Local Planning Panel recommend that Council **reject** the Proponent's Planning Proposal (Planning Proposal) for 10-12 Boondah Road, Warriewood and not forward it to the NSW Department of Planning and Environment for a Gateway determination, for the following reasons:

- A. The Planning Proposal has not demonstrated sufficient strategic merit or site-specific merit, and is inconsistent with the following elements of the strategic planning framework:

i. *Greater Sydney Region Plan:*

Objective 27: Biodiversity is protected, urban bushland remnant vegetation is enhanced
Objective 36: People and places adapt to climate change and future shocks and stresses
Objective 37: Exposure to natural and urban hazards is reduced.

ii. *North District Plan:*

Planning Priority N16: Protecting and enhancing bushland and biodiversity
Planning Priority N22: Adapting to the impacts of urban and natural hazards and climate change

iii. *Towards 2040 Local Strategic Planning Statement* for the Northern Beaches:

Priority 1: Healthy and valued coast and waterways
Priority 2: Protected and enhanced bushland and biodiversity
Priority 8: Adapted to the impacts of natural and urban hazards and climate change
Priority 15: Housing supply, choice and affordability in the right locations

- iv. *Warriewood Valley Strategic Review Addendum Report* adopted 17 November 2014 and amended 19 December 2017 by Northern Beaches Council and incorporated in Clause 6.1 Warriewood Valley Release Area of the *Pittwater Local Environmental Plan 2014*.

v. *Local Planning Directions* issued by the Minister for Planning:

- Local Planning Direction 4.1: Flood Prone Land
- Local Planning Direction 4.2 Coastal Management
- Local Planning Direction 4.4: Planning for Bushfire Protection

B. The NSW State Emergency Service (SES) has raised significant concerns in relation to flood risk, and has indicated it does not support rezonings to enable development on the floodplain with risk management strategies that rely on early evacuation, private alarm systems, shelter in place, and transfer of residual risk in terms of emergency response to the SES, thereby increasing demands on SES resourcing and capabilities and potentially increasing risk to life, health and property for both existing and future communities.

C. The Planning Proposal seeks to rezone land within the flood planning area and insufficient information has been provided to demonstrate that the proposed development will not:

- i. result in a net loss of flood storage in the floodplain;
- ii. result in significant adverse impacts to other properties;
- iii. result in an increased requirement for government spending on emergency management services, flood mitigation and emergency response measures;
- iv. adversely affect the safe occupation and efficient evacuation of people; and
- v. place people and property at unacceptable risk at the event of a major flood.

The Panel notes that further information has been provided by the applicant following the completion of the Supplementary Memo No 2, and this should be incorporated into the report to Council on the Planning Proposal.

D. The Planning Proposal is inconsistent with the objectives of Clause 5.21 Flood Planning of *Pittwater Local Environmental Plan 2014*.

E. The Planning Proposal is likely to result in unacceptable impacts on biodiversity, particularly in respect of:

- i. failure to site and design development to avoid and minimise impacts to biodiversity;
- ii. removal of the full extent of remnant Bangalay Sand Forest, an Endangered Ecological Community of significant biodiversity value, as well as impacts to threatened species habitats, reduction in local wildlife connectivity, and potential for altered flow regimes to impact groundwater dependent ecosystems;
- iii. uncertainty with regards to Biodiversity Certification and, given that offset obligations are not available in the Northern Beaches, the likelihood of a net loss of local biodiversity;
- iv. failure to exclude from development all of the mapped Coastal Wetland;
- v. failure to provide an adequate 15 metre wide landscaped buffer, exclusive of the bushfire asset protection zone, to protect the adjacent wetlands; and
- vi. inadequate groundwater investigation and water quality monitoring to demonstrate adequate management of impacts on the downstream environment and the wetland.

F. The Planning Proposal does not comply with Council's Affordable Housing Policy as it only offers dwellings as affordable housing for a period of 10 years, and it fails to include a suitable mechanism to include the site in the *Affordable Housing Contributions Scheme*.

- G. The proposed 15m maximum building height is not commensurate with the proposed 3 storey townhouses and could enable a scale of built form that is out of character with the area.

The Panel notes that this may be able to be clarified but is not formally part of the Planning Proposal.

- H. The proposed C2 zoning of land could trigger acquisition obligations for Council.

The Panel notes that this may be able to be clarified if the Planning Proposal was to progress.

Vote: 4/0

5.0 NON PUBLIC MEETING ITEMS

Nil

This is the final page of the Minutes comprising 8 pages numbered 1 to 8 of the Northern Beaches Local Planning Panel meeting held on Wednesday 21 December 2022.