



**SUBJECT: Matter of an Urgent Nature - Planning Proposal Application PP0002/13 and the Warriewood Valley Strategic Review Report 2012**

**Meeting:** Natural Environment Committee

**Date:** 2 September 2013

---

## BUSINESS WITHOUT NOTICE

---

### BACKGROUND

Given the recent endorsement of the Strategic Review Report by both the Council and the Department, acceptance of the Planning Proposal would totally undermine the extensive consultation and resources put towards the completion of the Strategic Review Report by both the Council and the Department.

The main justifications for the Planning Proposal departing from the Strategic Review Report are very similar to those put forward in the proponent's response to the draft Strategic Review Report (namely, economic feasibility and an aim to provide a "*more diverse range of development types*"). The proponent has provided no additional information to justify departing from the Strategic Review Report and has simply put again arguments that were considered and rejected before. The proponent fails to appreciate that, in preparing the Strategic Review Report, all relevant considerations in the interests of the Pittwater community, not simply the issues of concern to the proponent of the Planning Proposal, were weighed.

The Committee having refused the Planning Proposal tonight and based on the proponent's previous opposition to the Strategic Review Report it is anticipated that the proponent will seek a pre-Gateway review of the Council's decision on the Planning Proposal.

According to the Department of Planning and Infrastructure's *A guide to preparing local environmental plans*, if Department receives a request for a pre-Gateway review, it must determine whether the request is eligible for review, after which it must determine whether the proposal has strategic merit and site-specific merit.

---

### **Motion**

- 1 That the Council urgently write to the Minister for Planning and Infrastructure and the Director-General informing them of Council's decision to refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23,25 and 27 Warriewood Road Warriewood communicating:
  - the Council's view that, if the proponent seeks a pre-Gateway review of the Council's decision on the Planning Proposal, neither the Minister nor the Department of Planning and Infrastructure should entertain the Planning Proposal for the following reason. The Planning Proposal has neither strategic merit nor site-specific merit. In particular, the Planning Proposal conflicts with and significantly undermines the *Warriewood Valley Strategy Review Report 2012*, endorsed by the Council and the Director-General of the Department of Planning and Infrastructure following extensive consultation and resources invested by both the Council and the Department.
- 2 That Council request the Local Member the Hon. Rob Stokes to urgently arrange a meeting with the Minister for Planning and Infrastructure to seek his commitment to support the Council decision for refusal and that the Minister will not use his powers under section 54 of the Environmental Planning and Assessment Act to overturn Council's refusal of the Planning Proposal.

**Cr Bob Grace**



## **MINUTE ITEM**

---

<b>C10.3</b>	<b>Matter of an Urgent Nature - Planning Proposal Application PP0002/13 and the Warriewood Valley Strategic Review Report 2012</b>
--------------	--

**Meeting:** Natural Environment Committee

**Date:** 2 September 2013

---

### **COMMITTEE RECOMMENDATION**

- 1 That the Council urgently write to the Minister for Planning and Infrastructure and the Director-General informing them of Council's decision to refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road Warriewood communicating:
  - the Council's view that, if the proponent seeks a pre-Gateway review of the Council's decision on the Planning Proposal, neither the Minister nor the Department of Planning and Infrastructure should entertain the Planning Proposal for the following reason. The Planning Proposal has neither strategic merit nor site-specific merit. In particular, the Planning Proposal conflicts with and significantly undermines the *Warriewood Valley Strategy Review Report 2012*, endorsed by the Council and the Director-General of the Department of Planning and Infrastructure following extensive consultation and resources invested by both the Council and the Department.
- 2 That Council request the Local Member the Hon. Rob Stokes to urgently request a meeting with the Minister for Planning and Infrastructure to seek his commitment to support the Council decision for refusal and that the Minister will not use his powers under section 54 of the Environmental Planning and Assessment Act to overturn Council's refusal of the Planning Proposal.

(Cr Grace / Cr Millar)

---

### **Procedural Motion (COUNCIL DECISION)**

That Cr Grace be granted an extension of time to complete his address to the meeting on this item.

(Cr Millar / Cr Ferguson)

### **Notes:**

1. A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Nil
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr Young	

2. Cr Townsend declared a significant non-pecuniary interest in this item, left the meeting at 7.36pm and returned at 7.51pm. The reason provided by Cr Townsend was:

*“As a member of the JRPP as council delegate I remove myself from debate to remove the conflict.”*

3. Cr Hegarty declared a significant non-pecuniary interest in this item, left the meeting at 7.36pm and returned at 7.51pm. The reason provided by Cr Hegarty was:

*“As Council’s delegate on the JRPP this agenda item may come before that Committee.”*