

# AGENDA

## **NORTHERN BEACHES LOCAL PLANNING PANEL MEETING**

Notice is hereby given that a Meeting of the Northern Beaches Local Planning Panel will be held in the Council Chambers, Town Hall, Manly on

**WEDNESDAY 1 MAY 2019**

Beginning at 1:00pm for the purpose of considering and determining matters included in this agenda.



**Peter Robinson**  
**Executive Manager Development Assessment**

**Panel Members**

Peter Biscoe	Chair
Brian Kirk	Town Planner
Graham Brown	Town Planner
Peter Cotton	Community Representative

**Quorum**

A quorum is three Panel members

**Conflict of Interest**

Any Panel Member who has a conflict of Interest must not be present at the site inspection and leave the Chamber during any discussion of the relevant Item and must not take part in any discussion or voting of this Item.

**Agenda for a Meeting of the Northern Beaches Local Planning Panel  
to be held on Wednesday 1 May 2019  
in the Council Chambers, Manly  
Commencing at 1:00pm**

<b>1.0</b>	<b>APOLOGIES &amp; DECLARATIONS OF INTEREST</b>	
<b>2.0</b>	<b>MINUTES OF PREVIOUS MEETING</b>	
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## **2.0 MINUTES OF PREVIOUS MEETING**

### **2.1 MINUTES OF NORTHERN BEACHES LOCAL PLANNING PANEL HELD 17 APRIL 2019**

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#### **RECOMMENDATION**

That the Panel note that the Minutes of the Northern Beaches Local Planning Panel held 17 April 2019 were adopted by the Chairperson and have been posted on Council's website.

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### 3.0 DEVELOPMENT APPLICATIONS

ITEM 3.1	DA2018/1123 - 65 RYAN PLACE, BEACON HILL - SUBDIVISION OF ONE LOT INTO TWO AND CONSTRUCTION OF A DWELLING HOUSE ON PROPOSED LOT 2
REPORTING OFFICER	ANNA WILLIAMS
TRIM FILE REF	2019/221547
ATTACHMENTS	1 Assessment Report 2 Site Plan, Subdivision Plan and Elevations

#### PURPOSE

This application has been referred to the Northern Beaches Local Planning Panel as the development contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

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#### RECOMMENDATION OF MANAGER DEVELOPMENT ASSESSMENT

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, **approves** Application No. DA2018/1123 for Subdivision of one lot into two and construction of a dwelling house on proposed Lot 2 at Lot 168 DP 215972, 65 Ryan Place, Beacon Hill subject to the conditions and for the reasons set out in the Assessment Report.

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## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2018/1123
<b>Responsible Officer:</b>	Nick England
<b>Land to be developed (Address):</b>	Lot 168 DP 215972, 65 Ryan Place BEACON HILL NSW 2100
<b>Proposed Development:</b>	Subdivision of one lot into two and construction of a dwelling house on proposed Lot 2
<b>Zoning:</b>	Warringah LEP2011 - Land zoned R2 Low Density Residential
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Delegation Level:</b>	NBLPP
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Charles Stuart Patrick Joy Marie Patrick
<b>Applicant:</b>	BBF Town Planners
<b>Application lodged:</b>	29/06/2018
<b>Integrated Development:</b>	Yes
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Residential - Single new detached dwelling
<b>Notified:</b>	10/07/2018 to 26/07/2018
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Recommendation:</b>	Deferred Commencement Approval
<b>Estimated Cost of Works:</b>	\$ 490,000.00

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral

to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;

- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

## **SUMMARY OF ASSESSMENT ISSUES**

Warringah Local Environmental Plan 2011 - 4.1 Minimum subdivision lot size  
Warringah Development Control Plan - C1 Subdivision

## **SITE DESCRIPTION**

<b>Property Description:</b>	Lot 168 DP 215972 , 65 Ryan Place BEACON HILL NSW 2100
<b>Detailed Site Description:</b>	<p>The subject site consists of one (1) allotment located on the southern side of Ryan Place.</p> <p>The site is irregular in shape with a frontage of 9.3m along Ryan Place and a depth varying between 67.5m and 79.4m. The site has a surveyed area of 1,295m<sup>2</sup>.</p> <p>The site is located within the R2 Low Density Residential zone and accommodates a dwelling house on the Ryan Place frontage. A right of carriageway dissects the site, providing access to adjoining dwellings at Nos.45, 47, 53, 55, 59, 59A, 63A, 67A and 69A Ryan Place.</p> <p>The site has a significant slope, with an average of 25<sup>0</sup>, falling down from the frontage of the site towards the rear boundary.</p> <p>The site has significant vegetation to the south of the right of way.</p> <p>Adjoining and surrounding development is characterised by residential dwellings to the east and west. An industrial area adjoins the south boundary.</p>

Map:



## **SITE HISTORY**

The application is being referred to NBLPP as the size of proposed Lot 1 will represent a greater than 10% variation with the minimum allotment size development standard in WLEP 2011.

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for residential purposes for an extended period of time.

However, there are a number of recent approvals for subdivisions on adjoining land. Specifically the allotments at No.69A and 67 Ryan Place, created in 2002 and No.63 and 63A Ryan Place, created in 1993.

## **PROPOSED DEVELOPMENT IN DETAIL**

The application consists of the:

- subdivision of the existing allotment of land into two (2) allotments; and
- the construction of a dwelling house on the proposed additional allotment of land.

The proposed allotments, Lots 1 and 2, are 461.4m<sup>2</sup> and 833.9m<sup>2</sup> in area, respectively.

Proposed Lot 1 will retain the existing dwelling on the land, which has direct frontage to Ryan Place. Proposed Lot 2 is to be occupied by a new two-storey dwelling house.

Both allotments will have vehicular access from an existing right of carriageway that traverses the site and provides access to existing adjoining properties.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, permits Council to request additional information. However, no additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>



Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan 2011 section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on "Notification & Submissions Received" in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr Philip Michael Wickings	79 A Ryan Place BEACON HILL NSW 2100

The following issues were raised in the submission received. These have been summarised and are addressed below:

- *The drainage plans are incorrect as they refer to an easement on the adjoining property at No.79A Ryan Place that does not exist.*

Comment: The proposed drainage scheme incorporates a concept inter-allotment drainage scheme across the two (2) adjoining properties to the west, being Nos.67A and 69A Ryan Place. Written consent for the creation of these schemes has been provided in this application from the owners of these properties. Council's Development Engineer has agreed in principle to

the legal creation of this scheme, as condition of Deferred Commencement consent.

- *The stormwater from the proposed allotments should not be able to cross onto the property at No.79A Ryan Place.*

Comment: The proposed stormwater management scheme does not propose to access the property at No.79A Ryan Place. All overflow stormwater will be piped to the adjoining properties to the west, Nos.67A and 69A Ryan Place. Council's Development Engineer has confirmed that this arrangement is satisfactory to meet Council's stormwater management policies.

- *The land in the adjoining area is subject to flooding and other options to manage stormwater from the proposed allotments should be investigated rather than permitting stormwater to access the property at No. 79A Ryan Place.*

Comment: As stated above, the proposed stormwater management scheme does not propose to access the property at No.79A Ryan Place.

## MEDIATION

## REFERRALS

Internal Referral Body	Comments
Landscape Officer	No objections subject to conditions
NECC (Bushland and Biodiversity)	<p>The proposal has been assessed against the following Warringah DCP Natural Environment controls:</p> <ul style="list-style-type: none"> <li>- E2 Prescribed Vegetation</li> <li>- E5 Native Vegetation</li> <li>- E6 Retaining unique environmental features</li> </ul> <p>Construction of the new dwelling and ancillary services will require the removal of at least nine protected trees, including several locally native and significant canopy trees. Excavation for installation of stormwater services along the north-western boundary is also likely to result in impact to neighbouring trees including a mature Tree 27 (<i>Angophora costata</i>). It is noted that the submitted arborist report recommends redesign of the stormwater infrastructure to avoid impact to these trees, however this recommendation has not been incorporated into the submitted plans. Arborist supervision is therefore required during excavation for stormwater services to minimise impact to trees not approved for removal.</p> <p>The extent of proposed/likely tree removal will result in the loss of a substantial proportion of native canopy cover, an outcome inconsistent with the requirements of Warringah DCP Clause E2 (Prescribed Vegetation). However, given the constrained nature of the site (ie. steeply sloping with an irregular lot shape) and the fact that the proposed subdivision and dwelling is generally consistent with existing surrounding development, it is considered that the proposal</p>

Internal Referral Body	Comments
	<p>can achieve consistency with the controls with compensatory plantings and management of remaining native vegetation in the southern portion of the site.</p> <p>The submitted Landscape Plan provides little detail around compensatory plantings and includes a plant schedule comprising predominantly exotic species (e.g. <i>Photinia</i> and <i>Cordyline</i>, which are incorrectly identified as native species). Substantial amendments to the Landscape Plan are required in order to provide for appropriate native species and adequate compensatory plantings. These can be conditioned.</p>
NECC (Development Engineering)	<p>Council's Development Engineer has provided the following comments:</p> <p><i>"3rd Engineering referral</i></p> <p><i>A clarification has been made.</i></p> <p><i>The proposed impervious area is less than 40% of the Lot 2.</i></p> <p><i>No OSD system is required</i></p> <p><i>Development Engineering raises no objection to the application subject to the following conditions of consent.</i></p> <p><i>2nd engineering referral</i></p> <p><i>On site Stormwater:</i></p> <p><i>The new building footprint is about 410 square meters in proposed Lot 2, which is over 40 % of the total site area. As such, an On site stormwater detention system shall be provided and designed in accordance with Council's Warringah On Site Stormwater Detention Technical Specification.</i></p> <p><i>Inter- allotment line</i></p> <p><i>The submitted inter-allotment drainage plan is designed based on a 180 square meters building in Lot 2.</i></p> <p><i>However, the size of the building is not consisted with the submitted architectural design plan.</i></p> <p><i>The consultant shall demonstrate/ certify a new 150 mm diameter PVC has enough capacity when the increase in the building footprint.</i></p> <p><i>Easement</i></p> <p><i>The submitted subdivision plan does not include any easement for drainage of water within the new lot and adjacent properties and the easement of service to the new lot. It shall be amended.</i></p> <p><i>The applicant shall create the easements for drainage water prior any commencement of work.</i></p> <p><i>Alternatively, a deferred commencement condition shall be placed in the consent if the application will be approved.</i></p> <p><b>As the above, Development Engineer cannot support the</b></p>



Internal Referral Body	Comments
	<p><i>application in accordance with the submitted details.</i></p> <p><i>1st engineering referral</i></p> <p><i>The applicant proposes to subdivide the existing lot into two lots and erects a new dwelling on proposed Lot 2. .</i>  <i>The proposal has been assessed.</i>  <i>However, Development Engineer has the below concerns:</i></p> <p><i>Stormwater:</i></p> <p><i>The submitted stormwater management plan and inter-allotment drainage plan state that a 180 square meters building shall be erected in Lot 2.</i>  <i>However, the size of the building is not consisted with the submitted architectural design plan.</i>  <i>In the architectural plan, the building footprint of the development is about 410 square meters.</i>  <i>The applicant shall clarify the size of the new building.</i></p> <p><i>If the new building footprint is 410 square meters or more, which is over 40 % of the total site area, an On site stormwater detention system shall be provided and designed in accordance with Council's Warringah On Site Stormwater Detention Technical Specification.</i></p> <p><i>Furthermore, the consultant shall demonstrate the new 150 mm PVC has enough capacity to discharge the stormwater from both lots.</i></p> <p><i>Easement</i>  <i>The submitted subdivision plan does not include any easement for drainage of water within the new lot and adjacent properties and the easement of service to the new lot. It shall be amended.</i></p> <p><i>The applicant shall create the easements for drainage water prior any commencement of work.</i>  <i>Alternatively, a deferred commencement condition shall be placed in the consent if the application will be approved.</i></p> <p><b><i>As the above, Development Engineer cannot support the application in accordance with the submitted details. "</i></b></p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The subject property is not identified on Council's Flood Risk Precinct mapping outlined in Part E11 of the Warringah DCP. Please refer to Development Engineering referral for comments in relation to flooding considerations under Part C4 of the Warringah DCP.
NECC (Water Management)	No objection to approval subject to conditions.
External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is

External Referral Body	Comments
	assumed that no objections are raised and no conditions are recommended.
Integrated Development – NSW Rural Fire Service (Subdivisions and Special Fire Protection Purposes under Section 100B of Rural Fires Act)	The NSW Rural Fire Service have raised no objection to the proposed subdivision, subject to conditions.

#### **ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\***

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

#### **State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)**

##### **SEPP 19 - Bushland in Urban Areas**

The SEPP is not applicable as the bushland is not zoned or reserved for public open space.

##### **SEPP 55 - Remediation of Land**

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

##### **SEPP (Building Sustainability Index: BASIX) 2004**

A BASIX certificate has been submitted with the application (see Certificate No.681365S).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	42
Thermal Comfort	Pass	Pass
Energy	50	52

A condition has been included in the recommendation of this report requiring compliance with the commitments indicated in the BASIX Certificate.

## **SEPP (Infrastructure) 2007**

### Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## **Warringah Local Environmental Plan 2011**

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size:	600m <sup>2</sup>	Lot 1: 464.4m <sup>2</sup>	23	<b>No</b>
		Lot 2: 833.9m <sup>2</sup>	N/A	Yes
Height of Buildings:	8.5m	8.4m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	No (see detail under Clause 4.6 below)
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes

Clause	Compliance with Requirements
5.3 Development near zone boundaries	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

#### Detailed Assessment

#### **4.6 Exceptions to development standards**

##### Description of non-compliance:

Development standard:	Minimum Subdivision Lot Size
Requirement:	600m <sup>2</sup>
Proposed:	461.4m <sup>2</sup> (Lot 1)
Percentage variation to requirement:	23%

##### Assessment of request to vary a development standard:

The following assessment of the variation to Clause 4.1 - Minimum subdivision lot size development standard, has taken into consideration the recent judgement contained within Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

##### Clause 4.6 Exceptions to development standards:

*(1) The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

##### Comment:

Clause 4.1 - Minimum subdivision lot size development standard is not expressly excluded from the operation of this clause.

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development*

standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

**Clause 4.6 (4)(a)(i) (Justification) assessment:**

Clause 4.6 (4)(a)(i) requires the consent authority to be satisfied that the applicant's written request, seeking to justify the contravention of the development standard, has adequately addressed the matters required to be demonstrated by cl 4.6(3). There are two separate matters for consideration contained within cl 4.6(3) and these are addressed as follows:

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment:

The Applicant's written request (attached to this report) has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In doing so, the Applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

In the matter of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

*'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

s 1.3 of the EPA Act reads as follows:

*1.3 Objects of Act(cf previous s 5)*

*The objects of this Act are as follows:*

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

*(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*



- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The applicants written request argues, in summary:

- The subject land is the last allotment in a series of previous allotments in Ryan Place that have been subdivided to create a number of rear allotments downhill from the frontage. This has established a predominant subdivision pattern in regard to the size and shape and the proposed subdivision is simply a reflection of this pattern.
- The proposed allotments are adequate in size, shape and dimension to respond to the specific environmental constraints of the site, including: bushfire, stormwater management and remnant native vegetation.
- The requirements of WDCP 2011 in regard to subdivision are satisfied.
- No amenity impacts to adjoining properties or the surrounding streetscape are likely.

The points presented in the written variation are considered sound and valid reasons in support of the variation to the development standard. The most persuasive point relates to the existing allotment as a "remnant" in the context of the pattern, size and shape of newer, adjoining allotments. For example, the area of proposed Lot 1 (461.4m<sup>2</sup>) is consistent with the size of the adjoining properties at No.63 (397m<sup>2</sup>) and No.67 (479m<sup>2</sup>), which were created from recent subdivisions. Proposed Lot 2 (833.9m<sup>2</sup>) is consistent with the minimum standard specified for the area.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

#### **Clause 4.6 (4)(a)(ii) (Public Interest) assessment:**

cl 4.6 (4)(a)(ii) requires the consent authority to be satisfied that:

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

Comment:

In considering whether or not the proposed development will be in the public interest, consideration must be given to the underlying objectives of the Minimum subdivision lot size development standard and the objectives of the R2 Low Density Residential zone. An assessment against these objectives is provided below.

**Objectives of development standard**

The underlying objectives of the standard, pursuant to Clause 4.1 – 'Minimum subdivision lot size' of the WLEP 2011 are:

(1) The objectives of this clause are as follows:

*(a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality.*

Comment: As previously established in this section of the report, the proposed subdivision has demonstrated consistency with the historical pattern of allotments in Ryan Place. Therefore, this objective has been achieved.

*(b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development.*

Comment: As the land is within a residential zone, this objective is not relevant to the proposal.

*(c) to protect the integrity of land holding patterns in rural localities against fragmentation.*

Comment: As the land is within a residential zone, this objective is not relevant to the proposal.

*(d) to achieve low intensity of land use in localities of environmental significance.*

Comment: Whilst native vegetation is present on the site, the value of this habitat is not significant to warrant restricting the development potential of the land beyond the minimum requirements that apply.

*(e) to provide for appropriate bush fire protection measures on land that has an interface to bushland.*

Comment: Adequate measures have been provided that ensure bushfire risk is at acceptable level. The NSW RFS have provided General Terms of Approval for the proposed subdivision.

*(f) to protect and enhance existing remnant bushland.*

Comment: Council's Bushland and Biodiversity team have advised that the proposed subdivision will not create any adverse impacts on the existing habitat value of the land. Hence, this objective is achieved.

*(g) to retain and protect existing significant natural landscape features.*

Comment: The site contains significant vegetation towards the southern boundary. These will be retained and protected, consistent with this objective.

*(h) to manage biodiversity.*

Comment: As stated previously, Council's Bushland and Biodiversity team have advised that the proposed subdivision will not create any adverse impacts on the existing habitat value of the land.

*(i) to provide for appropriate stormwater management and sewer infrastructure.*

Comment: Council's Development Engineer has advised that adequate measures are provided to ensure proper management of stormwater. Access to sewer infrastructure is available to the land.

### Zone objectives

The underlying objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment.*

Comment: The creation of the one (1) new residential allotment will achieve this objective. The application hence satisfies this objective.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: Not applicable to the proposed development.

- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Comment: Not applicable to the proposed development.

### Conclusion:

For the reasons detailed above, the proposal is considered to be consistent with the objectives of the R2 Low Density Residential zone.

### Clause 4.6 (4)(b) (Concurrence of the Secretary) assessment:

cl. 4.6(4)(b) requires the concurrence of the Secretary to be obtained in order for development consent to be granted.

Planning Circular PS 18-003 dated 21 February 2018, as issued by the NSW Department of Planning, advises that the concurrence of the Secretary may be assumed for exceptions to development standards under environmental planning instruments that adopt Clause 4.6 of the Standard Instrument. In this regard, given the consistency of the variation to the objectives of the zone, the concurrence of the Secretary for the variation to the Minimum Subdivision Lot Size Development Standard is assumed by the Local Planning Panel.

### Warringah Development Control Plan

#### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies



B1 Wall height	7.2m	7.1m	N/A	Yes
B3 Side Boundary Envelope	4m (east)	No breach	N/A	Yes
	4m (west)	No breach	N/A	Yes
B5 Side Boundary Setbacks	0.9m (east)	1.5m - 3m (dwelling)	N/A	Yes
	0.9m (west)	1 - 3.7m	N/A	Yes
B7 Front Boundary Setbacks	6.5m	31m (Ryan Place)	N/A	Yes
		3.5m (to access easement)	N/A	Yes
B9 Rear Boundary Setbacks	6m	13.3m	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	40%	500m <sup>2</sup> or 57%	N/A	Yes

**\*Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: 38/40 x 100 = 95 then 100 - 95 = 5% variation)

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B3 Side Boundary Envelope	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B9 Rear Boundary Setbacks	Yes	Yes
C1 Subdivision	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D2 Private Open Space	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D21 Provision and Location of Utility Services	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

#### Detailed Assessment

#### **C1 Subdivision**

Component	Requirement	Proposed	Compliant
<b>Lot requirements</b>	<p>R2 Low Density Residential zone requirements:</p> <p>Proposed new allotments:</p> <p>a) Minimum width: 13 metres b) Minimum depth: 27 metres; and c) Minimum building area: 150m<sup>2</sup></p>	<p><b>Lot 1:</b> Width: 13 - 16.955m Depth: 30.24 - 31.89m Building Area: Not applicable - existing dwelling.</p>	Yes
		<p><b>Lot 2:</b> Width: 16.955 - 24.675m Depth: 37.295 - 47.535m Building Area: 250m<sup>2</sup> (footprint of proposed dwelling)</p>	Yes
<b>Access</b>	<p>Motor vehicle access to each residential allotment is required from a constructed and dedicated public road.</p> <p>Where access is proposed to a section of unconstructed public road, then the subdivision will need to provide legal, constructed access to the Council's satisfaction.</p> <p>Access for Council service vehicles, emergency vehicles and garbage collection vehicles must be provided.</p> <p>Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.</p>	<p>Access to the proposed allotments is from an existing 6m wide right-of-carriageway (ROW) which provides access to other adjoining dwellings on Ryan Place. Proposed Lot 1 already has vehicular access from this ROW.</p>	Yes

Driveways in excess of 200 metres will not be allowed for residential development.

Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, driveways shall be widened to 5.0m for a distance of at least 10m.

Passing bays should have regard to sight conditions and minimise vehicular conflict.

Vehicular ingress/egress points to internal lots may be used as passing/turning bays, subject to extension of a right-of-carriageway over the passing/turning bay.

Rights-of-carriageway should be located so as to accommodate all vehicle turning facilities.

Width of accessways are to be as follows:

Number of lots to be serviced	Width of clear constructed accessway (m)
1 - 5	3.5
6 - 10	5.0
in excess of 10	Access is to be provided by a private or public road constructed with a width that is in accordance with Council standard specifications for engineering works (AUSPEC 1)

Provision of services in rights of carriageway are as follows:

	<table><tr><td>Number of lots to be serviced</td><td>Additional width to be provided in Right of Carriageway (m)</td></tr><tr><td>Up to 3 lots</td><td>0.5</td></tr><tr><td>4 or more lots</td><td>1.0</td></tr></table>	Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)	Up to 3 lots	0.5	4 or more lots	1.0		
Number of lots to be serviced	Additional width to be provided in Right of Carriageway (m)								
Up to 3 lots	0.5								
4 or more lots	1.0								
<b>Design and construction</b>	<p>All roads, rights of carriageway, drainage design and construction is to be in accordance with Council's policy requirements including; AUSPEC 1 - Council's Specification for Engineering Works, Development Engineering Minor Works Specification, On Site Stormwater Detention (OSD) Technical Specification and Council's Water Sensitive Urban Design Policy. Additionally, internal roads must be designed in accordance with the relevant Australian Standards.</p> <p>Subdivision design needs to maximise and protect solar access for each dwelling by considering factors such as orientation, shape, size and lot width.</p>	Not applicable - existing road / ROW already in place.	Yes						
<b>Drainage</b>	<p>Provision should be made for each allotment to be drained by gravity to a Council-approved drainage system. The topography of the land should not be altered to adversely affect the natural drainage patterns. Stormwater should drain directly to a Council-approved drainage system and not via adjoining properties unless via a formalised interallotment drainage system. The proposed allotments are to be drained to the direction of the natural fall of the land. Interallotment drainage easements will be required through adjoining properties to adequately drain land to Council's downstream system.</p>	<p>Stormwater from the proposed allotments are to be managed through a proposed easement on the two (2) adjoining properties to the west (67A and 69A Ryan Place). Written consent has been provided from the owners of these properties for this concept.</p> <p>Council's Development Engineers has supported this in principle, subject to a condition of Deferred Commencement requiring the easement to be legally created. Operational conditions will then apply to the construction and ongoing management of this system.</p>	Yes						

<b>Restrictions</b>	Any easement, right-of-carriageway, or other restriction that is placed on the title of any land as a requirement of the approval of the subdivision is to be protected by a positive covenant or like instrument with the Council nominated as a party.	Conditions of consent will apply to ensure compliance with this requirement.	Yes
<b>Environmentally constrained land</b>	<p>In areas subject to constraints such as flooding, tidal inundation, threatened species, landslip risk, bushfire or any other matter, adequate safe area for building, where the risk from hazard is minimised, is to be provided within an allotment.</p> <p>Where possible, lot boundaries should utilise natural land features such as creeks, escarpments and rock outcrops.</p>	<p>Specific constraints that apply to the subject land include:</p> <ul style="list-style-type: none"> <li>• bushfire;</li> <li>• land-slip risk; and</li> <li>• remnant native vegetation.</li> </ul> <p>The proposed development has been designed in a manner that circumvents these constraints and adequate professional information has been provided to demonstrate this.</p>	Yes
<b>Bushfire</b>	Subdivision should be designed to minimise the risk from potential bushfire. Asset protection zones should be contained within the property boundaries of the new subdivision.	<p>A bushfire risk assessment has been provided with the application. The application is Integrated development as Section 100B of the <i>Rural Fires Act 1997</i> applies to the proposed subdivision.</p> <p>The application was referred to the NSW Rural Fire Service, who have provided General Terms of Approval in relation to the proposed subdivision.</p>	Yes

#### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

#### **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

#### **POLICY CONTROLS**

##### **Northern Beaches Council Contributions Plan 2018**

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 490,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 4,655
Section 7.12 Planning and Administration	0.05%	\$ 245
Total	1%	\$ 4,900

## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

### DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2018/1123 for Subdivision of one lot into two and construction of a dwelling house on proposed Lot 2 on land at Lot 168 DP 215972,65 Ryan Place, BEACON HILL, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

### DEFERRED COMMENCEMENT CONDITIONS

1. **Stormwater Drainage Easement**

As the natural fall of the land is towards the rear of the site the disposal of stormwater drainage is to be in accordance with the drainage plan submitted by Taylor Consulting, Drawing No.17717-1 an ddated 17/5/2017. The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act 1919. The applicant must provide Council with evidence of the creation of the easement in order to activate the consent.

Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

### DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. **Building materials, sedimentation**

No building materials or other materials are to be placed on or enter areas of bushland vegetation.

**Reason:** Environmental Protection

3. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
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Drawing No / Title.	Dated	Prepared By
DA02	20 January 2018	Sammy Fedeale
DA03	20 January 2018	Sammy Fedeale
DA04	20 January 2018	Sammy Fedeale
DA05	20 January 2018	Sammy Fedeale
DA06	-	Sammy Fedeale
DA07	-	Sammy Fedeale
DA08	-	Sammy Fedeale
DA09	-	Sammy Fedeale
DA16	20 January 2018	Sammy Fedeale
Sheet 2 of 2 / Plan of Proposed Subdivision	December 2008	Bee & Lethbridge

Engineering Plans		
Drawing No.	Dated	Prepared By
17717-1	17 May 2017	Taylor Consulting
17717-2	17 May 2017	Taylor Consulting

Reports / Documentation – All recommendations and requirements contained within:		
Report Title / No.	Dated	Prepared By
Geotechnical Assessment / MP29290	5 March 2014	Jack Hodgson Consultants Pty Limited
Aboriginal Assessment & Development Impact Report	14 March 2018	Rain Tree Consulting
Bushfire Risk Assessment / 834-R	27 April 2017	R Coffey
BASIX Certificate / 681365S	26 April 2018	Sammy Fedeale

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

4. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated



NSW Rural Fire Service	NSW RFS - General Terms of Approval	11 April 2019
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(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other Department, Authority or Body's.

#### 5. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - (i) in the case of work for which a principal contractor is required to be appointed:
    - A. the name and licence number of the principal contractor, and
    - B. the name of the insurer by which the work is insured under Part 6 of that Act,
  - (ii) in the case of work to be done by an owner-builder:
    - A. the name of the owner-builder, and
    - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.
- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such

- damage.
- (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement

## 6. General Requirements

- (a) Unless authorised by Council:  
Building construction and delivery of material hours are restricted to:
  - 7.00 am to 5.00 pm inclusive Monday to Friday,
  - 8.00 am to 1.00 pm inclusive on Saturday,
  - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
  - i) Building/s that are to be erected
  - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
  - iii) Building/s that are to be demolished
  - iv) For any work/s that is to be carried out
  - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;
 

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

    - (i) Swimming Pools Act 1992
    - (ii) Swimming Pools Amendment Act 2009
    - (iii) Swimming Pools Regulation 2008
    - (iv) Australian Standard AS1926 Swimming Pool Safety
    - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
    - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
  - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
  - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
  - (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

## FEES / CHARGES / CONTRIBUTIONS

### 7. **Policy Controls**

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 490,000.00		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 4,655.00
Section 7.12 Planning and Administration	0.05%	\$ 245.00
Total	1%	\$ 4,900.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with Northern Beaches Council Contributions Plan 2018.

### 8. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed

with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).

Reason: To ensure adequate protection of Council's infrastructure.

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 9. On-site Stormwater Detention Compliance

Certification of Drainage plans detailing the provision of On-site Stormwater Detention in accordance with Northern Beaches Council's WARRINGAH WATER MANAGEMENT POLICY PL850 and the concept drawing by Taylor Consulting, Drawing No. 17717-3, dated 17/5/2017. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

### 10. Structural Adequacy and Excavation Work

Excavation work is to ensure the stability of the soil material of adjoining properties, the protection of adjoining buildings, services, structures and / or public infrastructure from damage using underpinning, shoring, retaining walls and support where required. All retaining walls are to be structurally adequate for the intended purpose, designed and certified by a Structural Engineer, except where site conditions permit the following:

- (a) maximum height of 900mm above or below ground level and at least 900mm from any property boundary, and
  - (b) Comply with AS3700, AS3600 and AS1170 and timber walls with AS1720 and AS1170.
- Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To provide public and private safety.

### 11. Preparation of CEMP

A Construction Environmental Management Plan (CEMP) is to be prepared outlining all measures for the protection of native fauna and vegetation during the construction phase. Measures to be addressed in the CEMP include, but are not limited to, all conditions of this consent addressing construction-related biodiversity impacts.

The CEMP is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure conditions for the prevention of construction-related biodiversity impacts are complied with during the construction phase.

### 12. Provision of Landscape Working Drawings

The submitted Landscape Plan (Sammy Fedele, DA16, 20 January 2018) is to be amended in accordance with the following:

- a) Deletion of the following species and replacement with appropriate locally native species: *Photinia* 'Red Robin', *Cordyline* 'Burgundy Spire', *Buxus sempervirens*;
- b) Replacement plantings of 3 x locally native canopy trees selected from one of the following: *Angophora costata*, *Allocasuarina torulosa*, *Allocasuarina littoralis*, *Corymbia*



*gummifera, Glochidion ferdinandi, Eucalyptus piperita, Eucalyptus resinifera, Syncarpia glomifera*. Specimens are to be a minimum 200L pot size;

- c) Clear indication of the location of all existing trees and vegetation to be retained, removed and/or proposed. This should incorporate the TPZ and SRZ as determined by a qualified arborist and should reflect all proposed structures including stormwater infrastructure;
- d) A planting schedule including stratum, species/common names, species quantities, pot sizes and staking details;  
The proposed finished treatment of garden areas, including soil depth and retaining walls and the location of underground services.

**Reason:** To comply with relevant Natural Environment DCP controls.

13. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards.

14. **External Finishes to Roof**

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. Any roof with a metallic steel finish is not permitted.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

15. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- o "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- o Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

**Reason:** To ensure compliance with the statutory requirements of Sydney Water.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT**

16. **Public Liability Insurance - Works on Public Land**

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and

provide protection for Northern Beaches Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

**17. Tree protection**

- (a) Existing trees which must be retained
  - i) All trees not indicated for removal on the approved plans, unless exempt under relevant planning instruments or legislation
  - ii) Trees located on adjoining land
- (b) Tree protection
  - i) No tree roots greater than 50mm diameter are to be cut from protected trees unless authorised by a qualified Arborist on site.
  - ii) All structures are to bridge tree roots greater than 50mm diameter unless directed otherwise by a qualified Arborist on site.
  - iii) All tree protection to be in accordance with AS4970-2009 Protection of trees on development sites, with particular reference to Section 4 Tree Protection Measures.
  - iv) All tree pruning within the subject site is to be in accordance with WDCP2011 Clause E1 Private Property Tree Management and AS 4373 Pruning of amenity trees
  - v) All tree protection measures, including fencing, are to be in place prior to commencement of works.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site. (DACLAD01)

**CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

**18. Road Reserve**

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public Safety.

**19. Traffic Control During Works**

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual and to the satisfaction of the Principal Certifying Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works

Reason: Public Safety

**20. Maintenance of Sediment**

Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.

Reason: To ensure sediment controls are effective

**21. Trees Condition**

During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:

- (a) A general decline in health and vigour.
- (b) Damaged, crushed or dying roots due to poor pruning techniques.
- (c) More than 10% loss or dieback of roots, branches and foliage.
- (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
- (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
- (f) An increase in the amount of deadwood not associated with normal growth.
- (g) An increase in kino or gum exudation.
- (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
- (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.

Any mitigating measures and recommendations required by the Arborist are to be implemented.

The owner of the adjoining allotment of land is not liable for the cost of work carried out for the purpose of this clause.

Reason: Protection of Trees. (DACLA03)

**22. Protection of rock and sites of significance**

- a) All rock outcrops outside of the area of approved works are to be preserved and protected at all times during demolition excavation and construction works.
- b) Should any Aboriginal sites be uncovered during the carrying out of works, those works are to cease and Council, the NSW Office of Environment and Heritage (OEH) and the Metropolitan Local Aboriginal Land Council are to be contacted.

Reason: Preservation of significant environmental features (DACLAEOG1)

**23. Tree Protection - Arborist Supervision of Works**

All works within 5 metres of the existing trees to be retained including pruning, demolition, excavation, civil works, fencing and the like must be carried out by hand under the supervision of an experienced and minimally AQF Level 5 qualified Arborist. Should roots larger than 50mm be encountered all excavation works are to cease immediately and a qualified Arborist is to advise on the impacts of the roots removal on the tree's survival and report to the Principal Certifying Authority prior to works recommencing. If tree roots are present a pier and beam method of footing construction is to be adopted so as to bridge/span any identified lateral roots.

**Reason:** To ensure protection and retention of the Urban Forest/Natural Environment.

**24. Excavation Near to Trees on Adjacent Properties**

As excavation is required within five metres of an existing significant tree or trees and vegetation on an adjoining site, the excavation is to be supervised by a qualified consulting arborist. In the event that major structural roots or feeder roots are encountered, the arborist is to require the builder to carry out appropriate action to ensure the retention of the tree or other vegetation, and is to advise the Principal Certifying Authority accordingly. Works are not to progress past this point until the Principal Certifying Authority has confirmed that this condition has been satisfied.



Where the subject trees are on neighbouring property and are on Council's list of exempt species, tree removal remains subject to the owner's consent. Council will not be involved in approving or refusing removal/damage to these trees, and any future decisions made in relation to them is a civil matter between the neighbouring parties.

**Reason:** To ensure the protection and retention of neighbouring property trees.

25. **Fencing for Wildlife Passage**

Any new fencing (with the exception of swimming pool fencing) is to be made passable to native wildlife. Hole dimensions are to be a minimum of 150mm wide x 100mm high at ground level spaced at 6 metre intervals.

**Reason:** Management of wildlife corridors

26. **CEMP to be Implemented**

Construction is to be undertaken in accordance with the Construction Environmental Management Plan (CEMP). All workers are to be made aware of the content of the CEMP.

**Reason:** To ensure conditions for the prevention of construction-related biodiversity impacts are complied with during the construction phase.

27. **Arborist Recommendations to be Implemented**

As there are existing trees to be retained within 5 metres of proposed development works, all recommendations as outlined in the supplied arborist report by Rain Tree Consulting (14 March 2018) are required to be complied with at the appropriate stage of development.

Any changes or alterations made to the tree management recommendations as outlined by the arborist report due to the discovery of new structural roots or underground services during development works must be reported to the Principal Certifying Authority prior to works recommencing.

**Reason:** To achieve consistency with relevant Natural Environment controls.

28. **Installation and Maintenance of Sediment Control**

Measures used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Council's Specifications for Erosion and Sediment Control. All measures shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

**Reason:** To protect the environment from the effects of sedimentation and erosion from development sites.

29. **Installation and Maintenance of Sediment and Erosion Control**

Sediment and erosion controls must be installed in accordance with Landcom's 'Managing Urban Stormwater: Soils and Construction' (2004) and the Erosion and Sediment Control Plan prepared by Taylor Consulting.

Erosion and sediment controls are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development

activities have been completed and the site is sufficiently stabilised with vegetation.

Reason: To protect the surrounding environment from the effects of sedimentation and erosion from the site.

#### CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

30. **Weed Removal and Management**

No weeds are to be imported on to the site.

All invasive and priority weeds on the site are to be removed and managed continuously, in accordance with the Biosecurity Act 2015.

Details demonstrating the removal and management of weeds are to be prepared by the project ecologist in writing and submitted to the Principal Certifying Authority prior to occupation certificate.

**Reason:** Weed management and biosecurity

31. **Tree protection measures to be Certified as Complete**

Prior to the commencement of construction works, all tree protection recommendations in particular the establishment of tree protection zone fencing as specified in the approved Arborist Report are to be certified by the consulting arborist as being adequate and in accordance with the specifications of AS 4970 ~ 2009 Protection of Trees on Construction Sites. Certification is to be provided to the certifying body prior to the issue of the Occupation Certificate.

**Reason:** To ensure the retention of the Urban Forest/Natural Environment.

32. **Installation of Nest Boxes**

At least two nest boxes designed to suit small bird species are to be appropriately installed in trees not affected by development. Nest box installation is to be certified by an Ecological Consultant / Project Ecologist as being complete and adequate.

**Reason:** Wildlife habitat replacement.

33. **Practical Completion of Landscape Works**

A landscape practical completion report is to be prepared by the consultant landscape architect/designer and submitted to the Principal Certifying Authority with the Occupation Certificate application. This report is to certify that all landscape works have been completed in accordance with the Landscape Plan as amended by these conditions of consent.

**Reason:** To comply with relevant Natural Environment DCP controls.

34. **Removal of All Temporary Structures/Material and Construction Rubbish**

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure bushland management. (DACPLF01)

**ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**35. Retention of Natural Features**

All natural landscape features, including natural rock outcrops, natural vegetation, soil and watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

**Reason:** To ensure the retention of natural features.

**36. Dead or Injured Wildlife**

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

**Reason:** To mitigate potential impacts to native wildlife resulting from construction activity.

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**

**37. Provision of Services for Subdivision**

The applicant is to ensure all services including, water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

**Reason:** To ensure that utility services have been provided to the newly created lots

**38. Authorisation of Legal Documentation Required for Onsite Detention**

The original completed request forms (NSW Land Registry standard forms 13PC and/or 13RPA) must be submitted to Council, with a copy of the Works-as-Executed plan (details overdrawn on a copy of the approved drainage plan), hydraulic engineers certification and Compliance Certificate issued by an Accredited Certifier in Civil Works. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To create encumbrances on the land

**39. Services**

All utilities/services and street lighting is to be installed by the applicant/developer. Certification is to be provided to Council stating the above requirement has been complied with. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

**Reason:** Public safety and to ensure services have been provided for the newly created lots

**40. Survey Plan - Construction Identification**

A declaration by a registered surveyor shall be provided to Council as evidence that all construction has been effected within the appropriate property, easement boundaries and rights of carriageway. This shall be in the form of a copy of the final subdivision or easement plan, with the distances from the boundaries to the edges of these structures endorsed in red thereon and signed by the surveyor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure accurate location of buildings, access and services

41. **Sydney Water Compliance Certification**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water

42. **Certification of Utility Services**

The provision of all utilities/services and/or street lighting are to be certified by the relevant authority(s) and/or authorised contractor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: To ensure services have been provided in accordance with the relevant authorities requirements

43. **Easement for Drainage**

An easement for drainage (under the provisions of Section 88B of the Conveyancing Act) is to be created on the final plan of subdivision the accompanying 88B instrument to ensure all drainage infrastructure is located within the appropriate easement(s). Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919

44. **Subdivision Certificate Application**

Prior to the issue of the Subdivision Certificate, a completed Subdivision Certificate form, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919 are to be submitted to Council. Nine copies of the final plan of subdivision are to be submitted. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges

Reason: Statutory requirement of the Conveyancing Act 1919

45. **Title Encumbrances**

All easements, rights of carriageway, positive covenants and restrictions as to user as indicated on the plans and required by this consent are to be created on the title naming Northern Beaches Council as the sole authority empowered to release or modify. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate

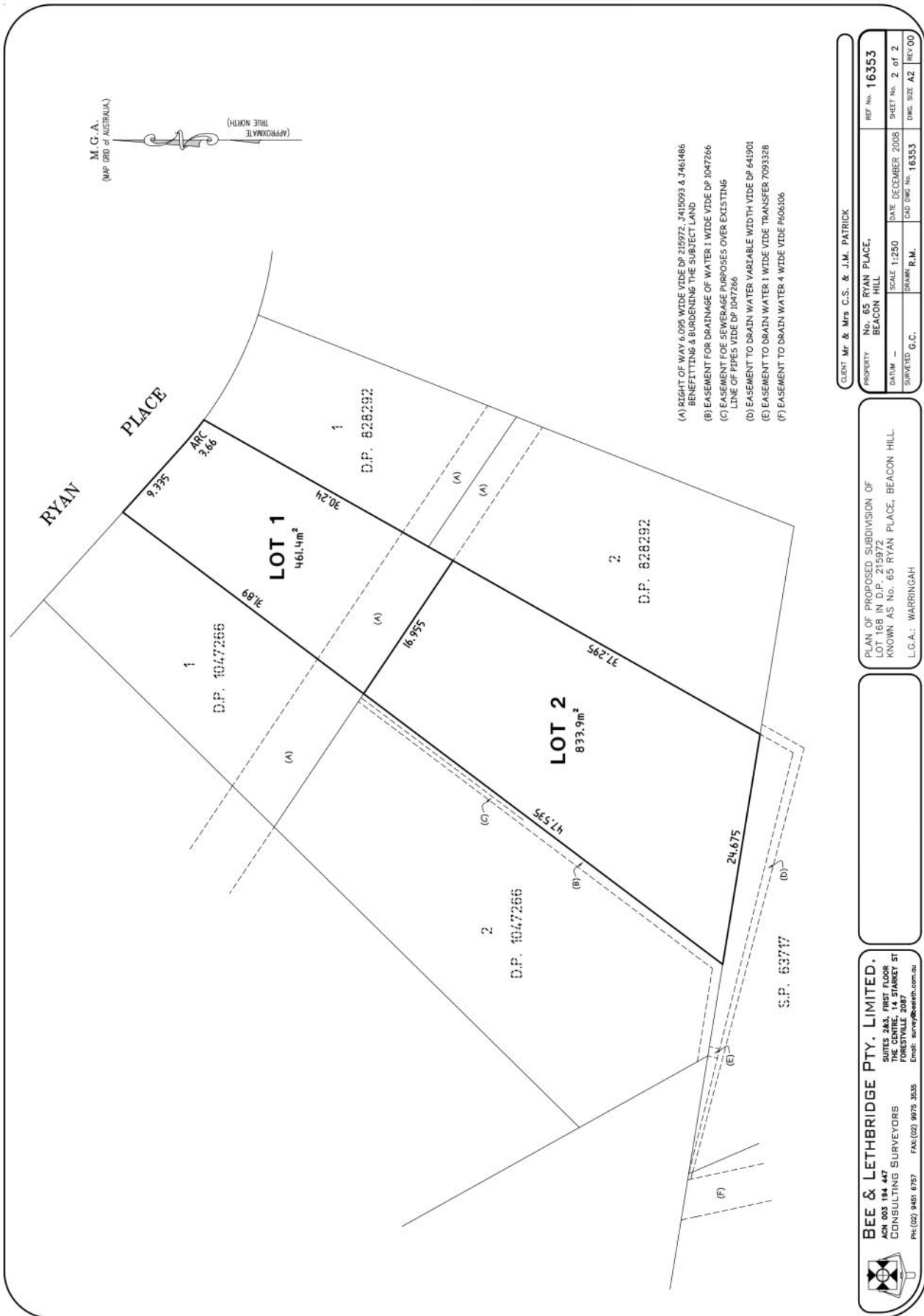
Reason: To ensure proper management of land



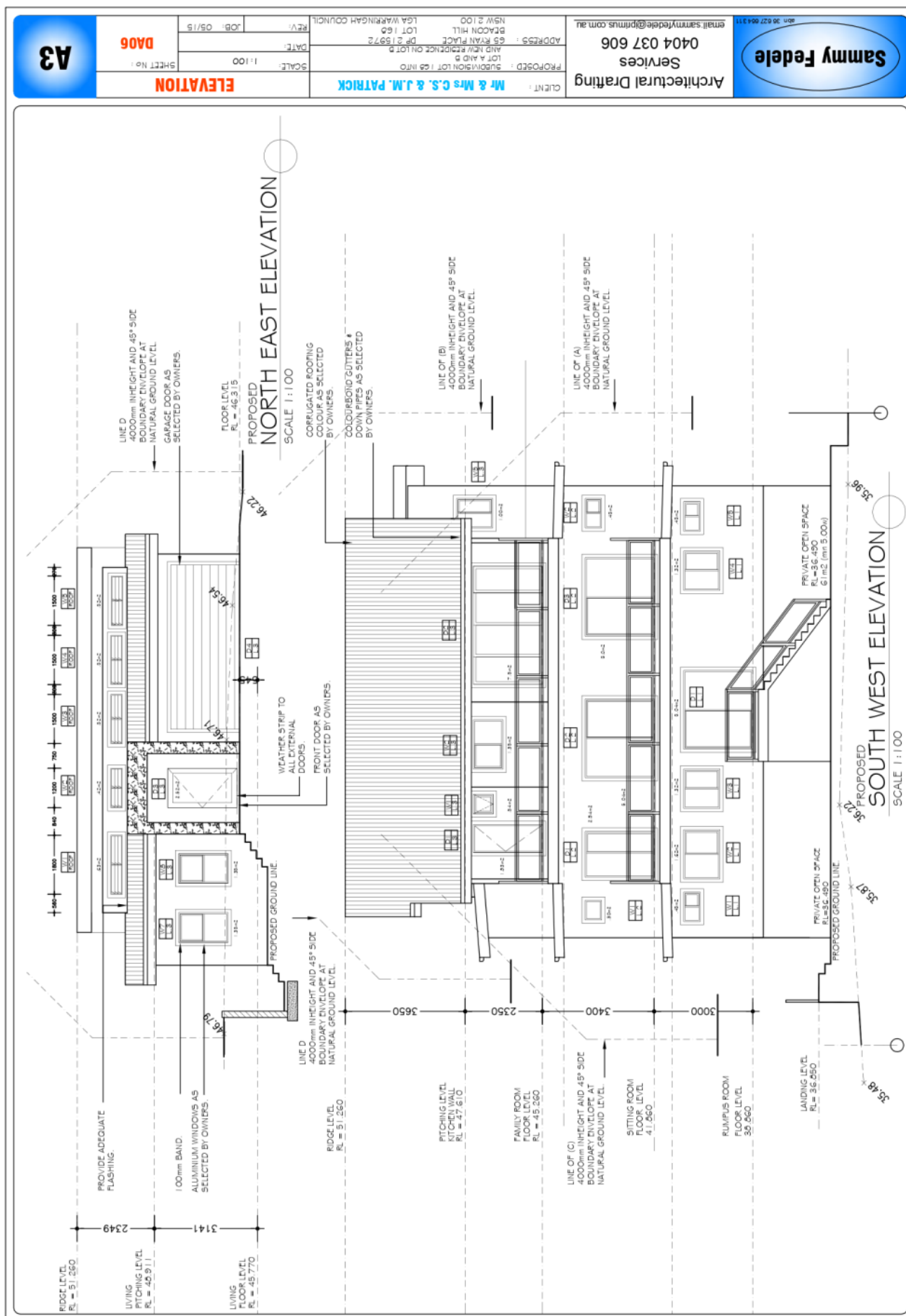














## 5.0 PLANNING PROPOSALS

<b>ITEM 5.1</b>	<b>PLANNING PROPOSAL - 1294-1300 PITTWATER ROAD AND 2-4 ALBERT STREET NARRABEEN</b>
<b>REPORTING OFFICER</b>	<b>PRINCIPAL PLANNER</b>
<b>TRIM FILE REF</b>	<b>2019/228042</b>
<b>ATTACHMENTS</b>	<b>1 Planning Proposal</b> <b>2 Planning Proposal - Figures</b> <b>3 Planning Proposal - Height of Building Maps (Existing, As Submitted and Proposed)</b> <b>4 Submissions and Comments</b>

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### SUMMARY

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#### PURPOSE

To inform Council of the receipt of a Planning Proposal for the subject land and to seek Council's approval to submit an amended Planning Proposal to the Department of Planning and Environment for a Gateway determination and to prepare site specific amendments to Warringah Development Control Plan 2011 (the DCP) to achieve the best redevelopment outcomes for the site.

#### EXECUTIVE SUMMARY

A Planning Proposal has been lodged on behalf of the owners of 1294-1300 Pittwater Road and 2-4 Albert Street Narrabeen (the site) to amend Warringah Local Environmental Plan 2011 (the LEP) to increase the maximum height standard from 8.5m to 11m and to permit the additional uses of commercial premises, medical centre and shop-top housing.

The site comprises six lots and has an area of 4704 square metres. The land is currently zoned R3 Medium Density Residential and is occupied by a variety of commercial and residential buildings including a heritage item (Californian bungalow) at 2 Albert Street and medical centre at 4 Albert Street.

The Planning Proposal and accompanying development concept plans, showing a mix of 2,3 and 4 storey buildings on the site, were exhibited from 9 - 24 March 2019. Twenty-five submissions were received during the exhibition period raising concerns with the proposed change in height (12 submissions); congestion; safety and amenity issues from traffic and parking (13); general loss of amenity and character; lack of detailed design pending future DA stage; and landscaping.

It is recommended that an amended Planning Proposal is submitted to the Department of Planning and Industry for a Gateway Determination which:

- supports the changes sought by the applicant subject to retention of the 8.5 metre height limit on that part of the site that contains the heritage item (2 Albert Street) and the front portion of 4 Albert Street;
- permits a maximum of 1150 square metres of commercial/ retail floorspace on the site; and,

- includes a requirement for 10% of all dwellings on the site to be dedicated to Council provision for affordable rental housing, with the exact requirement for the site being established via a feasibility analysis undertaken by Council following the issue of a Gateway determination.

It is also recommended that site specific Development Control Plan (DCP) amendments are prepared and exhibited with any Gateway Determination issued for the Planning Proposal to address more detailed design issues raised in public submissions and in submissions from Council's Heritage Planner and Landscape Architect.

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## RECOMMENDATION OF PRINCIPAL PLANNER

- A. That Council submits an amended Planning Proposal to the Department of Planning and Environment which:
- a. increases 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; and,
  - b. permits the additional uses of commercial premises, medical centre and shop-top housing on the site
  - c. permits a maximum of 1150 square metres of commercial/ retail floorspace
  - d. requires 10% of dwellings on the site to be dedicated to Council as affordable rental housing, with the exact requirement being established by a feasibility analysis undertaken by Council following the issue of a Gateway determination.
- B. That the applicant is requested to submit draft site-specific planning controls to be incorporated in Council's DCP 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. That 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 Department of Planning and Industry.
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## REPORT

### BACKGROUND

A Planning Proposal has been prepared and lodged by Highgate Management Pty Ltd (the 'Applicant') on behalf of the owners of the subject site to amend Warringah Local Environmental Plan 2011 (the LEP) to increase the maximum building height standard on the site from 8.5m to 11m and to permit the additional uses of commercial premises, medical centre and shop-top housing.

The Planning Proposal is accompanied by an Urban Design Study, Traffic Assessment Study, Economic Impact Study, Flood Risk Assessment and Concept Plans for potential future development of the site.

The site is currently zoned R3 Medium Density Residential under Warringah LEP 2011 which permits a range of uses including residential flat buildings but does not permit commercial or retail uses.

The site comprises six lots and is occupied by a mix of existing land uses including a commercial office building (a former bank), family medical centre and dental surgery and several dwellings, including a heritage item (Californian Bungalow).



Concept plans submitted with the Planning Proposal show a mix of 2-4 storey buildings on the site and the retention of the existing Californian Bungalow. Shop-top housing would be confined to the north-western corner of the site (3 Storeys), with two part3/part 4 storey residential flat buildings located on the southern part of the site. A part2/part 3 storey flat/ terrace building is proposed in the north-eastern corner of the site.

## CONSULTATION

### Public Exhibition

A preliminary public exhibition was undertaken in accordance with Council's requirements for Planning Proposals from Saturday 9<sup>th</sup> March 2019 to Sunday 24<sup>th</sup> March 2019.

The Planning Proposal and all relevant documents were publically exhibited at the Dee Why and Mona Vale customer service centres as well as on Council's website. An advertisement was placed in the Manly Daily notifying the community of the exhibition on Saturday 9 March 2019. Council's 'Have Your Say' website registered 118 views/downloads of the Planning Proposal document on the web page.

Twenty-five submissions were received during the public exhibition period raising issues related to the proposed change in height (12 submissions); congestion, safety and amenity issues from traffic and parking (13); general loss of amenity and character; lack of detailed design pending future DA stage; and landscaping. One submission raised unqualified support and 1 raised unqualified objection.

A complete report on submissions received and Council's response is included at Attachment 4. Key issues raised by submissions are addressed below.

## Internal Consultation

### *Urban Design*

Council's Urban Design staff support the proposed concept of an 'active frontage' at the corner of Pittwater Road and Albert Street. Such street activation will compliment and support the Narrabeen Local Centre. Similarly, the proposed concepts in the Urban Design Report involving modulation of heights within the proposed 11m envelope are also generally supported. In this regard the applicants Built Form Strategy (Section 4, Urban Design Study) supports a mix of part 2,3 and 4 storey development and building separation. It is recommended that site specific DCP provisions are developed to accompany the proposed amendments to ensure that important elements in the concept plans are subject to consideration in any future Development Application for the site.

### *Heritage*

Council's Heritage Planner has addressed the impact of proposed height amendments on a listed heritage cottage on the site (large inter-war Californian bungalow) and on another heritage item in the vicinity, known as 'Furlough House' at 72-90 Ocean Street Narrabeen. This site comprises a number of 1 and 2 storey residential buildings circa 1952.

Council's Heritage assessment does not support a blanket increase in height for the site. No change to height standards is recommended for land comprising the heritage cottage, its curtilage, and the area of proposed 'Building D' at the northeastern corner of the site. The assessment goes on to say that the remainder of the site could potentially sustain a 9m or 10m height limit without impacting upon the heritage item and the adjoining heritage item.

### *Landscaping*

Council's Landscape Architect has considered the existing landscape character, potential tree impacts, and provision of deep soil areas for future plantings.

Whilst a large Hills Fig on the site is proposed to be protected, other trees also provide significant landscape amenity and require retention, for example, a Podocarpus Brown Pine and 2 Cottonwood trees are prominent along Pittwater Road and a Norfolk Island Pine near the Hills Fig has cultural significance. Along Albert Street, the existing Cheese Tree and She Oaks provide valuable landscape amenity as a transition between the streetscape.

### *Traffic and Parking*

The Traffic Impact Assessment for the Proposal assumes 48-60 dwellings and 1150 of non-residential floorspace. All vehicular access to the site would be from Albert Street to a basement carpark. An initial assessment indicates that approximately 138 carparking spaces would be required for the development of the site. The traffic assessment concludes such a development would not adversely impact the performance of surrounding roads.

Council's Traffic Team have been consulted and have advised that:

- evidence of the modelling must be provided to be satisfied that the traffic assessment is correct
- traffic generation rates assumed may not be consistent with RMS guidelines and require review
- as the site is adjoined to a state road, RMS will be required to provide comment on the Proposal

Given the above comments, and noting that the RMS will be required to comment on the proposal, it is recommended that the applicant should be required to review and amend the Traffic Assessment report prior to exhibition of any Gateway approval.

## ASSESSMENT OF PLANNING PROPOSAL

The Planning Proposal generally complies with relevant Department guidelines and practice notes including 'a Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals' subject to the recommendations outlined in this report.

### Strategic Justification for the Planning Proposal

The "Greater Sydney Regional Plan 2056 – A Metropolis of Three Cities – Connecting People" sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. Narrabeen is located within the "Eastern Harbour City" area.

This Planning Proposal is consistent with the following objectives provided by the Greater Sydney Regional Plan:

- **Objective 10 (Greater Housing Supply):** The Planning Proposal would result in the more efficient use of land which has the potential to increase the housing supply in Sydney.  
In 2016, 55.7% of all dwellings in the Northern Beaches Council area were separate houses; 17.2% were medium density dwellings, and 25.9% were in high density dwellings.  
The Planning Proposal would have the result of increasing the supply of medium density housing in an appropriate location, helping Council to meet its housing targets provided for the North District. It provides the opportunity for more efficient and effective local infill development in an existing urban area with easily walkable access to a centre (i.e. Narrabeen Local Centre), a good range of facilities and recently improved public transport thereby achieving greater housing diversity.
- **Objective 11 (Housing is more diverse and affordable):** The Planning Proposal is consistent with this objective in that it would allow the land to be more economically and effectively developed to provide medium density housing. Medium density housing provides for an alternative, and a more affordable housing choice when compared to detached dwellings.
- **Objective 14 (Integrated land use and transport creates walkable and 30 minute cities):** The site is well located in terms of public transport with Pittwater Road B-Line bus services located within 50m of the site. Future residents of the site will also have access to the services, jobs and skills which are available within the Narrabeen Local Centre.

The North District Plan sets out the planning priorities and actions for the growth of the North District. The site is located immediately adjacent to the Narrabeen Local Centre, as identified in the North District Plan.

The Planning Proposal is consistent with the North District Plan, particularly with respect to the following planning priorities:

- **Planning Priority N3 (Providing services and social infrastructure to meet people's changing needs):** By 2036, the North District is expected to see an 85 per cent proportional increase in people aged 85 and over, and a 47 per cent increase in the 65–84 age group. The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65-94 age groups. The provision of more diverse housing types and more medium density housing, within walkable neighbourhoods will create opportunities for older people to continue living in their community and close to health and support networks. These demographic observations are equally applicable to the inclusion of a medical centre and commercial premises in the range of permitted uses on the site.
- **Planning Priority N5 (Providing housing supply, choice and affordability, with access to jobs, services and public transport):** The Planning Proposal is consistent with this increased planning priority in that it will facilitate the future development of the site to provide



residential accommodation within very close walkable proximity to public transport services and a range of other community facilities and services. The Planning Proposal meets the objectives relating to greater housing supply and in that it would contribute to meeting the North District's housing target of 92,000 dwellings from 2016-2036. A height limit of 11.0m allows for part of the site to better cater for the demand of Sydney's changing population by providing a broader range of housing options to suit different lifestyle and affordability needs. It provides the opportunity for more economic and efficient local infill development in an existing urban area with walkable access to community, retail, commercial and other facilities and good public transport, thereby achieving greater housing diversity and supply without impacting in any significant or unreasonable way of local character and/ or amenity.

- Planning Priority N6 (Creating and renewing great places and local centres, and respecting the District's heritage): Narrabeen Local Centre lies immediately to the north of the site. All parts of the centre are within 5 minutes walk of the site. Public transport is available within 2 minutes walk. A principle of strategic planning is to increase residential development in, or within a walkable distance of, a centre. The site is therefore well-suited to an increase in residential development. The Planning Proposal will achieve that outcome as well as ensuring space for the non-residential uses presently on the site.
- Planning Priority N12 (Delivering integrated land use and transport planning and a 30 minute city): The site is well located in terms of public transport and has good access to a local centre. The site's rezoning to facilitate medium density residential development would allow the benefits of its accessibility to be better utilized.

The Future Transport Strategy 2056 is an overarching strategy, supported by a suite of plans to achieve a 40-year vision for our transport system. The site benefits from the improvement of bus services between the City and the Northern Beaches via the B-Line. These new bus services travel along Pittwater Road to which the site has frontage.

The site is relatively large (4,700sqm), regular shape with multiple frontages. This provides the opportunity for an increase in development density on the site without impacting neighbouring properties or the locality. The Concept Plans for redevelopment of the site accompanying the proposal show no significant impacts in terms of amenity, heritage, landscape, and traffic.

As the site directly adjoins the commercial centre with an 11 metre height standard, and is bounded to the south by two residential flat buildings of approximately the same height, the proposed height standard is considered generally appropriate (see comments below). The proposal could not therefore be used as precedent for extension of an 11 metre height standard to properties further south along Pittwater Road.

### Proposed Building Height

The proposed maximum height of buildings development standard of 11m is supported over much of this 4704 sq.m site with the exception of 750sq.m of the site comprising a listed heritage cottage and its curtilage at the northern eastern corner of the site.

Council's recommendations for amending the applicant's submitted Planning Proposal are made in the context of a well-considered redevelopment scheme supported by a range of technical studies (urban design, heritage, economic, traffic, flooding) and supporting staff comments (urban design, heritage).

The site adjoins the B2 Local Centre zone to the north which has an 11m height standard. Other surrounding residential development is of comparable height and scale, with the exception of the identified on-site and adjoining heritage items.

The applicant's indicative redevelopment scheme supports a range of building heights across the site of between 2 and 4 storeys. At the north eastern corner of the site between the heritage

cottage at 2 Albert Street and the adjoining 'Furlough House' heritage site ('Building D'), the scheme supports redevelopment that is partly 2 storey to the street with a third storey in an attic configuration. This will provide for a more consistent pattern of 2 storey built form at this part of the site, which is supported by Council's Urban Designer and Heritage Planner.

The intended outcomes of the Planning Proposal may be achieved without change to the existing 8.5m height standard for that part of the site comprising heritage at the north eastern corner of the site.

A draft Height of Building map has been prepared by Council to accompany the Planning Proposal (at Attachment 3) excluding 2 Albert Street (comprising the heritage cottage) and part 4 Albert Street (adjoining to the east and the neighboring 'Furlough House' heritage site).

On that part of the site where a 11m height standard is proposed, a number of site specific DCP controls are recommended to better guide development:

- The development of land in the vicinity of the on-site heritage item at 2 Albert Street and the adjoining heritage item at 72-90 Ocean Street Narrabeen ('Furlough House') must have particular regard to the effect on the heritage significance of these 2 heritage items.
- The height of buildings adjoining the side and rear of the heritage cottage at 2 Albert Street is to be generally limited to 3 storeys. At the eastern side of the cottage, a maximum 2 storey built form is required to address the heritage significance of adjoining properties. At the rear of the cottage, new buildings up to 4 storeys would overwhelm and dominate the heritage cottage, particularly viewed along Lagoon Street. The adoption of an attic configuration for any fourth storey is required to minimise this impact.
- The height of buildings at 1294-1300 Pittwater Road, Narrabeen is to be limited to 3 storeys fronting Pittwater Road (see also setback controls below).

#### Active Frontage and Setback

The 'active frontage' proposed in the GMU Report accompanying the Planning Proposal is considered an important aspect of any future redevelopment. Such provisions will assist in the revitalisation of the southern end of the town centre, improving the amenity of the public domain.

The corner of Pittwater Road and Albert Street comprises a main road crossing opposite the community 'Tram shed' complex. Further DCP controls are recommended to ensure active frontages and the desired streetscape outcomes as detailed in Urban Design Guidelines and Masterplan in the GMU Report.

It is recommended that a setback at this corner location would be appropriate as a transition between the commercial shop frontages to the north and residential setbacks to the south. The existing DCP controls provide for zero lot frontages in the commercial centre and 6.5m front setback in the Residential zone. Accordingly, site specific DCP controls are recommended to achieve a 3m setback at this busy street corner comprising shops and the like.

#### Limit on Commercial Floorspace

The site is zoned Residential R3 Medium Density Residential. With the inclusion of proposed additional permitted uses (commercial premises, medical centre, shop-top housing) it is important to ensure that the overall objectives of the zone are not compromised. Limiting the proposed commercial floorspace on the site to the current level (approximately 1150 square metres) will ensure that the majority of the site will be used for residential purposes.

#### Affordable Housing

Council's Affordable Housing Policy states 'Council is committed to a 10% affordable rental housing target for all strategic plans and planning proposals for urban renewal or greenfield



development and that higher rates will be sought where feasible. Concept plans identify the potential for a total of between 48 and 60 dwellings on the site.

The Planning Proposal as lodged does not specifically provide for affordable housing.

With Council's recent inclusion in State Environmental Planning Policy 70 (Affordable Housing-Revised Schemes) Council may prepare a Planning Proposal with specific requirements for the provision of affordable rental housing. The Department of Planning would generally require a feasibility analysis to be undertaken to support such a proposal.

As the Planning Proposal does not include a feasibility analysis, it is recommended that the amended Planning Proposal include a 10% provision for affordable rental housing, with the exact requirement for the site being established via a feasibility analysis being undertaken by Council following the issue of a Gateway determination.

### Conclusion

Council's assessment of the Planning Proposal generally supports the intended outcomes of the proposal as submitted by the applicant but with some amendment in relation to the proposed height standard. In this regard an amended Planning Proposal would be supported which seeks to limit the extent of the proposed 11m height standard to only part of the site.

### **PROPOSED SITE SPECIFIC DCP CONTROLS**

Having regard to resident submissions, Council's own analysis, and the applicant's Urban Design Study, the following site specific DCP controls are recommended:

- *Modulation of maximum number of storeys:* Limit redevelopment at 3 and 4 storey to parts of the site that are setback from front and side boundaries and from the heritage cottage.
- *Active Frontage:* Allow for active frontage at the corner of Pittwater Road and Albert Street setback 3m setback providing for shops and business premises at street level.
- *Setback (front, side and rear):* A 3m setback of the active frontage on the corner of Pittwater Road and Albert Street. The existing DCP site control requires setbacks of 4.5m (side) and 6m (rear) which should be retained for the site but with additional requirement for 2m deep soil planting along these boundaries at the eastern and southern sides of the site. Additional setback of 12m at the SE corner of the site is required to protect the large Fig tree (see Landscaping below). At the front setback, the remainder of the Pittwater frontage (1294-1300 Pittwater Road, Narrabeen), any 4<sup>th</sup> storey element must be setback at least 10m from the street.
- *Heritage listed dwelling (general):* The redevelopment of land between 2 Albert Street Narrabeen (heritage cottage) and 72-90 Ocean Street Narrabeen ('Furlough House') must have particular regard to the effect on the heritage significance of these 2 heritage items in the vicinity under clause 5.10(5) Warringah LEP 2011. A 2 storey built form in this location is required to address the heritage significance of these items. Similarly, the redevelopment of land at the rear (south) 2 Albert Street must reduce the impact of the maximum height provisions with any fourth storey being designed as an attic roof.
- *Heritage listed dwelling (general):* Lodgment of a Conservation Management Plan will be required to accompany any DA for redevelopment or for change of use of the dwelling.
- *Heritage listed dwelling (setback):* A 12m setback to the rear and a 9m setback to either side of the heritage dwelling. Any new building to the east of the heritage dwelling along Albert Street is to be no closer to the street than the established heritage dwelling building line.
- *Heritage listed dwelling (height in vicinity):* The height of buildings adjoining the side (west) and rear of the heritage cottage at 2 Albert Street is to be limited to 3 storeys.

- *Landscaping:* A number of existing trees identified as providing significant landscape amenity are to be retained and integrated into the site planning where possible including: the Hills Fig (*Ficus hillii*) and Norfolk Island Pine (SE corner of site); Podocarpus Brown Pine and 2 Cottonwood trees (along Pittwater Road) and a Cheese Tree and She Oaks (along Albert Street). The existing minimum requirement for 50 percent landscaped area is not proposed to be varied.

## **TIMING**

It is anticipated that the time of completion of the Planning Proposal is 6 – 12 months from the date of Council's approval to proceed. Following the issue of a Gateway determination Council will be required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following that exhibition and public hearing.

## **LINK TO COUNCIL STRATEGY**

## **FINANCIAL CONSIDERATIONS**

The preparation of the Planning Proposal is to be funded through Council's Operational budget as Council is the proponent for the Planning Proposal.

The economic impact of the Planning Proposal is assessed in technical study accompanying the proposal. This study supports the proposed increased provision of medical and commercial facilities at the subject site as current uses. Council supports this position on grounds that the commercial floorspace is limited to a maximum of 1150 square metres which represents the current commercial floor area on the land.

## **SOCIAL CONSIDERATIONS**

The Planning Proposal and associated site specific DCP controls as recommended in this report provide for future revitalisation of the southern end of the Narrabeen town centre. Further activation and walkability to Narrabeen village is facilitated. Connectivity and public domain interfaces will be improved due to the site's prominent location near community services and transport.

## **ENVIRONMENTAL CONSIDERATIONS**

The environmental considerations associated with the Planning Proposal relate primarily to whether the proposed height of building standard is appropriate. The 11m standard applies to the existing B2 Local Centre zone Narrabeen town centre and provides an appropriate statutory limit for this site excluding the north-eastern corner in proximity to two heritage items. However, Site specific DCP controls are recommended to accompany the Planning Proposal, supported by the applicant's technical studies. Improved outcomes in terms of landscaped amenity and tree protection are also sought as detailed in this report as part of proposed site specific DCP amendments.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The Planning Proposal as submitted seeks certain amendments to the LEP and includes an indicative redevelopment scheme that is considered would achieve good outcomes for the site. Site specific DCP controls are recommended in this report as an appropriate planning mechanism to ensure that any future development application is prepared and determined in a manner that is consistent with the supported scheme.

## **PLANNING PROPOSAL**

Amendments to the Warringah Local Environmental Plan 2011

**1294, 1296, 1298 & 1300 PITTWATER ROAD and  
No's. 2 and 4 ALBERT STREET, NARRABEEN**

April 2019 (Submission for Gateway Determination)

TRIM 2019/164757

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**FIGURES (see separate Attachment)**

- Figure 1: Location
- Figure 2: Site
- Figure 3A: Aerial Photo – Detail
- Figure 3B: Aerial Photo – Wide
- Figure 4A: Zoning Map – Warringah LEP 2011
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- Figure 4C: Heritage Map – Warringah LEP 2011
- Figure 4D: Landslip Risk Map – Warringah LEP 2011
- Figure 4E: Acid Sulphate Soils Map – Warringah LEP 2011

**DRAFT LEP MAP AMMENDMENT**

Draft Height of Building Maps (see separate Attachment)

NB: Other LEP mapping of land for permissible additional uses incorporates the total site as described in the Planning Proposal.

**Related Technical Studies (see separate Attachments)**

- Urban Design Report
- Heritage Impact Assessment
- Traffic Impact Assessment Report
- Economic Assessment Report
- Flooding Risk Assessment



# 1. INTRODUCTION

## 1.1 Overview

This Planning Proposal contains an explanation of the intended effect of, and justification for, requested amendments to Warringah Local Environmental Plan 2011 ("WLEP 2011"), insofar as that instrument applies to No's 1294, 1296, 1298, 1300 Pittwater Road, and No's 2 and 4 Albert Street, Narrabeen ("the site").

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") and the relevant Department of Planning and Environment guidelines and practice notes including "*A Guide to Preparing Local Environmental Plans*" and "*A Guide to Preparing Planning Proposals*".

The Planning Proposal seeks amendments to WLEP 2011 to change the maximum height standard that applies to part of the site from 8.5m to 11.0m, and to make the following land uses permissible with consent on part of the site: a "medical centre"; "commercial premises"; and "shop top housing".

The site is in the ownership of the Bernard Family, members of which have provided medical services to the Northern Beaches community for decades. In this regard, No. 4 Albert Street is presently occupied by the Narrabeen Family Medical Practice, and Waves Dental.

Narrabeen Family Medical Practice is a type of "health services facility" as defined in WLEP 2011 coming under the definition of a "medical centre". Medical centres, however, are not permissible in the R3 Medium Density Zone which applies to the site pursuant to WLEP 2011.

Additionally, No. 1300 Pittwater Road which is located in the north west corner of the site is occupied by a 2 storey commercial building currently occupied by W&D Financial Services. It was previously used as a bank. "Office premises", and "business premises" being types of "commercial premises" are also not permissible in the R3 Medium Density zone.

The site's present use, in part, for the purpose of a "medical centre" and as "commercial premises", along with its relatively large area (i.e. 4,704.1m), regular shape, dual street frontage to Pittwater Road and Albert Street, proximity to public transport services, and relationship to the Narrabeen Local Centre (being immediately to its south), all combine to warrant a higher and better mix of permissible uses than the uses which are permissible under WLEP 2011, and an increased building height limit of 11.0m for part of the site, which is the same height limit as applies to all land to the north of the site.

The Planning Proposal has both site specific planning merit and strategic planning merit. Both are amply demonstrated in the accompanying Urban Design Report.

As the site is immediately adjacent to the Narrabeen Local Centre, all parts of that centre are within 5 minutes' walk. Public transport is available within 2 minutes' walk. It is well recognized in the North District Plan that a principle of strategic planning is to increase residential development in, or within a walkable distance of, a centre. The site is therefore well-suited to an increase in residential development and the Planning Proposal intends to

achieve that outcome by permitting a height limit of 11.0m in lieu of 8.5m for part of the site, along with making permissible the non-residential uses presently on the site (and allowing reasonable potential future growth thereof to meet evolving community needs).

The Planning Proposal therefore seeks to amend WLEP 2011 in the following manner in relation to the site:

- amend “Schedule 1 – Additional Permitted Uses” in WLEP 2011 to include “medical centre”, “commercial premises” and “shop top housing” as additional uses which are permissible on the site with development consent with a maximum floor area of 1150 square metres;
- amend the “Additional Permitted Use Map” to identify the site as “Area 24”;
- amend the “Height of Buildings” map from a maximum of 8.5m to 11m over part of the site (Height of Building Map separately attached to Council Report), excluding both 2 Albert Street, Narrabeen being Lot 1 DP61344 (containing heritage listed dwelling house) and the front part of 4 Albert Street, Narrabeen being Part lot 8C DP200030 (and directly adjoining to the east of the heritage dwelling along Albert Street); and,
- include an affordable housing provision and that requires 10% of dwellings on the site to be dedicated to Council as affordable rental housing, with the exact requirement being established by a feasibility analysis undertaken by Council following the issue of a Gateway determination.

A development concept has been formulated for the site to illustrate how the site would (potentially) be developed if the Planning Proposal proceeds. Key features of the concept are:

- retention of the heritage item on No. 2 Albert Street;
- the construction of 4 new buildings, one of which, on the corner of Pittwater Road and Albert Street will be “mixed-use”, comprising the relocated Narrabeen Family Medical Practice, commercial office or business premises, and a partial ground floor active use (such as a café) with residential apartments above: the other 3 new buildings will be all residential (i.e. two residential flat buildings and one terrace/ townhouse style building in place of the existing medical centre);
- basement parking accessed off Albert Street; and
- retention of the large Hills Fig tree in the south eastern corner of the site.

The concept development contains a limited amount of non-residential floor space (i.e. 1,150m<sup>2</sup>) on part of the site (i.e. the corner of Pittwater Road and Albert Street). The remainder of the site would be wholly residential comprising attached dwelling/ terraces and residential flat buildings which are already permissible. The new residential buildings would however be 3 to 4 storeys as opposed to 2 to 3 storeys under the existing height control regime.

No. 2 Albert Street, which is a heritage item identified in WLEP 2011, could either be adaptively re-used for a non-residential purpose under the heritage incentive provisions in Clause 5.10(10) of WLEP 2011, or remain as a dwelling. Both scenarios are not dependent on the Planning Proposal.

## **1.2 Accompanying Documentation**

The Planning Proposal, is supported by the following documents separately attached as follows:

- an urban design report prepared by GMU Urban Design;
- a heritage impact assessment prepared by NBRs Architecture and Heritage;
- a traffic impact assessment report prepared by TTPP Transport Planning;
- an economic assessment report prepared by Location IQ;
- a flood risk assessment prepared by Cardno;
- a revised “Height of Buildings Map” showing the site with a height limit of 11m – as amended by Council to apply to part of the site only, excluding both lot 1 DP613544 (containing heritage listed dwelling house) and part lot 8C DP200030 directly adjoining to the east along Albert Street, Narrabeen.

## **1.3 Northern Beaches Council’s pre-lodgement advice**

On 19 October 2016 a pre-lodgement consultation meeting was attended by members of Council’s Strategic Planning team, members of the Bernard Family, and representatives from BBC Consulting Planners, Highgate Management, and GMU Urban Design and Architecture.

Council’s pre-lodgement advice identified statutory planning matters to be addressed in the planning proposal documentation, general documentation requirements, required strategic planning considerations, and relevant state and environmental planning policies that need to be addressed.

These matters have been addressed in this Planning Proposal.

Following the pre-lodgement consultation meeting with Council Officers, the Bernard Family has acquired No. 2 Albert Street, thereby allowing this property to be part of the site to which the Planning Proposal applies and facilitating a much more regularized, holistic and integrated urban design and land use outcome.

## 1.4 Land to which the Planning Proposal applies

### 1.4.1 Location

The site is located on the south-eastern corner of Pittwater Road and Albert Street in Narrabeen (see **Figure 1**).

### 1.4.2 Real Property Description

As shown on **Figure 2**, the site consists of six (6) parcels of land, identified as follows:

- 1294 Pittwater Road, Narrabeen : Lot 2 DP 84490;
- 1296 Pittwater Road, Narrabeen : Lot 6A DP 200030;
- 1298 Pittwater Road, Narrabeen : Lot 100 DP 773884;
- 1300 Pittwater Road, Narrabeen : Lot 1 DP 615179;
- 2 Albert Street, Narrabeen : Lot 1 DP 613541; and
- 4 Albert Street, Narrabeen : Lot 8C DP 200030.

Certificates of title and deposited plans for the lots which comprise the site are provided. All of the site is owned by members of the Bernard Family.

### 1.4.3 Area and Frontages

The site is irregular in shape (see **Figure 2**) and has a total area of approximately 4,704.1m<sup>2</sup>. It has frontages to Pittwater Road and Albert Street of 76.20m and 42.06m respectively.

### 1.4.4 Improvements

The improvements on the site are evident from the aerial photo (2016) in **Figure 3A**. There are (mainly) brick houses on each of No's 1294, 1296 and 1298 Pittwater Road; there is a commercial office building (a former bank) on No. 1300; a dwelling on No. 2 Albert Street (which is a listed heritage item – see **Figure 4C**) and on No. 4 Albert Street is a family medical centre and dental surgery.

### 1.4.5 Trees

As shown on the aerial photo in **Figure 3A**, a detailed survey is also provided by the applicant. There are several trees and shrubs on the land including a large Hills Fig tree in the south eastern corner of the land and a Norfolk Island Pine at the rear of the dwelling on No. 1294 Pittwater Road.

### 1.4.6 Vehicular Access

Vehicular access is available to each residential lot.

There is parking available for staff of the commercial office building at the rear of No 1300 Pittwater Road.

There is parking available for visitors to the medical practice and dental surgery at the front of the medical centre building at No 4 Albert Street.

There is also informal parking (staff of the commercial building and medical practice) provided at the front of No. 1296 Pittwater Road.

#### **1.4.7 Topography**

Detailed survey plans for the site and adjoining and nearby land are provided in **Appendix 2** (see Volume 2).

The site falls from east to west and has a total fall to Pittwater Road of approximately 5m.

#### **1.4.8 Public Transport**

The site is located opposite the Narrabeen Commuter Car Park and associated northbound B-Line bus stop.

The site is also approximately 50m south of the south bound B-Line bus stop on Pittwater Road.

The site is in a locality which is very well supported by public transport.

### **1.5 Surrounds**

#### **1.5.1 To the north**

To the north of Albert Street is the Narrabeen Local Centre containing a wide variety of shops, offices, banks, cafes and restaurants. Within the local centre are shop top housing buildings of up to 5 storeys. (There is a 5-storey building, "Seashells", at No's 1 – 7, Lagoon Street, immediately to the north of the site on the eastern side of Lagoon Street).

The height of other buildings in the local centre are identified on survey plans and on page 15 in Section 3.4 of the Urban Design Report.

#### **1.5.2 To the east**

To the east of the site is Furlough House, a listed heritage item in Warringah LEP 2011 (see **Figure 4C**). Furlough House comprises a collection of single and two storey brick buildings.

Furlough House at No's 72-90 Ocean Street is listed as Item 96 in Schedule 5 of WLEP 2011 and has the following physical description in the NSW State Heritage Database:

*"Complex of single & 2 storey residential buildings of face brick with tiled hipped roofs. Oldest remaining buildings in this group were constructed in*



*1952-54 and in 1959. Further buildings were added in 1966. Mature Norfolk Island Pines fronting site adjoining Ocean Street.”*

Furlough House at No's 72-90 Ocean Street has the following Statement of Significance in the NSW State Heritage Database:

*“Furlough House’ has historic and social significance due to its role since 1918 in the provision of recreational & community services for families of the armed services. While original buildings are gone, it maintains a continuity of association.”*

### **1.5.3 To the south**

To the south of the site is No's 1290 – 1292 Pittwater Road, a 3 level residential flat building, containing 12 apartments.

### **1.5.4 To the west**

To the west of the site is Pittwater Road.

Diagonally opposite the site in north western corner is a Council “park and ride” car park.

## **1.6 Existing Planning Controls**

### **1.6.1 Zoning and Permissible Uses**

The site to which the Planning Proposal request relates is zoned “R3 Medium Density Residential”, pursuant to the provisions of WLEP 2011 (see **Figure 4A**).

The objectives of the R3 Medium Density Residential zone are as follows:

- *“To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that medium density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*
- *To ensure that medium density residential environments are of a high visual quality in their presentation to public streets and spaces.”*

The following development is permissible without consent in the R3 Medium Density zone (Item 2):

*“Home-based childcare; home occupations”*

The following development is permissible with consent in the R3 Medium Density zone (Item 3):

*“Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Home businesses; **Multi dwelling housing**; Neighbourhood shops; Places of public worship; Recreation areas; **Residential flat buildings**; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Veterinary hospitals.”* (our emphasis)

The following development is prohibited in the R3 Medium Density zone (Item 4):

*“Any development not specified in item 2 or 3”*

The above list of permissible uses does not include the two existing non-residential uses being carried out on the site, one of which is the Narrabeen Family Medical Practice which various members of the Bernard Family have operated for many years. The other is W&D Financial Services in the former bank building at the corner of Pittwater Road and Albert Street.

This Planning Proposal seeks to ensure that in any redevelopment of the site, the existing non-residential uses on the site are made permissible uses in order that the very important community role that these uses have provided for decades (and continue to provide) can be accommodated in a predominantly residential redevelopment of the site. However, the intention is that the non-residential uses are to be confined to a new mixed-use building on the north-west corner of the site (i.e. Building A on the concept development included in the Urban Design Report.

### 1.6.2 Building Height

Clause 4.3 of WLEP 2011 states that the maximum height of a building should not exceed the height on the Height of Buildings Map. The site has a maximum building height of 8.5m on the map (see **Figure 4B**)

“Building height” is defined to mean:

- “(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
  - (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
- including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

This Planning Proposal request seeks to amend the Height of Buildings map so as to permit a maximum building height of 11.0m in lieu of the existing 8.5m height limit.

### 1.6.3 Heritage

As shown on **Figure 4C** No. 2 Albert Street is listed as Item 89 in Schedule 5 of WLEP 2011 and has the following physical description in the NSW State Heritage Database:

*“Single storey dwelling of roughcast render and rusticated weatherboard. Half-hipped and gabled tiled roof. Timber battened fibro to gable ends. Wide veranda on 2 sides with piers & balustrade of roughcast render. Squat timber posts. Timber casement windows.”*

No. 2 Albert Street has the following Statement of Significance in the NSW State Heritage Database:

*“A good representative example of a large inter-war Californian bungalow. Displays high integrity with much original fabric and detailing. Historically provides evidence of the character and location of residential development in the inter-war period.”*

As also shown on **Figure 4C**, the adjacent land to the east is also identified as a heritage item in WLEP 2011.

### 1.6.4 Flood Planning

Clause 6.3 of WLEP 2011 applies to land at and below the flood planning level. “Flood Planning Level” is defined to mean the level of 1:100 ARI (average recurrent interval) flood event plus 0.5m freeboard.

A flood risk assessment has been prepared by Cardno. It states that the flood planning level for the site is 3.6m AHD.

### 1.6.5 Other controls

As shown on **Figure 4D**, the site is in ‘Area A’ on the Landslip Risk Map, this being the area with the least risk of landslip.

As shown on **Figure 4E**, the site is shown as ‘Class 4’ on the Acid Sulphate Soils Map.

## 2. PLANNING CONTEXT

### 2.1 Greater Sydney Regional Plan

The “Greater Sydney Regional Plan 2056 – A Metropolis of Three Cities – Connecting People” was released in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. Narrabeen is located within the “Eastern Harbour City” area.

This Planning Proposal is consistent with the following objectives provided by the Greater Sydney Regional Plan:

- Objective 10 (Greater Housing Supply): The Planning Proposal would result in the more efficient use of land which has the potential to increase the housing supply in Sydney.

In 2016, 55.7% of all dwellings in the Northern Beaches Council area were separate houses; 17.2% were medium density dwellings, and 25.9% were in high density dwellings.

The Planning Proposal would have the result of increasing the supply of medium density housing in an appropriate location. The Planning Proposal would assist Northern Beaches Council in meeting its housing targets provided for the North District. It provides the opportunity for more efficient and effective local infill development in an existing urban area with easily walkable access to a centre (i.e. Narrabeen Local Centre), a good range of facilities and recently improved public transport thereby achieving greater housing diversity.

- Objective 11 (Housing is more diverse and affordable): The Planning Proposal is consistent with this objective in that it would allow the land to be more economically and effectively developed to provide medium density housing. Medium density housing provides for an alternative, and a more affordable housing choice when compared to detached dwellings.
- Objective 14 (Integrated land use and transport creates walkable and 30 minute cities): The site is well located in terms of public transport with Pittwater Road B-Line bus services located within 50m to the site. As the plan suggests, it is appropriate that future residents of the site have access to the services, jobs and skills which are available within a centre. In this regard, the site adjoins Narrabeen Local Centre.

A central goal of the Greater Sydney Regional Plan 2056 is to strategically plan Sydney to ensure that residents will have quick and easy access to jobs and essential services. It is intended that workers will be closer to knowledge intensive jobs, city scale infrastructure, services, entertainment, and cultural facilities.

The site is located within close proximity to public transport services and other amenities that can be readily accessed by future residents of the site. The envisaged future new residential development on the site in accordance with its existing zoning but with an increased height limit of 11.0m for part of the site (up from 8.5m with that part of the site excluded to remain at 8.5m) would be entirely consistent with the objectives of the Greater Sydney Regional Plan.

## 2.2 North District Plan

The North District Plan was released in March 2018. It sets out the planning priorities and actions for the growth of the North District. The site is located immediately adjacent to the Narrabeen Local Centre, as identified in the North District Plan.

The Planning Proposal is consistent with the North District Plan, particularly with respect to the following planning priorities:

- Planning Priority N3 (Providing services and social infrastructure to meet people's changing needs): By 2036, the North District is expected to see an 85 per cent proportional increase in people aged 85 and over, and a 47 per cent increase in the 65–84 age group. The local government areas of Hornsby, Ryde, Ku-ring-gai and Northern Beaches will have the largest projected increase in the 65-94 age groups. The provision of more diverse housing types and more medium density housing, within walkable neighbourhoods will create opportunities for older people to continue living in their community and close to health and support networks. These demographic observations are equally applicable to the inclusion of a medical centre and commercial premises in the range of permitted uses on the site.
- Planning Priority N5 (Providing housing supply, choice and affordability, with access to jobs, services and public transport): The Planning Proposal is consistent with this increased planning priority in that it will facilitate the future development of the site to provide residential accommodation within very close walkable proximity to public transport services and a range of other community facilities and services. The Planning Proposal meets the objectives relating to greater housing supply and in that it would contribute to meeting the North District's housing target of 92,000 dwellings from 2016-2036. A height limit of 11.0m allows for part of the site to better cater for the demand of Sydney's changing population by providing a broader range of housing options to suit different lifestyle and affordability needs. It provides the opportunity for more economic and efficient local infill development in an existing urban area with walkable access to a centre community, retail, commercial and other facilities and good public transport, thereby achieving greater housing diversity and supply without impacting in any significant or unreasonable way of local character and/ or amenity.
- Planning Priority N6 (Creating and renewing great places and local centres, and respecting the District's heritage): Narrabeen Local Centre lies immediately to the north of the site. All parts of the centre are within 5 minutes' walk of the site. Public transport is available within 2 minutes' walk. A principle of strategic planning is to increase residential development in, or within a walkable distance of, a centre. The site is therefore well-suited to an increase in residential development. The Planning Proposal will achieve that outcome as well as ensuring space for the non-residential uses presently on the site.
- Planning Priority N12 (Delivering integrated land use and transport planning and a 30-minute city): The site is well located in terms of public transport and has good access to a local centre. The site's rezoning to facilitate medium density residential development would allow the benefits of its accessibility to be better utilised.



## **2.3 Future Transport Strategy 2056**

The Future Transport Strategy 2056 is an overarching strategy, supported by a suite of plans to achieve a 40-year vision for our transport system.

The site benefits from the improvement of bus services between the City and the Northern Beaches via the B-Line. These new bus services travel along Pittwater Road to which the site has frontage.

### 3. STUDIES

#### 3.1 Urban Design and Concept Development

GMU Urban Design and Architecture (“GMU”) have examined the urban design opportunities for, and constraints, to a predominantly residential (but, in part, commercial premises/ medical centre) redevelopment of the site and have developed a concept to illustrate what would be a reasonable and justifiable built form outcome for the site.

The concept explores the site’s interrelationship with adjoining and adjacent buildings (including the heritage item on the site and the adjacent heritage item to the east) and considers the site’s context, setting, aspect, orientation, topography and accessibility.

The concept has merit and would result in a high quality built form outcome which would provide excellent new living opportunities for households, well-served by public transport, and close to a wide array of facilities, services and recreational opportunities.

The Urban Design Report presents an urban design analysis of the site and its context and, having assessed its constraints and opportunities, develops a preferred concept for future development.

It identifies the urban design opportunities of the site as follows: -

- *“Strategic location within 50m from B-Line Bus stop, operating between Mona Vale and Sydney CBD with reduced travel time.*
- *Opportunity to announce the arrival at the Narrabeen Centre whilst improving the activation of the key pedestrian route to the B-Line bus services.*
- *Good connectivity with the pedestrian route to B-Line bus commuter services to major Local, Strategic and Metropolitan Centres and employment hubs.*
- *Frontage to Pittwater Road and visual termination of the vista of Lagoon Street, marking the southern edge of the centre and walking distance to the supermarket, retail shops, beach and recreational areas.*
- *Immediately next to (and currently functioning as key commercial uses of) the town centre area (B2 Zone).*
- *Opportunity for major built form improvements and activation to corner of Pittwater Road and Albert Street.*
- *Removal of 3 driveways along Pittwater Road.*
- *Improvements to the pedestrian interface to allow an easily negotiated footpath along Albert Street.*

- *Proximity to the newly renovated playground, basketball court and weekly village markets.*
- *Opportunity for view sharing due to natural sloping terrain.*
- *Large consolidated site with two street frontages.*
- *Existing mature trees and vegetation to provide natural landscape screening and contribute to good quality landscaped areas and communal open spaces.*
- *Good orientation for residential amenity with minimal overshadowing from existing buildings to the north.*
- *Retain major tree as a landscape element and buffer.*
- *Retain and adaptively reuse the heritage cottage.*
- *Provide an appropriate visual and built form termination to Lagoon Street.*
- *Assist in meeting part of the area's dwelling targets at the centre and immediately adjacent to the major public transport for the area and recreational amenity nodes."*

With these opportunities in mind, the Urban Design Report sets out the following vision statement: -

*"The new development at the corner of Albert Street and Pittwater Road contributes a retail edge to Narrabeen Village. The active uses to the intersection provide facilities and retail options for residents and visitors accessing the commuter carpark and public transport.*

*The new development provides a contemporary architecture that enhances the visual character of the centre and its streetscapes.*

*The large scale of both the existing centre and the site accommodates well-mannered buildings, compatible with adjoining developments. The development reinforces and defines the corner location, providing an improved built form, announcing the entry to Narrabeen town centre. The proposal responds to existing streetwall heights and setbacks and responds to the topography and the sensitive interface to adjoining developments. Along Albert Street, the proposal responds to the existing fine grain lot pattern consistent with the streetscape character.*

*The proposal retains and adaptively reuses the existing heritage cottage.*

*The site is generously landscaped and reinforces the landscape character along Albert Street, providing a strong landscape concept complimenting the existing street and improving the pedestrian environment along Pittwater Road and Albert Street.*

*Given the proximity to local shops, schools, community facilities, high-frequency public transport and unique recreational amenities, combined with the likely future development of the area, the proposal delivers the potential for a well-considered built form and a positive contribution to the neighbourhood character.”*

To guide the future development of the site, the Urban Design Report identifies the following design principles: -

- *“Provide a high-quality contemporary mixed use development that achieves design excellence.*
- *Enhance the Narrabeen Town Centre.*
- *Activate the southern end of the Town Centre area and a key pedestrian node.*
- *Respond to topography and natural features.*
- *Celebrate the entry to the town centre.*
- *Compliment the scale and rhythm of the existing streetscape along Albert Street and the visual termination of Lagoon Street.*
- *Enhance and contribute to the landscape character along Albert Street and Pittwater Road.*
- *Provide a sensitive response to the existing heritage cottage (No 2 Albert Street).*
- *Retain major landscape elements.*
- *Buffer adjacent properties using significant new landscaping.*
- *Apply view sharing principles to minimise amenity impacts to neighbouring properties.”*

Contained in Section 4.3 of the Urban Design Report is an “Indicative Masterplan” which identifies 4 new buildings referred to as Buildings A, B, C and D (each of which would have inter-connected basement car parking), vehicular access to the basement car park from Albert Street opposite the southern end of Lagoon Street and retention of the heritage item on No. 2 Albert Street. Block models are provided on pages 28-31 of the report.

The Masterplan in Section 5.1 of the Urban Design Report (see page 34) shows the relationship of the 4 new buildings to each other, to the heritage item on 2 Albert Street, to the adjacent heritage item to the east (i.e. Furlough House) and to the neighbouring residential flat building to the south, and shows the building setbacks from the front, side and rear boundaries.

A set of urban design guidelines is provided in Section 5.4 of the Urban Design Report and key ADG amenity requirements are demonstrated as being capable of being achieved in Section 5.5. Overshadowing impacts are shown as insignificant in Section 5.5 on page 40 of the Urban Design Report.

Only Building A will be mixed-use. Buildings B, C and D would be wholly residential.

Realisation of the concept is dependent on the Planning Proposal as whilst the wholly residential buildings are already permissible with consent, the mixed-use building planned for the corner of Pittwater Road and Albert Street (i.e. Building A) is dependent on additional permissible uses being identified for the site in Schedule 1 of WLEP 2011, and the maximum height limit being increased to 11.0m (from 8.5m) for part of the site.

In order to test the concept and examine its impacts, the following additional studies have been carried out: -

- Heritage;
- Traffic and parking;
- Economic Impacts; and
- Flooding.

The key findings of these studies are set out below.

### 3.2 Heritage

A Heritage Impact Assessment ("HIA") prepared by NBRS Architecture Heritage is provided in **Appendix 4**.

The HIA documents the history of the locality and of the site, describes the heritage items on No. 2 Albert Street and No's 72-90 Ocean Street (i.e. Furlough House) including their visual catchments, and identifies their significance. The HIA then assesses the heritage impacts of the development concept prepared by GMU, particularly in relation to the heritage item on No. 2 Albert Street and its curtilage, but also on Furlough House.

HIA concludes as follows:

*"The Planning Proposal has been assessed in relation to the potential heritage impacts it may have on the heritage item on the site, known as 2 Albert Street, and on the heritage property immediately to the east, known as Furlough House.*

*The details of the Planning Proposal described in the GMU study do not adversely affect the identified heritage significance of 2 Albert Street, Narrabeen, and the heritage item adjacent the site, known as Furlough House."*

Accordingly, there are no heritage impediments to the Planning Proposal proceeding.



The heritage item on No. 2 Albert Street is already able to be used for any purpose pursuant to the heritage incentive provisions in Clause 5.10(10) of WLEP 2011. It could either remain in use as a dwelling or be adaptively re-used for a non-residential purpose as part of facilitating its conservation.

### 3.3 Traffic and Parking

A Transport Impact Assessment ("TIA") prepared by TTPP Transport Planning is provided in **Appendix 5**.

The TIA examines the surrounding road network, the site access arrangements, the traffic generation that is likely to eventuate if the Planning Proposal proceeds, the availability of and access to public transport services, and the likely on-site parking needs from the mix of residential and non-residential land use which are proposed.

The TIA bases its analysis on an indicative land use yield comprising: -

- 48 – 60 apartments with a mix of 1, 2, 3 and 4 bedrooms; and
- between 1,050m<sup>2</sup> and 1,150 m<sup>2</sup> of "non-residential" GFA comprising (say): -
  - 20 m<sup>2</sup> of "café" GFA;
  - 800 – 1,130 m<sup>2</sup> of "medical centre" GFA; and
  - up to 240 m<sup>2</sup> of "office" GFA.

In the above "commercial" GFA scenario, the medical centre would (essentially) occupy all of the available GFA other than the café (i.e. 1,130 m<sup>2</sup> + 20 m<sup>2</sup>). However, in the interim there would be up to 240 m<sup>2</sup> of "office" GFA.

The TIA also bases its analysis on the provision of a single site ingress/ egress point on the southern side of Albert Street opposite the southern end of Lagoon Street. All existing driveways to Pittwater Road and Albert Street would be removed and reinstated as kerb and gutter.

The TIA finds that the surrounding road network can satisfactorily accommodate the additional traffic flows not only associated with the likely traffic generated from the concept development of the site but also from likely background growth on the local road system generally.

Councils Traffic Team have provided the following comments:

- evidence of the modelling must be provided to be satisfied that the traffic assessment is correct
- traffic generation rates assumed may not be consistent with RMS guidelines and require review
- as the site is adjoined to a state road, RMS will be required to provide comment on the Proposal

Given the above comments, and noting that the RMS will be required to comment on the proposal, it is recommended that the applicant provide an amended Traffic Assessment Report prior to exhibition of any Gateway approval.

### **3.4 Economic Impacts**

An Economic Impact Assessment ("EIA") prepared by Location IQ is provided (separately attached).

The EIA examines the likely economic implications of the Planning Proposal. It concludes as follows: -

- *"It is clear from the analysis outlined in this report that there is a strong need and demand to accommodate an expanded medical and commercial facility within close proximity to the Narrabeen Town Centre.*
- *Limited, if any, negative impacts are anticipated from the proposed development and these are more than offset by the positive impacts that will occur from the development, including increasing the provision of general practitioners in an area where there is currently a low provision, and adding modern commercial floor space.*
- *Additionally, it is important for Narrabeen Family Medical Practice to remain within close proximity to the Narrabeen Town Centre, with the medical centre a vital component of the precinct. Consequently, the proposed site represents the ideal location to accommodate the expanded medical practice, given the limited appropriately zoned vacant sites available in the Narrabeen Town Centre.*
- *Further, the site has been used for commercial purposes for many years and would appropriately continue to be used for such purposes but in a modern, purpose built facility."*

### **3.5 Flooding**

A Flood Risk Assessment ("FRA") prepared by Cardno is provided (separately attached).

The Flooding Risk Assessment ("FRA") was undertaken to inform development options for the site to reduce flood damage and risks to life in the event that the Planning Proposal proceeds and the concept development is implemented. The FRA considers: -

- the indicative impact of planned development on flooding;

- flood emergency response;
- flood warning and evacuation; and
- the levels and approach the development will need to adopt to comply with requirements of Northern Beaches Council DCP and WLEP 2011.

The FRA notes that the Pittwater Road frontage of the site was found in the 2013 Narrabeen Lagoon Flood Study to be partially affected in the 1 in 100 year and PMF events, and that the minimum habitable floor level must not be less than the Flood Planning Level which is 3.6m AHD.

The concept development has been prepared on this basis.

The impacts of flooding on the development and the impacts of the development on flood levels are acceptable, noting that compensatory storage can be provided along the Pittwater Road frontage of the site through regrading to attenuate the local impacts that a new building (as shown in the concept in **Appendix 3** at the corner of Pittwater Road and Albert Street) would otherwise have on flood levels (i.e. +0.01m – 0.02m).

## 4. PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 with consideration of the Department of Planning and Infrastructure “A Guide to Preparing Planning Proposals” (August 2016). Accordingly, the Planning Proposal addresses six parts:

- Part 1: Objectives or intended outcomes of the proposed amendment;
- Part 2: Explanation of provisions;
- Part 3: Justification;
- Part 4: Mapping;
- Part 5: Community Consultation; and
- Part 6: Project Timeline.

A discussion on each of Parts 1- 6 is presented in the following sections.

## **5. PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

### **5.1 Objectives of the Planning Proposal**

The objectives of the Planning Proposal are to:

- (i) facilitate continued partial use of the site, but with an improved land use distribution and form, for the purposes of medical centre and commercial premises in conjunction with shop-top housing which can better serve the local community; and
- (ii) allow 3-4 storey buildings instead of 2-3 storey buildings on part of the site.

### **5.2 Intended Outcomes**

The Planning Proposal has the following intended outcomes: -

- (i) enable the existing non-residential land uses on the site (i.e. medical centre and office/ business premises) to a maximum floor area of 1150 square metres, to be accommodated in a new mixed use, purpose-built building including apartments, located at the corner of Pittwater Road and Albert Street;
- (ii) enable 2 other residential buildings of 3-4 storeys to be erected on the site above basement parking (11m) with 1 other residential building ('Building D') to be erected on the site at 2 storeys under existing height standards (8.5m).
- (iii) satisfy the demand for new housing stock on a site with suitable characteristics for accommodating additional growth;
- (iv) encourage the development of new buildings that achieve design excellence and a safe, accessible and attractive environment;
- (iii) enhance the local environment whilst maximising the site's ability to provide increased housing accommodation, and affordable rental housing, a medical centre and commercial premises;
- (iv) maximise the use of public transport, walking and cycling for trips to, from and within the Northern Beaches LGA by maximising housing options on a site which is highly accessible via public transport, which is adjacent to the B-Line network, and which is opposite the Narrabeen Local Centre;
- (v) better-provide for the orderly, economic and efficient development of the site; and
- (vi) ensure that development in the Northern Beaches LGA appropriately supports the *Greater Sydney Plan* and the *North District Plan*.



## 6. PART 2 – EXPLANATION OF PROVISIONS

### 6.1 Parameters

This section explains the means through which the objectives and intended outcomes described in Part 1 will be achieved, in the form of controls on development in the amendment of WLEP 2011.

### 6.2 Clause 4.3 – Height of Buildings

This Planning Proposal requests that the permissible height of buildings on the site be increased from 8.5m to 11m. While the Planning Proposal submitted to Council sought to apply the 11m standard to the full site, this Planning Proposal limits the extent of the proposed height amendment to part of the site, excluding both lot 1 DP613544 (containing heritage listed dwelling house) and part lot 8C DP200030 directly adjoining to the east along Albert Street, Narrabeen. Accordingly, the proposal seeks to amend the Height of Buildings Map which forms part of WLEP 2011 in the manner shown on the draft LEP Map (separately attached).

### 6.3 Schedule 1 and Map – Additional Permitted Uses

This Planning Proposal requests that Schedule 1 of WLEP 2011 and the “additional permitted uses” map be amended to include as additional permissible uses on the site, the same types of use which are already on the site, as well as “shop top housing” (in order that apartments can be provided above the commercial premises and medical centre in a new building at the corner of Pittwater Road and Albert Street).

Accordingly, Council is requested to amend Schedule 1 of WLEP 2011 to include the following clause:

***“24 Use of certain land at 1294 – 1300 Pittwater Road and 2-4 Albert Street, Narrabeen***

- (1) This clause applies to land at 1294 – 1300 Pittwater Road and 2-4 Albert Street, Narrabeen, being Lot 2 DP 84490, Lots 6A and 8C DP 200030, Lot 100 DP 773884, Lot 1 in DP 615179 and Lot 1 in DP 613541, shown as “Area 24” on the Additional Permitted Uses Map.*
- (2) Development for the purposes of a medical centre and commercial premises (with a gross floor area not exceeding 1,150m<sup>2</sup>) and shop top housing is permitted with consent.”*

### 6.4 New Clause – Affordable Housing

Council’s Affordable Housing Policy states ‘Council is committed to a 10% affordable rental housing target for all strategic plans and planning proposals for urban renewal

or greenfield development and that higher rates will be sought where feasible. Concept plans identify the potential for a total of between 48 and 60 dwellings on the site.

The Planning Proposal as lodged does not specifically provide for affordable housing.

With Council's recent inclusion in State Environmental Planning Policy 70 (Affordable Housing- Revised Schemes) Council may prepare a Planning Proposal with specific requirements for the provision of affordable rental housing. It is understood that the Department of Planning and Industry would generally require a feasibility analysis to be undertaken to support such a proposal.

As the Planning Proposal does not include a feasibility analysis, Council is seeking to include a provision for affordable rental housing in the WLEP 2011 similar to provisions in Willoughby and Sydney City Council LEPs, to require 10% of all new housing on the site to be dedicated to Council as affordable rental housing, with the exact requirement being established via a feasibility analysis undertaken by Council following the issue of a Gateway determination.

## **7. PART 3 – JUSTIFICATION**

### **7.1 Section A – Need for the planning proposal**

#### **1. Is the planning proposal a result of any strategic study or report?**

The Planning Proposal is not the result of any Council study or report.

It is however consistent with the North District Plan as detailed in Section 2.2.

#### **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, a Planning Proposal is the best, most efficient and most time effective approach to delivering the desired outcomes.

Residential flat buildings are permissible with consent, however only a very few non-residential uses are permissible in the R3 zone. For example, a medical centre is prohibited in the R3 zone yet a veterinary hospital is permissible. “Commercial premises” are also prohibited. These include “office premises” and “business premises” as well as “retail premises”, other than “neighbourhood shops” which can be no larger than 80m<sup>2</sup> in area (i.e. each shop).

Therefore, land use options on the site are severely constrained by the limited range of permissible uses in the R3 zone and fail to recognize the existing non-residential uses on the site.

In relation to the 8.5m height limit which applies to the site, the Urban Design Report demonstrates that 3-4 storeys is the appropriate height for buildings on this site. This requires an 11.0m height limit for part of the site.

Whilst Clause 4.6 of the WLEP 2011 provides a mechanism, when lodging a DA, to vary a development standard although there is no statutory limit on the extent to which a standard can be varied, it is generally acknowledged that 10% is (roughly) the threshold of acceptability. A 10% increase on the current height limit of 8.5m would give permit a height of only 9.35m.

If a height of 11 metres was to be pursued by way of a Clause 4.6 variation, the height limit applying to the site would need to be varied by around 2.5m. This variation of approximately 29% is significantly greater than the 10% threshold generally associated with a Clause 4.6 variation. It is therefore problematic to pursue an approval for a 11.0m height via a DA accompanied by a Clause 4.6 variation, thus demonstrating the need for this Planning Proposal.

## 7.2 Section B – Relationship to Strategic Planning Framework

### 1. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. See Section 2 of this report.

### 2. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

"Shape 2028: Northern Beaches Community Strategic Plan 2018 – 2028" ("CSP"). Council's "roadmap for the future of the Northern Beaches".

The Planning Proposal is consistent with the vision of the CSP.

The CSP states: -

*"More than half of all dwellings on the Northern Beaches are separate houses. The median house price was \$1.51 million at June 2016. Rental costs are nearly double the Sydney average at \$895 per week compared to \$520?"*

*Housing affordability has a profound impact on our community and the economy and is a top priority for the community and for young people in particular who call for more housing choice, and more innovative housing options, on the Northern Beaches."*

The Planning Proposal is a positive step towards increasing housing supply and choice.

The CSP states: -

*"Some of the biggest challenges ahead are related to the pressures of population growth, consumption patterns and climate change. The population of the Northern Beaches is projected to reach almost 300,000 by 2036. This represents an increase of 18.4% over 25 years and equates to an average annual growth rate of approximately 0.7%. This is a modest growth rate compared to the rest of Sydney, but will still need to be carefully managed."*

The Planning Proposal is a positive step in providing increased housing supply, adjacent to a Local Centre which is well served by public transport. This will reduce pressure for additional housing on less favourable locations.

The identified outcomes of the CSP are grouped under the following headings: -

- protection of the environment;
- environmental sustainability;

- places for people;
- community and belongings;
- urban local economy;
- transport, infrastructure and connectivity;
- good governance; and
- partnership and participation.

The Planning Proposal is relevantly consistent with the identified outcomes in the CSP.

The Planning Proposal will facilitate lodgement of a DA which will provide more housing stock in a high quality mixed-use but predominantly residential development, in a highly accessible location, which is in accordance with the above objectives.

#### Affordable Housing

Council's Affordable Housing Policy states 'Council is committed to a 10% affordable rental housing target for all strategic plans and planning proposals for urban renewal or greenfield development. Higher rates of provisions will be sought where feasible (Policy Statement – paragraph a)'. In terms of the recognised need for housing affordability in the Council's Community Strategic Plan which states 'Housing affordability has a profound impact on our community...'; Council's Affordable Housing Policy is a relevant consideration for the Planning Policy.

### **3. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes.

Relevant SEPP's include:

- SEPP 55 – Remediation of Land;
- SEPP 65 – Design Quality of Residential Flat Development;
- SEPP (Building Sustainability Index: BASIX) 2004; and
- SEPP (Infrastructure) 2007.

No inconsistencies arise with any of the above SEPP's. Removing all vehicular access points to Pittwater Road (as proposed in the development consent) is highly consistent with SEPP (Infrastructure) 2007.

Relevant SEPPs will be further considered at the DA stage (where applicable).

#### 4. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

**Table 1**, below, identifies the proposal's consistency with the applicable Ministerial Directions:

**Table 1: Planning proposal's consistency with the applicable Ministerial Directions**

S.9.1 Direction Title	Consistency of Planning Proposal
2.3 Heritage Conservation	<p>Consistent.</p> <p>This direction applies:</p> <p><i>“when a relevant planning authority prepares a planning proposal”</i></p> <p>The Planning Proposal will not affect the existing provisions within WLEP 2011, which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area.</p>
3.1 Residential zones	<p>Consistent.</p> <p>This direction applies:</p> <p><i>“when a relevant planning authority prepares a planning proposal that will affect land within:</i></p> <p><i>....</i></p> <p><i>(b) any other zone in which significant residential development is permitted or proposed to be permitted.”</i></p> <p>A planning proposal must include:</p> <p><i>“...provisions that encourage the provision of housing that will:</i></p> <p><i>(a) broaden the choice of building types and locations available in the housing market, and</i></p> <p><i>(b) make more efficient use of existing infrastructure and services, and</i></p> <p><i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p><i>(d) be of good design.</i></p> <p><i>(5) A planning proposal must, in relation to land to which this direction applies:</i></p> <p><i>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p><i>(b) not contain provisions which will reduce the permissible residential density of land.”</i></p> <p>The Planning Proposal would facilitate lodgement of a DA which would provide more housing stock in a high quality mixed-use but predominantly residential development, in a highly accessible location, which is in accordance with the above requirements. The DA would be subject to</p>



S.9.1 Direction Title	Consistency of Planning Proposal
	SEPP 65 and the Apartment Design Guideline ("ADG") that accompanies the SEPP. Consistency with the ADG is demonstrated in the Urban Design Report.
3.4 Integrating Land Use and Transport	<p>Consistent.</p> <p>This direction applies:</p> <p><i>"when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes."</i></p> <p>The objective of this direction is to:</p> <p><i>"ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <li><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></li> <li><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></li> <li><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></li> <li><i>(d) supporting the efficient and viable operation of public transport services, and</i></li> <li><i>(e) providing for the efficient movement of freight."</i> <p>The Planning Proposal is consistent with the above objectives in that it will increase housing provision and commercial development in a mixed use building at a location which is readily accessible by public transport, with future opportunities for nearby employment.</p> </li></ul>
4.1 Acid Sulfate Soils	<p>Consistent.</p> <p>This direction applies:</p> <p><i>"when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps."</i></p> <p>There are existing provisions within WLEP 2011 which relate to acid sulfate soils. The Planning Proposal will not affect these provisions.</p>
4.3 Flood Prone Land	<p>Consistent.</p> <p>This direction applies:</p> <p><i>"when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land."</i></p>

S.9.1 Direction Title	Consistency of Planning Proposal
	<p>Flood prone land is defined under the Floodplain Development Manual 2005 to mean:</p> <p><i>“land susceptible to flooding by the PMF event. Flood prone land is synonymous with flood liable land.”</i></p> <p>According to the Narrabeen Lagoon Flood Study 2013 and as predicted, the site is affected by the 1 in 100-year flood event. The 100-year flood level for the part of the site adjacent to Pittwater Road is predicted to be RL 3.1m AHD, the Flood Planning Level (absolute minimum floor level) for new habitable rooms is 3.6m AHD and the Probable Maximum Flood (PMF) level is predicted to be 5.0m AHD.</p> <p>The site is subject to the flood-related development controls in Clause 6.3 of WLEP 2011 and Section E11 of WDCP 2011.</p> <p>A flood risk assessment report is provided. It demonstrates that the Concept Plan is compatible with the flood characteristic of the western most part of the site.</p>
5.10 Implementation of Regional Plans	<p>Consistent.</p> <p>The proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p>
6.3 Site Specific Provisions	N/A - This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.
7.1 Implementation of A Plan for Growing Sydney	Yes. As addressed above.

## 7.3 Section C – Environmental, Social and Economic Impact

### 1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

### 2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The studies which have been carried out to inform the concept development in the Urban Design Report (i.e. heritage, flooding, traffic and economic) all indicate an absence of significant impacts. All impacts are capable of being managed through the development process.

### 3. Has the planning proposal adequately addressed any social and economic effects?

Yes. The social and economic effects will be positive in that:

- the medical centre services presently provided on the site will be able to be relocated in an improved form to the benefit of the local community and health care professionals;
- the site will be able to continue to be used, in part, for the purpose of commercial premises with the employment benefits that creates;
- the amount of housing stock and choice will be increased on a site which is close to services and facilities, recreational facilities, employment opportunities and public transport;
- the site will be developed to the economically, efficiently and effectively; and
- the economy of the Northern-Beaches LGA will be strengthened and enhanced.

## **7.4 Section D – State and Commonwealth Interests**

### **1. Is there adequate public infrastructure for the planning proposal?**

Yes. The site is highly urbanised and is located on Pittwater Road. It is located opposite the Narrabeen Commuter Car Park and the northbound B-Line bus stop. It is around 50m south of the southbound B-Line bus stop.

Bus services are available from Narrabeen direct to Wynyard, Frenchs Forest, Chatswood and North Sydney.

The site is well-served by all utilities, essential services and networking, including the NBN FTTC network deployed in 2018.

Investment in improved public infrastructure for the Northern Beaches includes the new Northern Beaches hospital at Frenchs Forest.

### **2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

At this stage, the appropriate State and Commonwealth public authorities have not been identified and/or consulted, and the Gateway Determination has yet to be issued by the Minister for Planning and Places (or his delegate). Given the local nature of the Planning Proposal, it is intended that Northern Beaches Council will seek the delegation for making this plan.

Consultation with the following Government authorities, agencies and other stakeholders in regard to this Planning Proposal is likely to include:

- NSW Department of Planning and Industry;
- Roads and Maritime Services (RMS);

- Transport for NSW.

Confirmation of the above list will be sought through the Minister's Gateway Determination.

## **8. PART 4 – MAPPING**

The Planning Proposal is supported by a set of illustrative figures, which follow Part 7. The figures outline the land to which the Planning Proposal applies and also the current relevant maps from WLEP 2011 and WDCP 2011.

The Planning Proposal will alter the existing Height of Buildings Map. An amended WLEP 2011 map for Height of Buildings shows the proposed extent of the new 11.0m height limit which is sought as part of this Planning Proposal and is separately attached.

An amended “Additional Permitted Uses Map” identifying the site as Area 24 will map the subject site in its entirety.

## 9. PART 5 – COMMUNITY CONSULTATION

Preliminary Community consultation on the Planning Proposal has been undertaken by Council prior to a determination to proceed at Gateway. The details of this consultation and a review of submissions and issues is reported to Council and is separately attached.

Formal Community consultation on the Planning Proposal will be undertaken by Council subject to receiving a determination to proceed at Gateway. Community consultation will not be commenced prior to obtaining approval from the Minister or Director-General.

Council's consultation methodology may include:

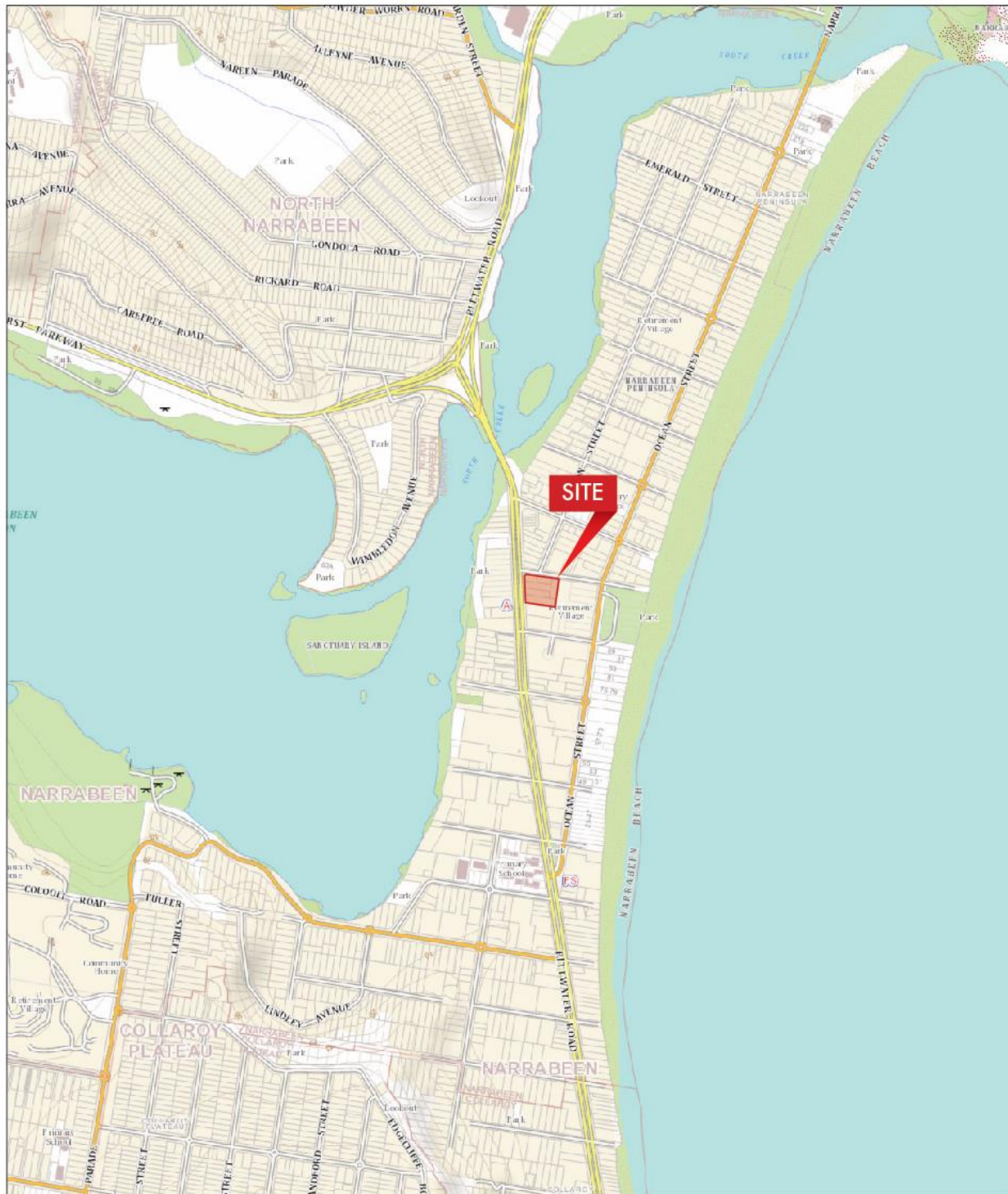
- forwarding a copy of the Planning Proposal, the Gateway Determination and any relevant supporting studies or additional information to any State and Commonwealth Public Authorities identified in the Gateway Determination;
- undertaking consultation in accordance with requirements of a Ministerial Direction under Section 9.1 of the EP&A Act and/or consultation that is required because, in the opinion of the Minister (or delegate), a State or Commonwealth public authority will be or may be adversely affected by the proposed LEP;
- giving notice of the public exhibition in the local newspaper;
- exhibiting the Planning Proposal in accordance with the Gateway Determination;
- exhibiting the Planning Proposal and all supporting documentation at Council's Administration Centre and all Libraries;
- notifying the Planning Proposal on Council's website;
- notifying adjoining land owners; and
- any other consultation methods deemed appropriate for the Planning Proposal.



## 10. PART 6 – PROJECT TIMELINE

The following table provides a proposed timeline for the finalisation of the Planning Proposal and the making of the amendment to WLEP 2011.

PP Actions	Dec 18	Jan 19	Feb 19	Mar 19	Apr 19	May 19	Jun 19	Jul 19	Aug 19	Sep 19	Oct 19	Nov 19	Dec 19
Submit PP to Council													
Council consider PP and report to Council for consideration													
Submit PP to Department for Gateway Determination													
Gateway determination made by the Department													
Report Gateway determination to Council (if required)													
Consult relevant public authorities and publicly exhibit PP and any necessary DCP amendments													
Receive and evaluate submissions and revise PP (as required)													
Report final PP to Council													
Submit revised PP to Department or Parliamentary Counsel (PC)													
Finalise LEP amendment with PC													
Notification of LEP Amendment													



Source: <http://maps.six.nsw.gov.au>

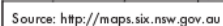


**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 1**  
Location

Prepared For - Highgate Management Pty Ltd

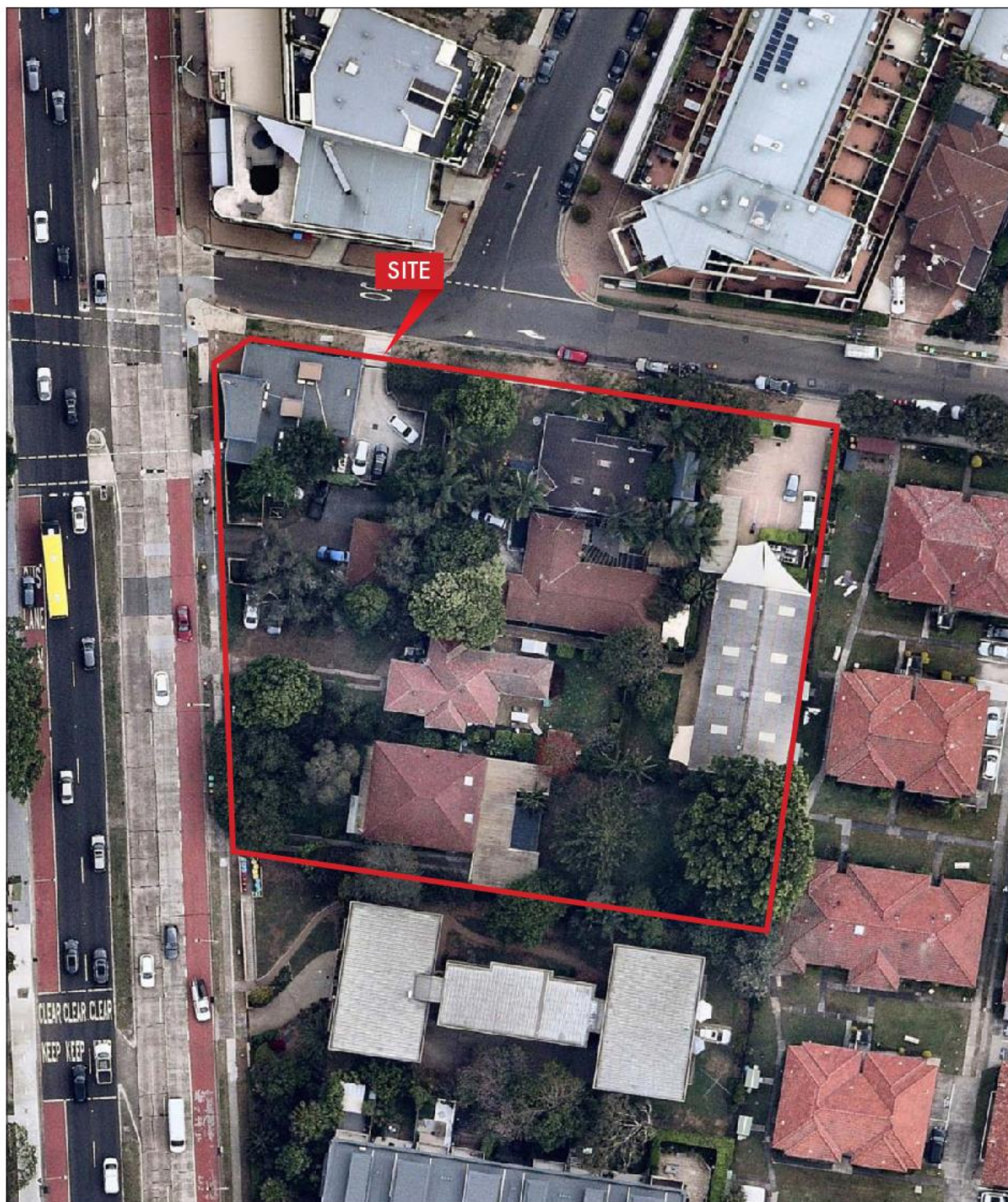




No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

Prepared For - Highgate Management Pty Ltd





Source: NearMap 2 Nov 2018

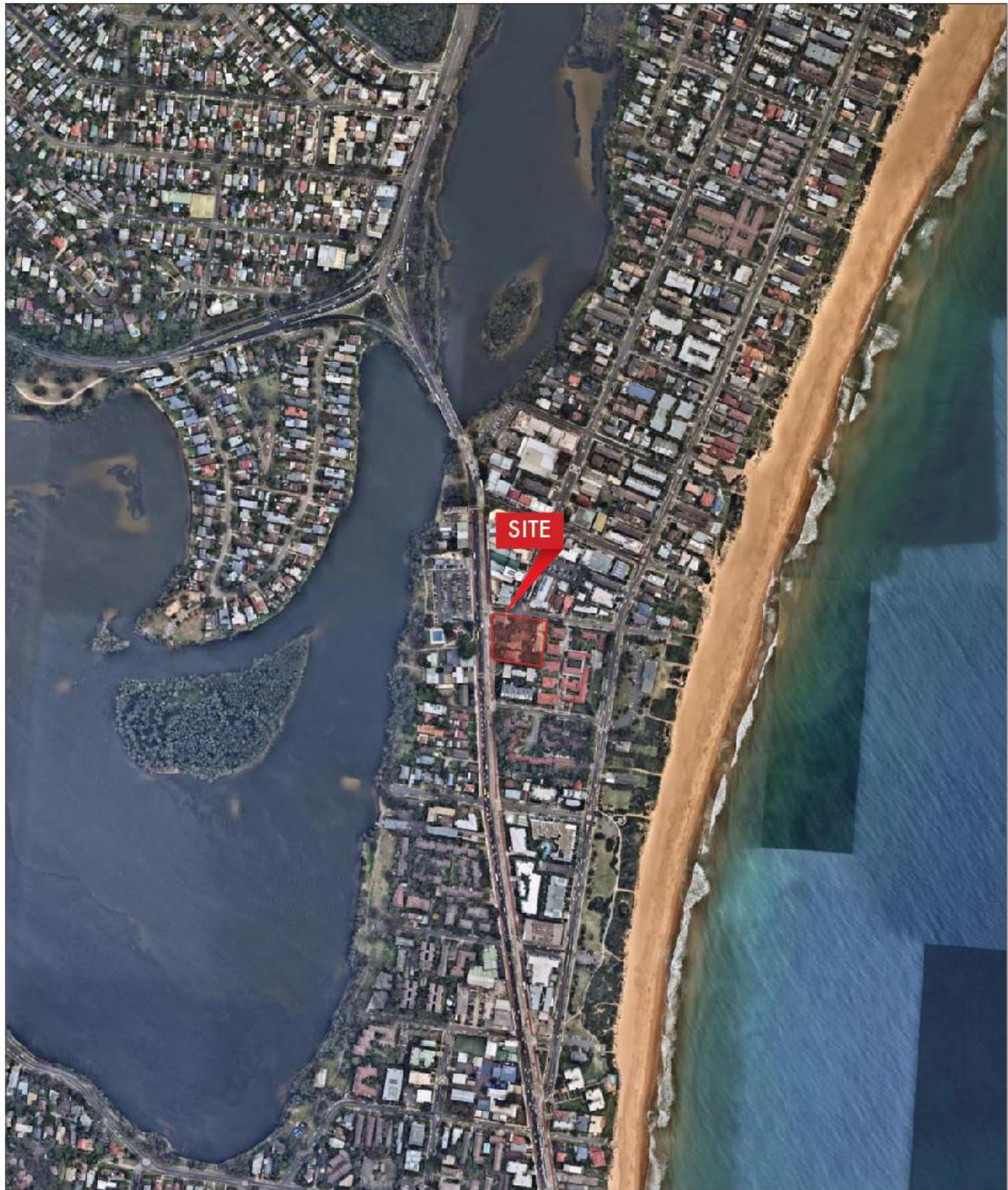
**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 3A**  
Aerial Photo - Detail

Prepared For - Highgate Management Pty Ltd







Source: NearMap 2 Nov 2018

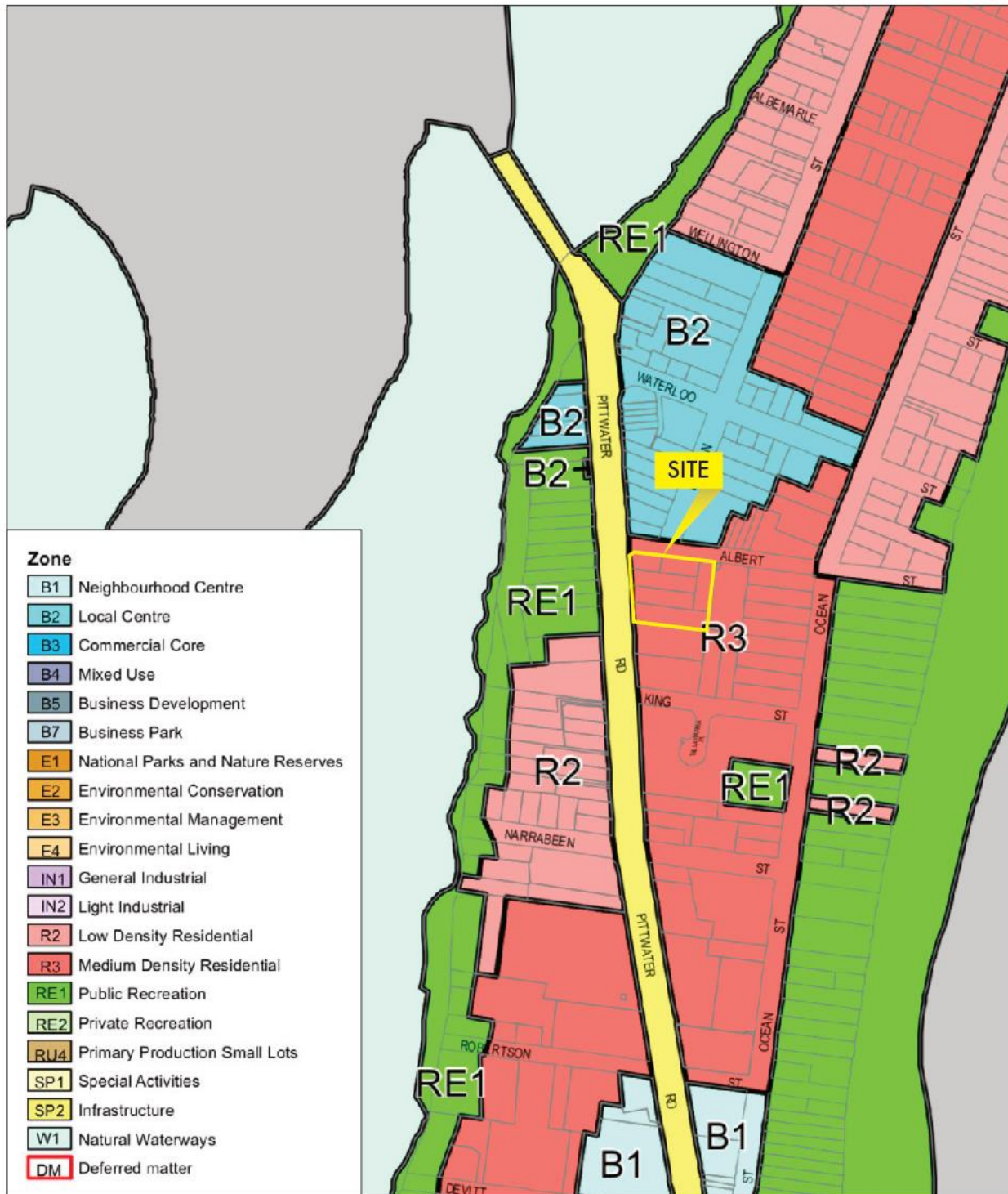
**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 3B**  
Aerial Photo - Wider Area

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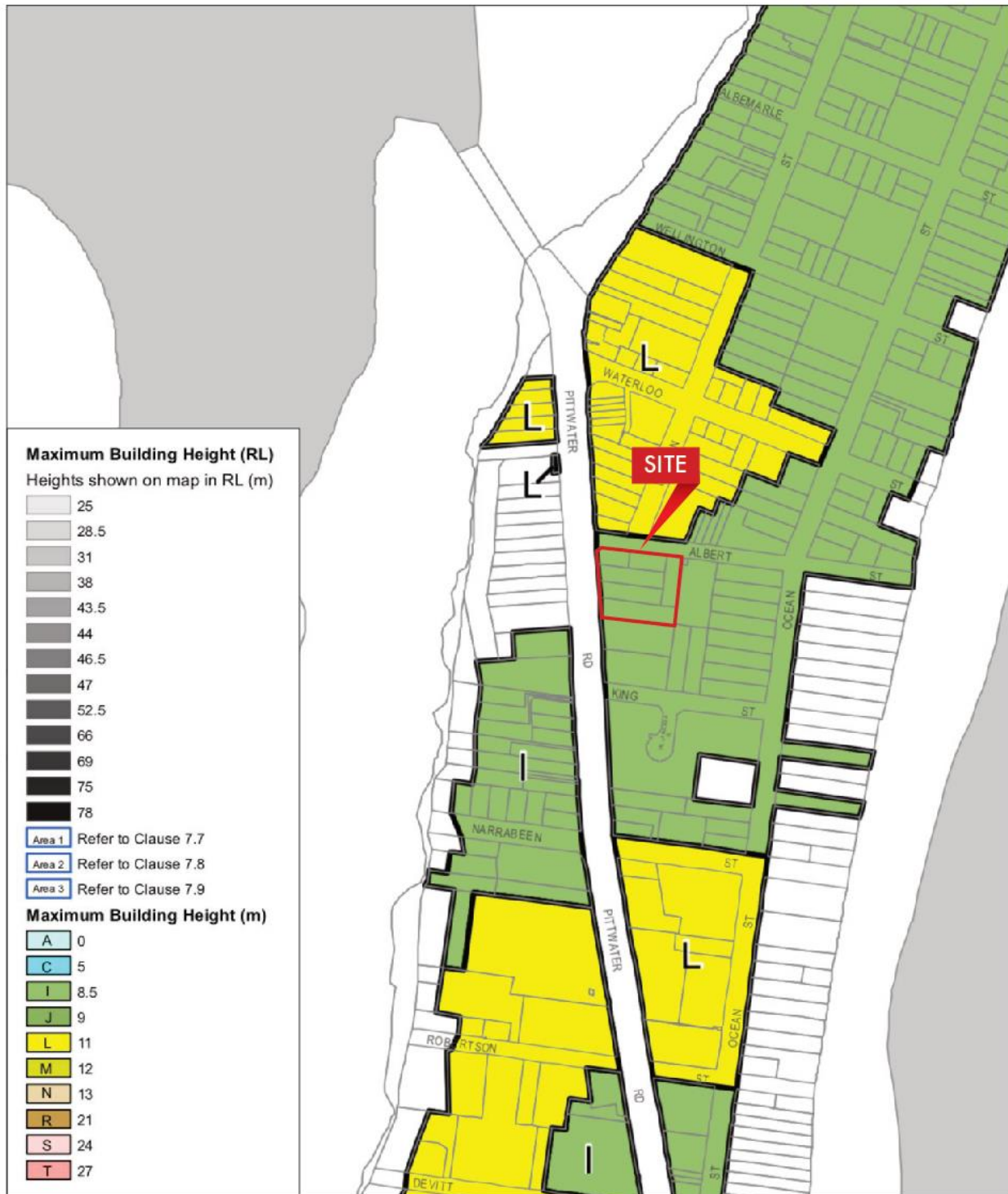
**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 4A**  
Zoning Map - Warringah LEP 2011

Prepared For - Highgate Management Pty Ltd





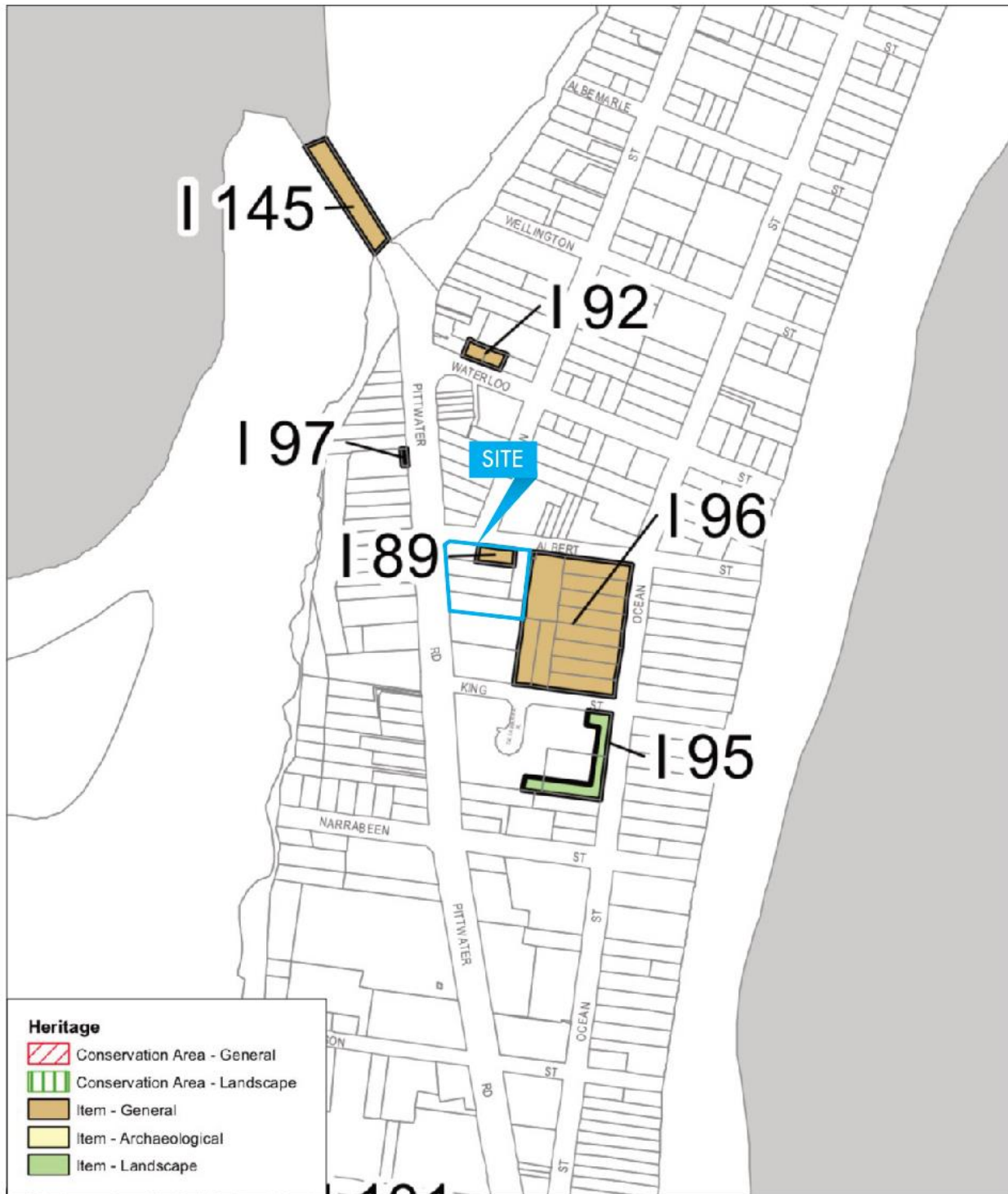


**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 4B**  
Height of Buildings Map - Warringah LEP 2011

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**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 4C**  
Heritage Map - Warringah LEP 2011

Prepared For - Highgate Management Pty Ltd





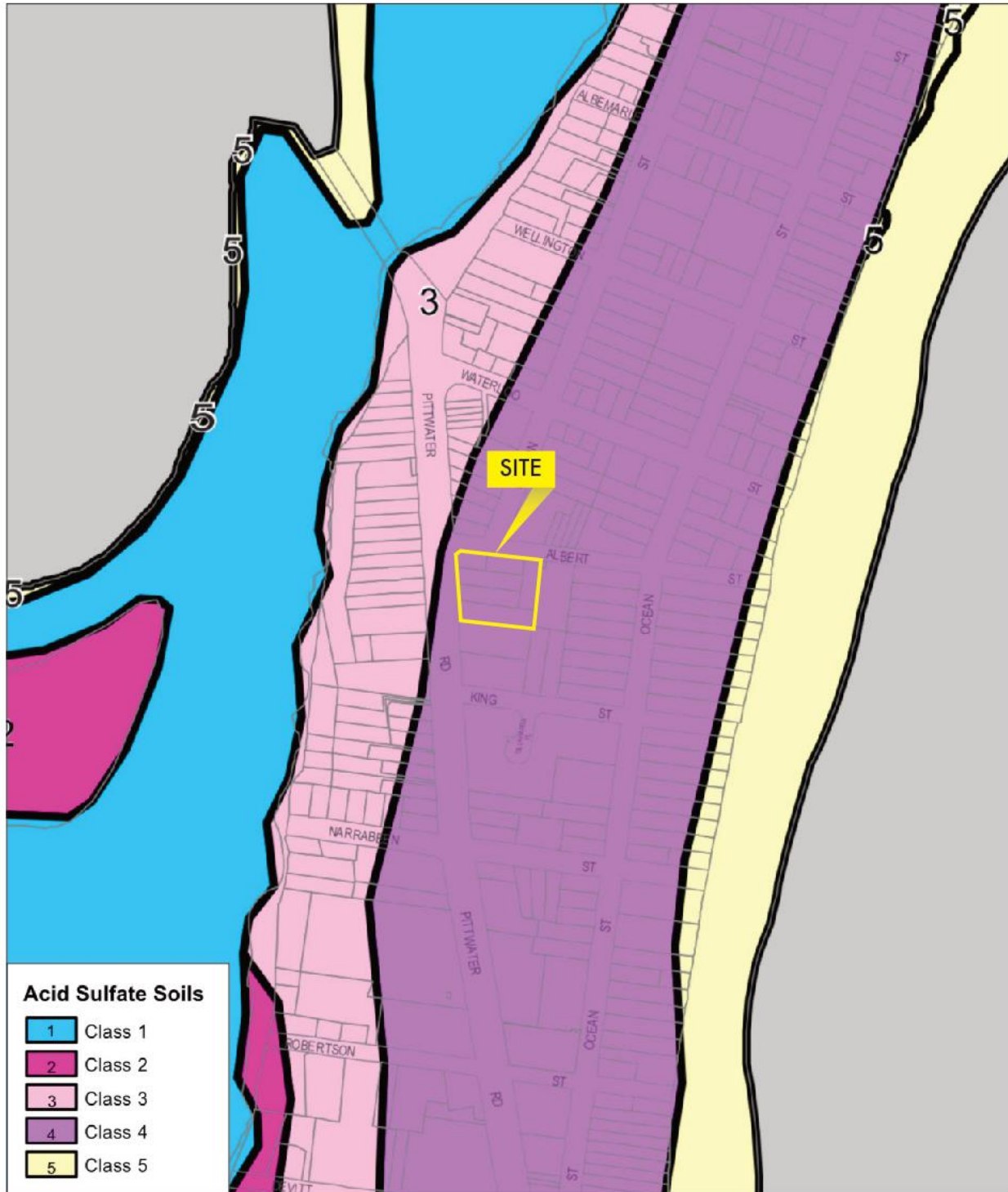
**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 4D**  
Landslip Risk Map - Warringah LEP 2011

Prepared For - Highgate Management Pty Ltd





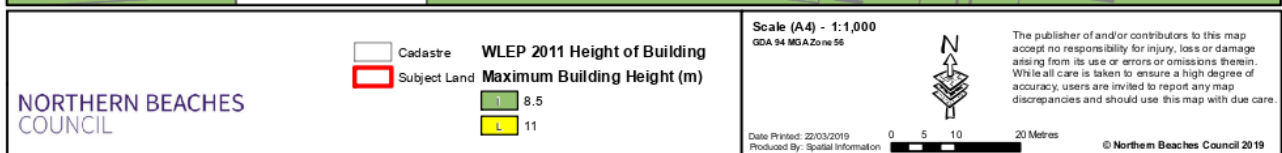
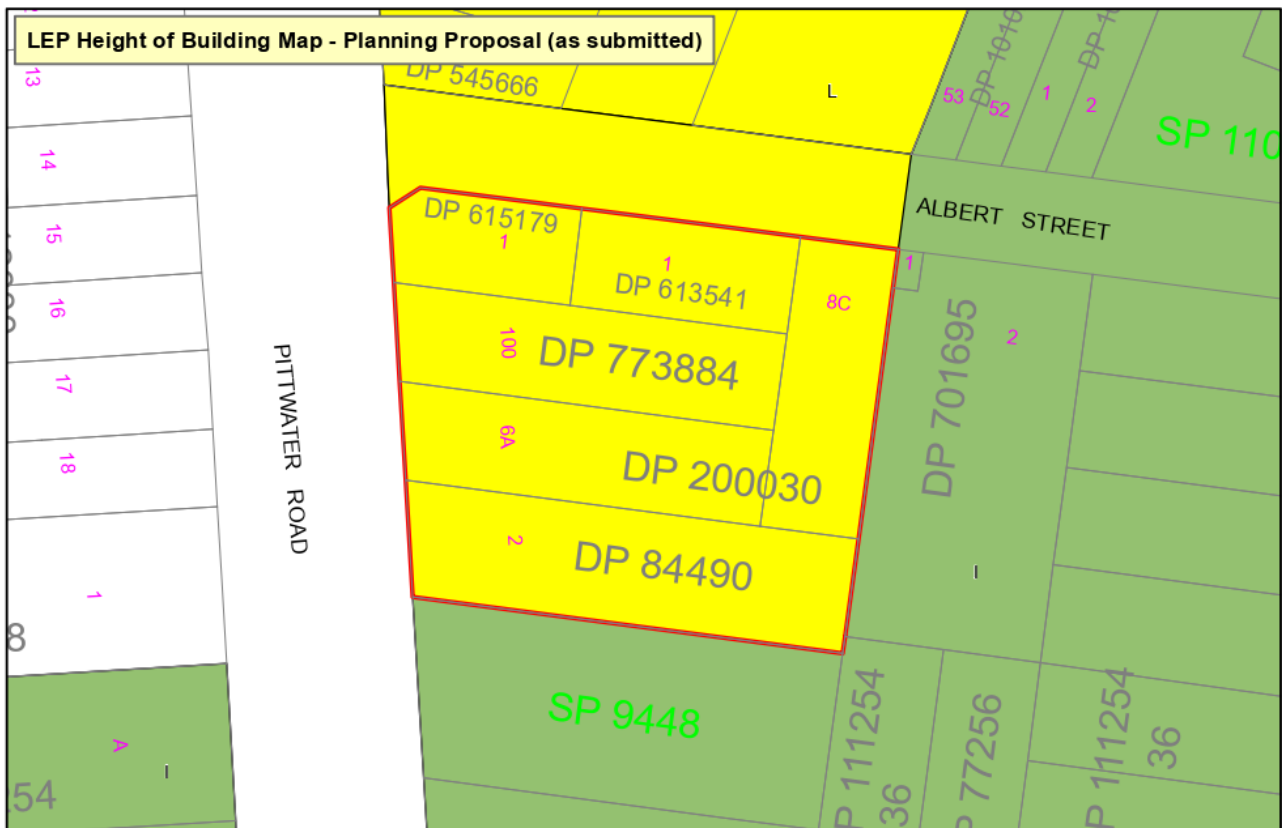
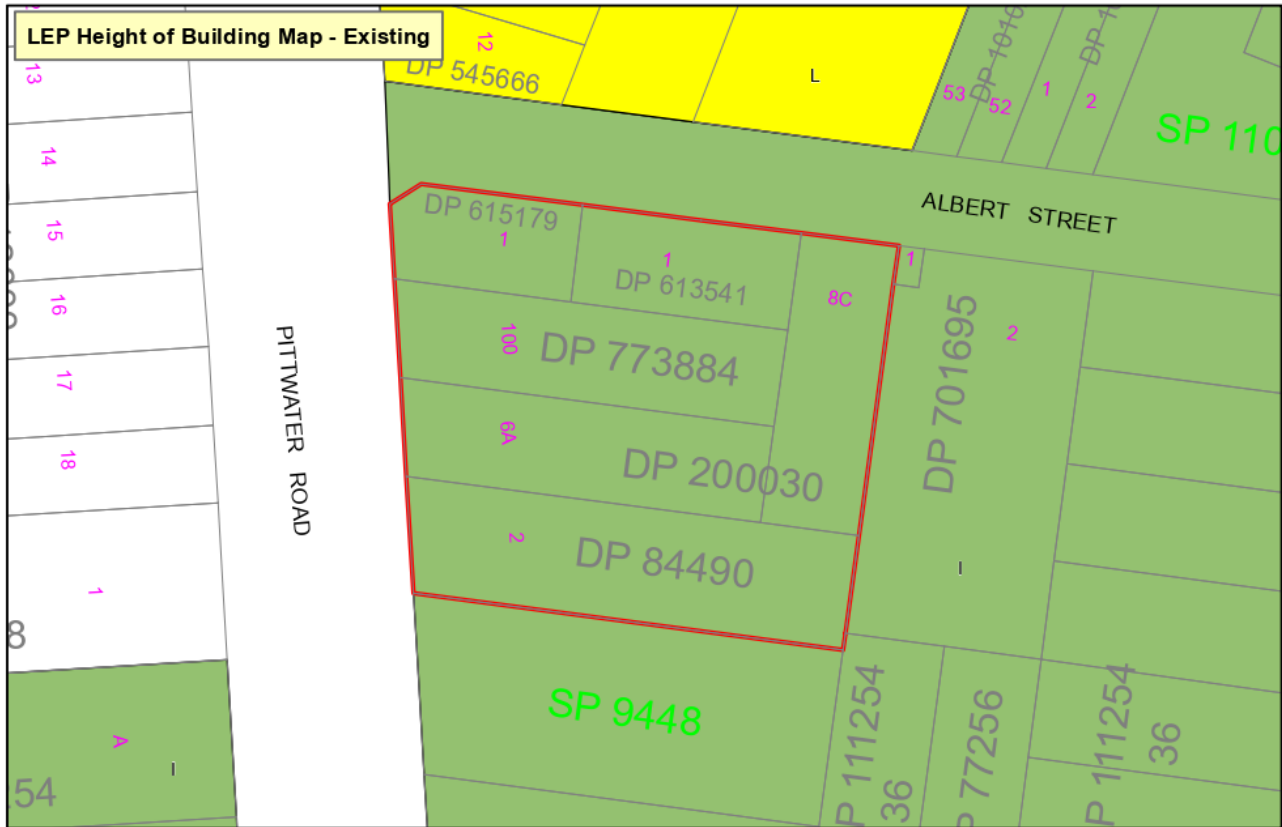


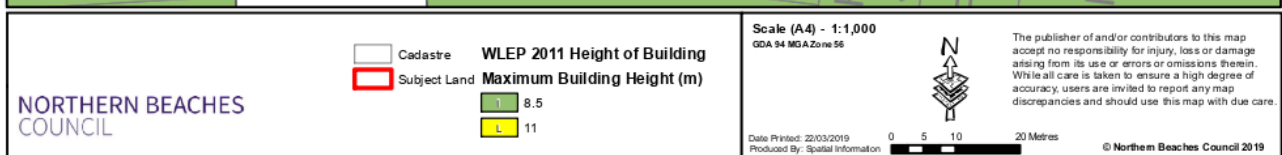
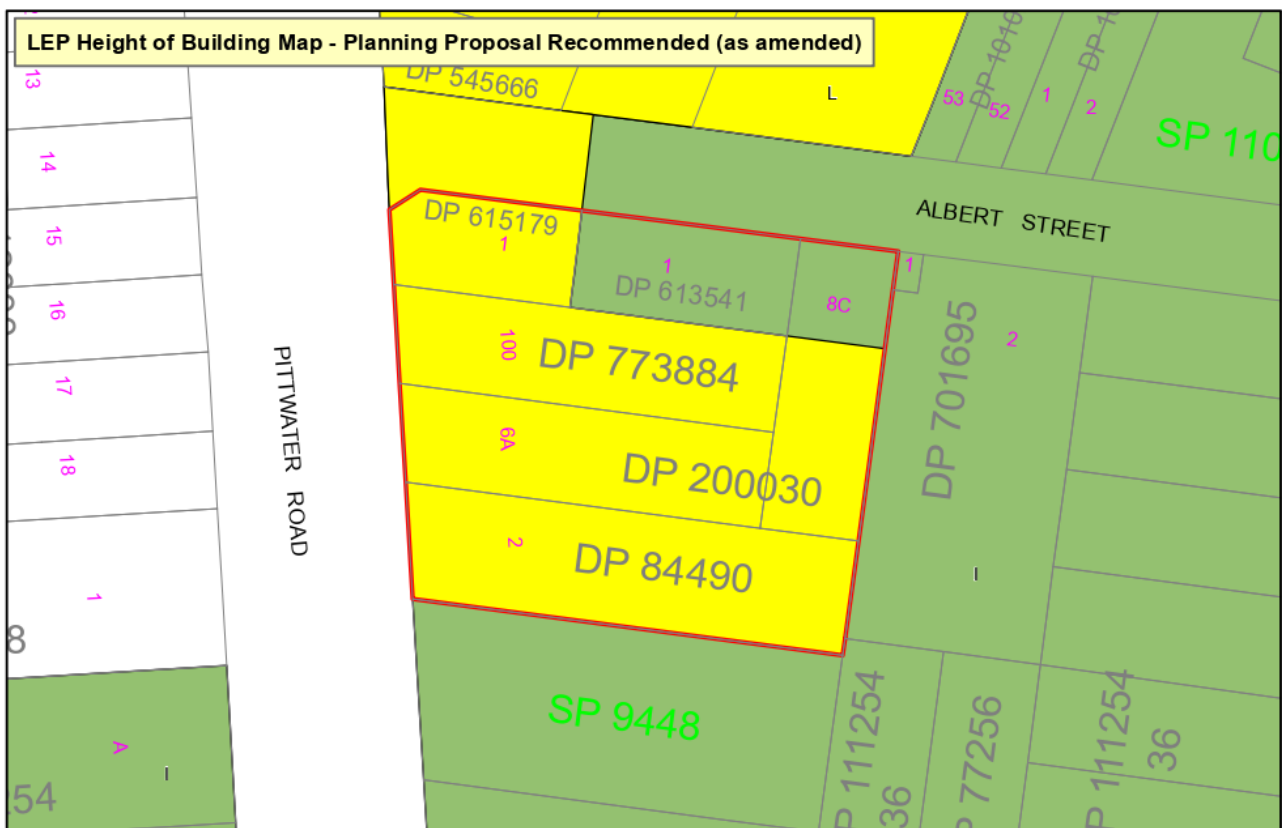
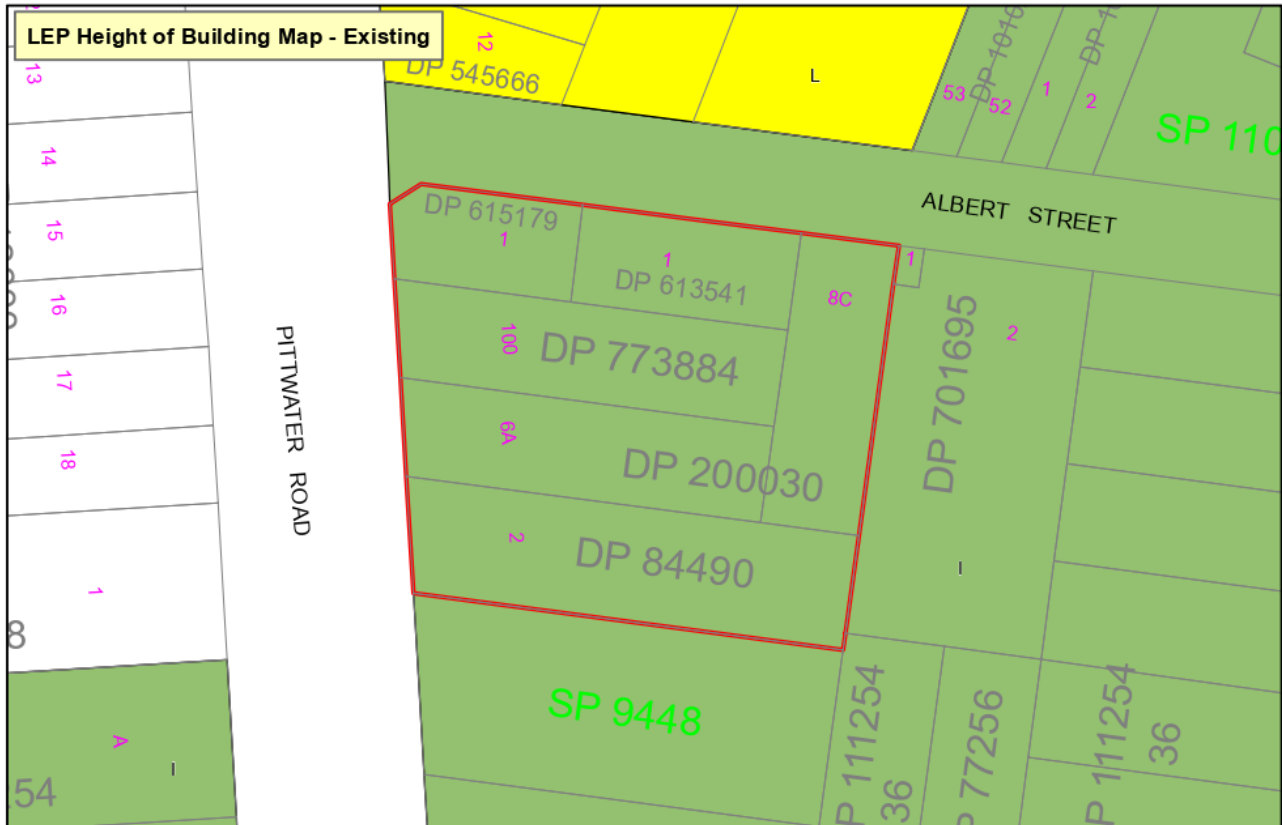
**PLANNING PROPOSAL**  
No's 1294-1300 Pittwater Road and No's 2-4 Albert Street, Narrabeen

**FIGURE 4E**  
Acid Sulfate Soils Map - Warringah LEP 2011

Prepared For - Highgate Management Pty Ltd









## Resident Submissions and Comments (TRIM 2019/167647)

Ref.	Key Word/ Summary	Submission Details	Comment
166721	Height; Out of Character	Building policies exist to limit the size of the developments, so why should the council permit a development to exceed the height restriction by 2.5m? Answer, it should not! The area is predominantly a residential area and with such a development would be out of character for the area.	See Report 'Assessment of Planning Proposal – Height of Building. The character of the area contains a mix of residential and non-residential building heights.
132266	Height, scale and amenity; Density; Precedence	This is an existing low scale residential neighbourhood. 8.5 is adequate for this area 11m is out of scale destroying the amenity of the existing neighbourhood, potential increase of density here is not warranted and is a dangerous precedent. I object to this proposal.	See Report 'Assessment of Planning Proposal – Height of Building. The proposed scale of development is generally consistent with the existing neighbourhood.
132248	Height	No to the height increase!	See Report 'Assessment of Planning Proposal – Height of Building.
132260	Height	I would be strongly against increasing height to 11metres. The 8.5 was put in place for a reason & therefore would be reluctant to change it. It could produce a flow in effect that is not needed in Narrabeen	See Report 'Assessment of Planning Proposal – Height of Building. The proposed site is a particular location adjoining the town centre.
157702 & 155845	Parking congestion; process; precedence	<p>Having just been informed of this proposal my first request is an extension of the exhibition time and a wider consultation with neighbours to a wider catchment area from the bridge to the Ocean St/Pittwater Rd junction and also on the northern side of Pittwater Rd from the bridge to Mactier St.</p> <p>I represent the 250 members of the Manly Warringah Kayak Club located behind the Narrabeen ambulance station and adjacent to the rear of the Tramshed facing the lake.</p> <p>We have been in operation since 1983 and 95% of our members reside within NBC and participate in MWKC and Surf Life Saving clubs locally.</p> <p>The main concern is with regard to parking.</p> <p>The recent upgrade of the Berry Reserve car park and re-purpose to park and ride plus the redevelopment of the playground, Tramshed, restaurant and lake pathway has increased the demand for parking in the Narrabeen precinct to the point beyond capacity. Each weekend and weekday sees the Berry Reserve Car Park within the Narrabeen shops precinct full to capacity. The allocation of the 43 slots to Park and Ride by Transport NSW are full Mon-Fri and usually mostly empty on weekends.</p> <p>This new development will exacerbate the on street and car park parking issues in the Berry Reserve Car Park, Pittwater Rd and adjacent streets including Ocean St. The car ownership in the NBC area is approx. 2.7 car per dwelling according to ABS data is the highest in Sydney.</p>	<p>Submitter notified of further opportunities to comment should the proposal be progressed.</p> <p>Broad issues of parking associated with the Narrabeen Town Centre and the operation of the Manly Warringah Kayak Club discussed generally with the submitter. The proposed provision of onsite parking to accommodate traffic generated by the proposed development was noted. Opportunities for housing in close proximity to services and facilities including public transport also noted and an opportunity to minimise traffic and parking demands</p>

		<p>This is due to poor transport options and a higher income profile.</p> <p>The development will not have a requirement for 2.7 cars per residence/commercial unit so there will be spill over to the Berry Reserve Car Park and the roadside car parking on Pittwater Rd and adjacent streets.</p> <p>Our usage of parking by members/NBC residents can be around 40-50 cars on a regular Saturday/Sunday morning as we conduct coaching, training squads, races every weekend of the year. Unloading and loading of craft and families, Monday to Friday club members join squad training and juniors coaching sessions morning and afternoon. The club boasts 15 Olympians since formed in 1983 plus we regularly compete at State/National and International events in Sprint, Marathon, Surf Life Saving, Ocean and Harbour racing etc.</p> <p>The new playground is extremely popular since completed with Mums and children attending 7 days a week. The basketball court and gym equipment has also been successful with high usage now. The Narrabeen walkway attracts walkers and cyclists and picnicking families at unprecedented levels. The new Tramshed Restaurant also attracts patrons 7 days and nights a week. Add to that the local shops and you can see there is much pressure on parking in the Narrabeen precinct.</p> <p>If the plan does not contain a realistic solution to parking then we don't support it. 250 members don't support it.</p> <p>Photos of the Berry Reserve Car Park over numerous recent days are available on request.</p> <p>Solutions could include onsite parking that greatly exceeds the LEP requirements. Upgrading of the Berry Reserve car park to a multi deck parking or inclusion of an underground open car park in any development on this site.</p> <p>Also there should be additional Section 94 funds required to address this issue so the NBC rate payers are not burdened with the costs.</p> <p>Further Submission: A viewing of the traffic and parking plan for this development shows only 86 parking spaces allocated for 60 units. Total parking is 138 spaces. This is insufficient. The demands for on-street parking in the Albert St, Ocean St and Pittwater Rd areas means there are no places for visitors and additional residential parking on these streets. This is exacerbated by the clearways on Pittwater Rd. We would contend the total parking would need to grow to 200 and the residential spaces to 160. The spill over of parking from the development is most likely to fall into the Berry Reserve Car Park which is already packed daily Mon-Fri and packed on weekends (except for the park and ride on weekends as people avoid the parking charges and the number of commuters drop). Also a nil allocation for the cafe is silly thinking. Even the staff need</p>	
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		somewhere to park.	
136648	Height; loss of character; precedence	The maximum building height is there for a reason, to preserve the character of the suburb. By going to the extra height, that translates to an extra floor on the proposed building structure. Narrabeen doesn't need tall buildings. It also sets a precedent and opens the door for future building height amendments. The limits for heights are there, abide by the rules.	See Report 'Assessment of Planning Proposal – Height of Building. The character of the area contains a mix of residential and non-residential building heights.
162129	Traffic and Parking	I oppose this development in its entirety. There is already too much traffic on Pittwater Road in the mornings and afternoons. Parking is an absolute nightmare across the road, it's always full	Onsite parking is to provide for traffic generated by the proposed development.
138124	Height; traffic impact	I'm concerned that the proposed heights of the buildings are too tall, not in keeping with the current low rise area and will have an environmental and social impact. Also that this will open up the option of more high rise in this area that are not sustainable. Impacts on traffic also needs to be considered.	See Report 'Assessment of Planning Proposal – Height of Building.
132251	Support	I am in support of this submission.	Noted
162129	Detailed design pending future DA stage, compliance with aspects of the Master Plan sought	<p>The owners note that the two RFBs proposed on the southernmost lot, designated as 'B' and 'C' on page 38 of the GMU Report, are at this stage proposed to have three levels of residential units with the fourth level being attic storage.</p> <p>The owners note further the efforts made by the proponent to set back the bulk of the RFBs 6.5m from the boundary between the southernmost lot and 1290-1292, and for the fourth level to be set back a further 3m so as to reduce overshadowing and the bulk and scale of the development.</p> <p>However, it is acknowledged that the fine details of the proposed RFBs will not be known until the DA stage in relation to these properties, and that the GMU Report shows an indicative masterplan only that may be subject to change.</p> <p>As such, this joint submission made on behalf of the five owners does not object to the proposal, noting that three-level RFBs would already be able to be approved on the lots the subject of the proposal with the current 8.5m height of building control. The owners will not experience any amenity impact through the adding of the proposed additional uses to the lots, particularly given that a number of owners are patients of Dr Bernard's medical centre on Albert St (or have family or friends who are) and do not oppose the expansion of that practice.</p> <p>The owners wish it known at this stage that the express statement not opposing the proposal contained in this submission above is made after careful consideration of the indicative masterplan in the GMU Report. The proponent is to be encouraged to adhere to this masterplan as closely as possible in subsequent development stages so as to allow for sufficient landscaping along the southern boundary of the lots and to ensure that the private open spaces for the units in RFBs 'B' and 'C' will have oblique viewing angles into the private open spaces of 1290-1292 minimised, if not</p>	<p>Certain site specific development guidelines and controls are proposed to accompany the Planning Proposal as detailed in the Report. These DCP controls will guide the preparation, assessment and determination of future development.</p> <p>In relation to the need for sufficient landscaping along the southern boundary of the lots and to ensure that the private open spaces for the units proposed DCP controls are to include deep soil planting to accommodate appropriate planting for screening purposes</p> <p>Similarly, concerns regard fourth level attic storage space being converted to a fourth level of residential units at the DA stage as also addressed in proposed DCP controls.</p> <p>Whilst environmental sustainable initiatives are supported and may be accommodated under the applicants indicative redevelopment plans, further consideration of detailed construction and operation measures are outside of the scope of this proposal.</p>

		<p>eliminated, through screening measures. Again, the owners concede that these submissions ought properly be made at the DA stage, but wish to have these concerns noted from the outset.</p> <p>The owners have considered the possibility of the fourth level attic storage space being converted to a fourth level of residential units at the DA stage, and trust that the proponent will adhere to the indicative masterplan in the GMU Report (specifically in the form detailed at pp. 36-38).</p> <p>The owners also encourage the proponent to consider progressing this development as a lighthouse of ecologically sustainable RFB construction and operation, with the adoption of construction measures detailed in such standards as 'Passivhaus' and the 'Living Building Challenge', and with emission offsetting measures such as solar panels on all roof areas and batteries provided to the commercial and residential properties as a minimum.</p> <p>Finally, the Owners Corporation as a whole asks to be engaged in this process as it progresses, as there are measures that could be taken immediately upon approval of the proposal (such as the commencement of planting along the southern boundary of the lots and the timing of the construction of the new boundary fence) that the Owners Corporation would like to coordinate directly with the proponent.</p> <p>The owners endorsing this submission thank Council for the opportunity to comment on this proposal.</p>	
132241	Height	<p>I have confidence that the council went through a lot of submissions/rezoning before deciding on a maximum development height of 8.5m. Apart from increasing the return to the developer this proposal to increase the height limits by almost 30% will lead to increasing demand for further higher buildings. If the council does not wish to stick with the height limits why set them and have a development plan?</p>	<p>See Report 'Assessment of Planning Proposal – Height of Building.</p>
136562	Traffic and Parking	<p>The proposal to add 2 Albert st and the construction outlined in it does include a traffic management plan. However, there are flaws in it that can be misleading. Pittwater Road does not allow parking south of Waterloo st heading towards Manly as stated. It is a clearway at all times for a large section that goes beyond the shopping strip. The North side only allows parking at the times specified. The commuter parking on that North side has restricted the amount of parking for local shoppers and the Woolworths carpark is already frequently congested. I disagree with the statement that the 60 planned residences will not have an impact on traffic in surrounding streets. Albert St is one way at the Pittwater Rd end which means traffic must flow onto Lagoon St. It is already very difficult to make a right hand turn there. Alternatively, traffic can go in the short street parallel to Pittwater Road but that leads on to Waterloo St. Traffic there is already backed up to beyond the first roundabout at times so it is logical that the apartments will add to that. The Traffic Management survey uses data from 2015. Since</p>	<p>Details of existing parking controls in streets including clearway provisions are noted. Similarly the one way restrictions and levels of congestion are noted.</p> <p>Should the proposal be progressed the Traffic Assessment as reported will be further discussed with the applicant in the light of this submission. In particular the need to update 2015 traffic data will be reviewed by Council's Traffic Engineer and any revised assessment will be reported in future public exhibitions that are committed should the project progress to that stage.</p>

		then many apartments have been built along Pittwater Rd, Narrabeen so I fear the data is not showing an accurate picture. For these reasons I am not in favour of the proposal.	
138131	Density, Parking congestion, Flooding Risk	As a nearby resident I am deeply concerned with the impact this increase in housing density would have on the area. Parking in this area is already very difficult and this proposed development does not adequately supply parking for the housing element let alone the commercial component. Given in the flooding risk I would be concerned if parking was below sea level. I strongly oppose the development proposed in its current form.	Onsite parking is to provide for traffic generated by the proposed development.
138137	Parking & Density	I disagree with this development proposal. Needs more parking and less units.	Onsite parking is to provide for traffic generated by the proposed development.
138124	Height impacts (amenity – solar access, privacy & view; Traffic congestion and safety	<p>I am concerned about the height of the proposed building. I am concerned about the proposed building creating/casting shadow over my unit which already faces south. The proposed height of the new units would also allow the people in the higher units access to look down into my courtyard therefore greatly restricting my privacy. I am also concerned about the amount of extra traffic which would enter and exit through Albert Street. The street is only 3 lanes wide and has cars parked on both sides of the street which allows for only one lane of moving traffic at any one time. During summer the area has a greater vehicle movement due to its vicinity to the beach. On a regular basis there are also Sydney buses which either park or idle for some time outside the seashells property in Albert Street in a no standing zone. This extra traffic and the Sydney buses would create so much extra traffic in Albert Street due to the fact there is no access to Pittwater Road. There are also many residents of Furlough House who use walking aides or wheelchairs. The greater amount of traffic coming from the proposed development would/could create a danger for the residents.</p> <p>I understand that this development will be going ahead, but I personally would like it to be possible one storey shorter in height particularly in Albert Street.</p>	<p>See Report 'Assessment of Planning Proposal – Height of Building.</p> <p>Onsite parking is to provide for traffic generated by the proposed development.</p>
165888	Height impacts (amenity – solar access, privacy & view; consistent policy)	<p>After careful review and consideration of the Planning Proposal, we support amending the WLEP 2011 amendment to make the following land uses permissible on part of the site: a "medical centre"; "commercial premises"; and "shop top housing". However, we oppose the proposed amendments to WLEP 2011 to change the maximum height standard that applies to the whole of the site from 8.5m to 11m. This change would considerably impact our unit and potentially devalue the financial value of the overall building complex. Our key reasons for opposing the increase in height for the site are:</p> <p>1. LOSS OF SOLAR ACCESS, OR SUNLIGHT, TO OUR LIVING SPACES Buildings to a height of 8.5m will block sunlight to the living spaces on the eastern and northern sides of our unit during periods of the day. Increasing the height to 11m would increase the length of time our apartment is in shade, as well as potentially reduce the direct</p>	<p>See Report 'Assessment of Planning Proposal – Height of Building.</p> <p>The impact of the proposal in relation to the potential shadows that may be cast to neighbouring properties is assessed to an appropriate level of detail in the applicant's submission including the provision of indicative shadow diagrams. While detailed assessment of amenity effects on adjoining residential cannot be fully determined until more detailed DA design is prepared a variety of measures are recommended in conjunction with the Planning Proposal to reduce the extent of the height</p>



		<p>sunlight to the living spaces on the north/west side of our unit.</p> <p>2. LOSS OF PRIVACY AS A RESULT OF SIGHT LINES OF THE BUILDINGS PENETRATING OUR PRIVATE SPACES. Buildings to a height of 11m potentially increases the total number of dwellings on the site, and this results in an increase in the number of sight lines which penetrate the living spaces on the eastern and northern and north/west side of our unit.</p> <p>3. LOSS OF VISTA OUTLOOK FROM OUR LIVING SPACES Buildings to a height of 11m will decreases our sites lines to vistas such as plantings and sky lines, which we currently enjoy.</p> <p>4.COMMUNITY SUPPORT FOR LOWER HEIGHT DEVELOPMENTS Our view on the ideal height of building developments is consistent with the current height policy for Narrabeen, that 8.5m is an appropriate height for buildings in our area.</p>	<p>as proposed and incorporate a range of site specific DCP controls to improve amenity, private open space and privacy.</p>
157696	Traffic and Parking; Height	<p>Albert Street Narrabeen is a traffic bottleneck. Any planning proposals would require significant thought regarding off street parking for guests, clients etc. of the proposed development of these sites, there should be no allowance given for street parking as there is NONE.</p> <p>Height increases would require setbacks to not impede sun, views and open space living already afforded to the adjoining and closely related properties. I do not want this unique lovely area turned into a duplication of Dee Why which can only be described as 'appalling over planning gone mad'.</p>	<p>See Report 'Assessment of Planning Proposal – Height of Building.</p>
162128	Negative impact and density and congestion	<p>This is a terrific idea. There are way too many people around as it is, all you're doing is clogging up the roads even more and just worried about money and not how you're affecting the community by just added more apartments everywhere.</p>	<p>The location of housing strategic located locations near services and transport is supported</p>
162132	Negative impact; Importance of roads and infrastructure	<p>This will have a negative impact on the community. I wish the council and governments would redevelop roads and infrastructure as quickly as they redevelop housing. We are choking!</p>	<p>Consideration is made for future infrastructure commensurate with the proposal.</p>
165882	Process	<p>I would like to question the proposal. I have just returned from overseas this morning and am not able to have my say at short notice especially given the time and resources that have gone into this proposal</p>	<p>Submitter advised that should Council resolve to proceed to Gateway with this proposal further opportunities will exist to comment of the proposal including a further public exhibition period</p>
166721	Traffic; Safety	<p>While I have no objection to the proposal itself I am very concerned about the traffic flow out onto Ocean St from Albert St. I have petitioned in the past to have speed bumps placed along Albert St to reduce the constant speeding along that street but to no avail. The extra traffic flow from the proposed development will only enhance the very real possibility of a fatality in the future. As you are aware Furlough House is on Albert St with constant pedestrian traffic of elderly people all day from that complex. One recommendation I would suggest is making the one way from Pittwater Rd</p>	



		into Albert St to a two way from Albert St to Pittwater Rd. This would reduce the traffic flow considerably. Also the entrance from Albert St onto Ocean St is extremely dangerous as a view to the right is severely restricted by Norfolk Island Pines. Extra traffic will only back up down Albert St due to the long delays from Ocean St traffic.	
166294	Traffic; Safety; Density; Height	<p>This is an objection to the above extreme development. I cannot believe you would allow so much traffic in what is virtually a one way street. Drivers will try to drive out of Albert Street to avoid going through traffic lights. There are many elderly people living in this Street. Furlough House has many people on electric scooters and walking frames who cross the road slowly.</p> <p>I have rung the Council before in relation to the many near misses I have witnessed of cars turning right from Albert Street into Ocean Avenue.</p> <p>The Council just could not possibly justify such a large development. It is way too high and too many units. Dee Why and the back of Warriewood are bad enough. We no longer go anywhere on Saturdays because the traffic is horrendous.</p> <p>I hope you will consider the consequences of such a large development and the resultant disruption in the area which will not stop when it is completed because of the dangerous traffic conditions.</p>	<p>Consideration is made for future infrastructure commensurate with the proposal. In particular, the potential traffic generation arising from any future development is to be provided on site under DA assessment. A reduction to the number of kerbside driveways may have the potential to minimise pedestrian / vehicular conflicts.</p> <p>Matter of concern in relation to existing issues of concern are to be further considered by Council's Traffic Team.</p>
165890	Tree protection; Construction, Safety ; Amenity	<p>We resident of Furlough House (signatures attached) have many concern about the above planning proposal.</p> <p>The heritage Ficus hillii has the typical large ficus root system and we see evidence of the huge roots in our gardens. We love this tree and would hate to see it compromised. However, the proximity of the proposed building must mean that many roots will be destroyed (roots of these trees can extend to more than 50m). The radiating roots provide mechanical support to the tree. If anchorage is poor then long term stability of the tree, especially during storm events, would be compromised. The 12m setback it would seem insufficient to keep the tree stable.</p> <p>At Furlough House sink holes often develop after rain, some of them large. The height water table must make the building of underground car parks difficult, as evidenced in other parts of the Northern Beaches.</p> <p>We take our lives in our hands driving out of Furlough House towards the park surrounding the Narrabeen Surf Club. Please note that the building in the western border of Furlough House receive most of their light and sky views from the west, and have no view of the park or coast.</p> <p>We are all pensioners at Furlough House, many Returns Service Personnel. We value our peace and our relaxed living and would find it extremely difficult to live next to a development site. Most of us have no resources to take time away if we become distressed with development noise or added noise from the increased resident</p>	<p>In relation to the existing Ficus hillii (Hills Fig) tree Council's Landscape Architect advises this tree '... provides significant landscape amenity for the site that provides visual and physical separation between the proposed development and existing neighbouring developments. The existing canopy spread of the tree appears to be predominantly contained within the 12m setback area in an EW direction. The NS open space area remains at approximately 18m. This area of 216sq.m is a large area providing sufficient soil volume to ensure the retention of the tree. Any tree root loss for basement excavation will be of a minor impact to the health of the tree. Typically, this species is well suited to loss of minor roots, subject to root cut treatment, and is a species that exhibits new root growth following such minor root loss. In summary, without detailed analysis through arboricultural investigations, the 12m setback is sufficient for the trees' retention, based on canopy spread.</p> <p>In relation to future redevelopment of the site the Planning Proposal does not</p>

		population.	impact on the need for appropriate basement construction techniques and best practice in site management during construction. Such matters will be address at any future DA stage.
148159	Future landuses; Traffic; Amenity; Construction	<p>My overall comments on the Planning Proposal (and support) and associated documents are based on the state criteria and the following qualifications:</p> <p>Residential uses will preclude short-term accommodation i.e. Airbnb or the like;</p> <p>The current commercial uses will continue to operate at the 1300 Pittwater Road site in conjunction with the medical facilities and may possibly be expanded in a small way to include other reasonable uses, such as a café;</p> <p>Future commercial uses to be considered are: Funeral services; Accountants/ financial advisers; Solicitors; Real estate agents/property services; Architects/ building consultants. More traditional lower ground floor facilities such as banks, Australia Post, travel agents and the like.</p> <p>Confirmation that non-residential occupations anticipated in the heritage property at 2 Albert Street will PRECLUDE uses such as cafes, restaurants, bars or other uses that generate noise and activity outside the traditional 8.00am – 6.00pm, Monday to Friday commercial times.</p> <p>Carpark access will be restricted to Albert Street and directly opposite Lagoon Streets western footpath. Access to the basement parking (roller door, boom gate etc.) will not generate noise that would affect adjacent residential properties.</p> <p>If Council grants approval for this Planning Proposal, future Development Applications submitted by the proponent, its agents or future owners are to be submitted in strict accordance with Planning Proposal as submitted and my qualifications listed above. Too often, owners/developers take Planning Approval as “the starting point” and seek amendments/increases with the following excuses being typical: “The market has changed and additional building height, apartment numbers, car spaces, commercial space or change of uses are required to make the development financially feasible” or “In order to provide Council and the community with a better urban/ architectural outcome, significant changes are necessary”.</p> <p>Future approvals for construction will include Council usual restrictions as to construction hours and significant bonds be in place ensuring construction start/completion dates to alleviate cleared or excavated sites sitting dormant. Based on the above, I support the Planning Proposal.</p>	<p>Issues in relation to short term accommodation are board policy issues for Council and cannot be adequately addressed in site specific re-zonings.</p> <p>The proposal does not distinguish certain commercial uses to the degree sought in this submission and future changes of use are not a matter for this application. E.g the trading hours for cafes will be subject to specific DA requirements.</p> <p>In relation to any future redevelopment of the site the Planning Proposal does not impact on the need for best practice on site management during construction. Such matters will be addressed at any future DA stage.</p>

<b>ITEM 5.2</b>	<b>PLANNING PROPOSAL - LOT 76 DP504237, LOT 77 DP 504237, LOT 2 DP710023, LOT 1 DP 1200869, LOT 1 DP 710023 AND LOT 1 DP 835123 - ALLAMBIE HEIGHTS/NORTH BALGOLWAH</b>
<b>REPORTING OFFICER</b>	<b>PRINCIPAL PLANNER</b>
<b>TRIM FILE REF</b>	<b>2019/225526</b>
<b>ATTACHMENTS</b>	<b>NIL</b>

## PURPOSE

To seek Council's approval to submit a Planning Proposal to the Department of Planning and Industry to rezone certain land within and adjoining the south-western corner of 'Manly Warringah War Memorial State Park' from R2 (Low Density Residential) to RE1 (Public Recreation) and SP2 (Infrastructure) under Warringah Local Environmental Plan 2011 (WLEP2011) and to omit residential development standards and controls that would no longer be relevant in the proposed new zones.

## EXECUTIVE SUMMARY

On 27 November 2018 Council resolved to prepare a planning proposal to amend WLEP2011 to rezone three (3) Crown Land lots and two (2) Sydney Water lots located within and adjoining the south-western corner of the Manly Warringah War Memorial State Park (State Park) – Allambie Heights from R2 (Low Density Residential) to RE1 (Public Recreation) to protect the environmental, recreational, aesthetic and cultural values of the subject land, the State Park and the water quality of Manly Dam.

In preparing the Planning Proposal Council Staff have identified recommended changes to Council's resolution as follows:

- That additional Crown land (Lot 1 DP 1200869) be similarly rezoned from R2 to RE1.
- That Sydney Water Lot 1 DP 835123 (water tower - reservoir) be rezoned from R2 (Low Density Residential) to SP2 (Infrastructure) rather than RE1 (Public Recreation) to support its current and ongoing public infrastructure use as a 'water supply system'.
- That residential development controls for height of buildings and minimum lot size be removed from all of the subject lots to reflect the abovementioned zoning changes.

Council's Biodiversity and Bushland Team and Heritage Advisor support the proposal as the rezoning will serve to protect the subject land and the State Parks ecological, scientific, recreational, scenic, aesthetic or cultural values.

The planning proposal is consistent with the objectives and actions of the Greater Sydney Regional Plan, North District Plan and the Many Warringah War Memorial Park Plan of Management, 2014 (POM).

Approval from Sydney Water and the Department of Planning and Industry is required to rezone the land for a public purpose i.e. RE1 (Public Recreation) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Roads Maritime Services (RMS) has earmarked Lot 1 DP 710023 (Bushland Site) and part of Sydney Water Lot 1 DP 835123 for possible acquisition as a temporary construction site for the Beaches Link Tunnel Project. The use of the site for this purpose could be undertaken under State Environmental Planning Policy – Infrastructure, whether or not the sites are rezoned RE1.

Although outside the scope of this Planning Proposal it is recommended that Lot 1 DP 710023 is ultimately acquired by the DI and incorporated into the State Park to support the Park's vision and enable more effective management of the "urban edge".

It is also recommended that the Warringah Development Control Plan 2011 be amended to reflect the proposed RE1 and SP2 zones by removing residential development controls, including setback and minimum landscaped area controls, from the subject land.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

- A. That Council submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend Warringah Local Environmental Plan 2011 to:
- a) Rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):
    - Lot 76 DP 504237 (Crown Land)
    - Lot 77 DP 504237 (Crown Land)
    - Lot 2 DP 710023 (Crown Land)
    - Lot 1 DP 1200869 (Crown Land)
    - Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site)
  - b) Rezone Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) from R2 (Low Density Residential) to SP2 (Infrastructure)- 'Water Supply System':
  - c) Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.
- B. That Council requests approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning and Industry via the Gateway Determination for this Manly Warringah War Memorial State Park Planning Proposal.
- C. That Council prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls, from land covered by the Manly Warringah War Memorial State Park Planning Proposal.
- D. That Council seeks approval from Sydney Water and the Department of Planning and Industry (Water, Property and Housing) to rezone land for a public purpose (RE1 (Public Recreation)) following a Gateway Determination being issued by the Department of Planning and Industry (Planning and Places).
- E. That Council writes to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park.

## BACKGROUND

This Planning Proposal was initiated by a resolution of Northern Beaches Council at its meeting on 27 November 2018, Item 12.5 - Notice of Motion No 65/2018 - *Rezoning of parcels of land, Manly Warringah War Memorial Park*, that:

A. Council prepare a Planning proposal to rezone the five lots owned by Sydney Water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:

a) Three Crown land lots:

- i. Lot 76 DP 504237
- ii. Lot 77 DP 504237
- iii. Lot 2 DP 710023

b) Two Sydney Water lots:

- i. Lot 1 DP 710023- bushland site (surplus land)
- ii. Lot 1 DP 835 123 - with water tower (reservoir)

The following changes are recommended to the Planning Proposal following investigations by Council staff:

- A small approximately 82sqm southern adjoining Crown Land lot (Lot 1 DP 1200869) is proposed to be included in the Planning Proposal and similarly rezoned from R2 to RE1. This land adjoins the Sydney Water lot and State Park and is located within the Manly Dam and Surrounds Heritage Conservation Area.
- Sydney Water Lot 1 DP 835123 is alternatively proposed to be rezoned from R2 to SP2 (Infrastructure) to reflect its current and ongoing operational use as 'water supply system'.
- Residential development standards for height and minimum lot size are proposed to be removed from the Height of Building Map and Minimum Lot Size Map of WLEP2011 for all of the subject lots, to reflect the abovementioned zoning changes.

Figure 1 (below) shows the location of the four (4) Crown Land lots and two (2) Sydney Water lots that are the subject of this Planning Proposal.



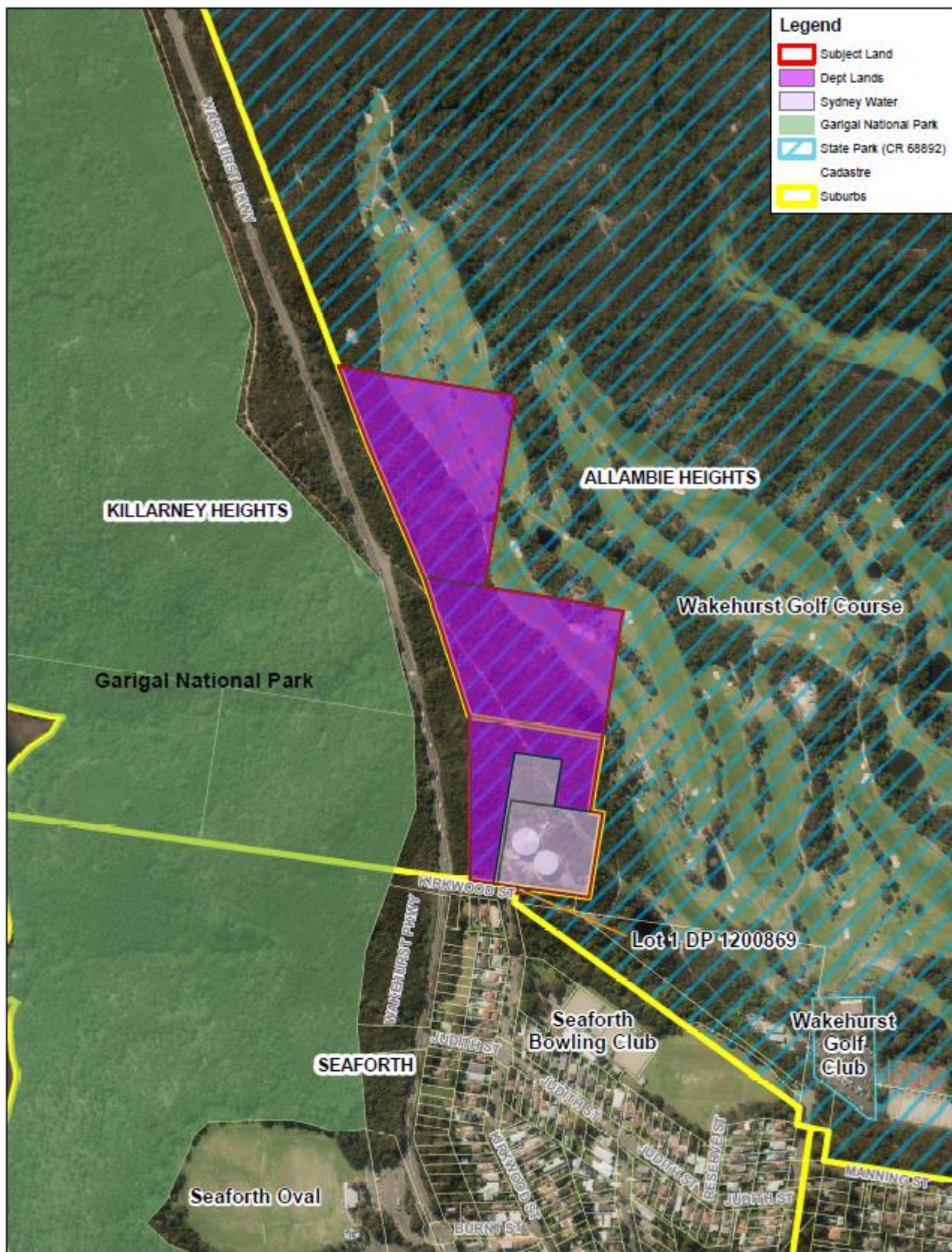


Figure 1: Location Map

## CONTEXT

The six (6) lots are located in within or surrounding the south-west boundary of the Manly Warringah War Memorial State Park (State Park) and are generally surrounded by the Wakehurst Parkway and Garigal National Park to the west, the State Park including the Wakehurst Golf Club and Manly Dam to the north and east and the Seaforth Bowling Club and low density residential development to the South.

All of the six (6) lots are currently zoned R2 Low Density Residential under WLEP2011. The proposed rezoning of the land to RE1 and SP2 is generally consistent with the former Warringah Local Environmental Plan 19852005 (WLEP1985) zoning of the subject land as County Open Space and Special Uses and would correct what is considered an anomaly in WLEP2011 (as detailed further in the Planning Proposal).

The three (3) northern Crown Land Lots are also located within the State Park and all four (4) Crown Land lots are located within the Manly Dam and Surrounds Heritage Conservation Area.

The six (6) lots:

- Contain or are likely to contain important core habitat for local native species including many threatened species and their habitat.
- Contain bushland that protects the water quality of the Manly Dam Catchment and contributes to the environmental, cultural and aesthetic values of the State Park.
- Function as an important wildlife corridor, connecting Manly Dam to Garigal National Park and as one of only two north-south links within the Manly Dam Reserve.
- Are identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.
- Are Bush Fire Prone Land and identified on the Land Slip Risk Map (Area A) under WLEP2011.

The three (3) northern Crown Land lots:

- Have a total area of approximately 8.67ha.
- Are located within the State Park and the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011.
- Are managed by the Manly Warringah War Memorial Park Plan of Management, 2014 (POM).
- Are important for their recreational values, forming part of the Manly Dam Mountain Bike Track loop and the Wakehurst Golf Course.
- Contain potentially contaminated landfill under the eastern flat areas of the Wakehurst Golf Course.

The two (2) southern Sydney Water lots (Lot 1 DP 710023 and Lot 1 DP 835123):

- Have a total area of approximately 4132sqm and 12347.6sqm respectively.
- Are surrounded by the State Park; Manly Dam and Surrounds Heritage Conservation Area; and the POM.
- Are identified as a potential temporary construction site (Option 2) for the Beaches Link Tunnel Project.
- Lot 1 DP 835123 (Water Tower - Reservoir):

- Contains Bantry Bay Reservoir and Bantry Bay Pumping Station that are listed as locally significant heritage items under WLEP2011.
- Provides public infrastructure – 'Water Supply System' as defined under LEP2011.

The small southern Crown Land lot (Lot 1 DP 1200869):

- Has a total area of approximately 82sqm.
- Is bounded by heritage listed Sydney Water Tower to the north, State Park to the east and west and Kirkwood Road to the west.
- Is located within the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011.

Figures 2, 3 and 4 (below) shows the current and proposed land use zones, height of building and lot size controls under WLEP2011 respectively.



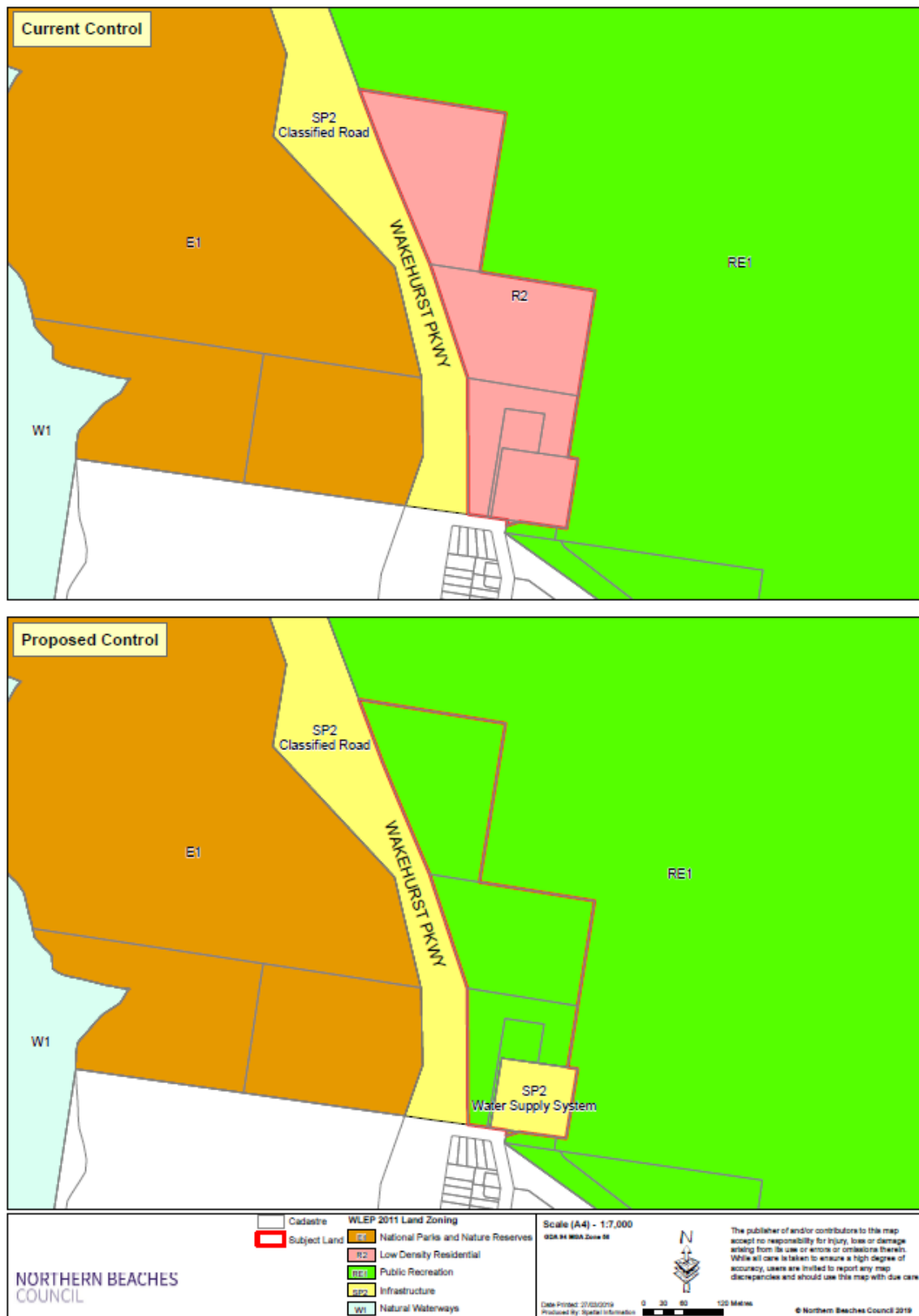


Figure 2: Current and Proposed Land Zoning Map under WLEP2011



Figure 3: Current and Proposed Height of Building Map under WLEP2011



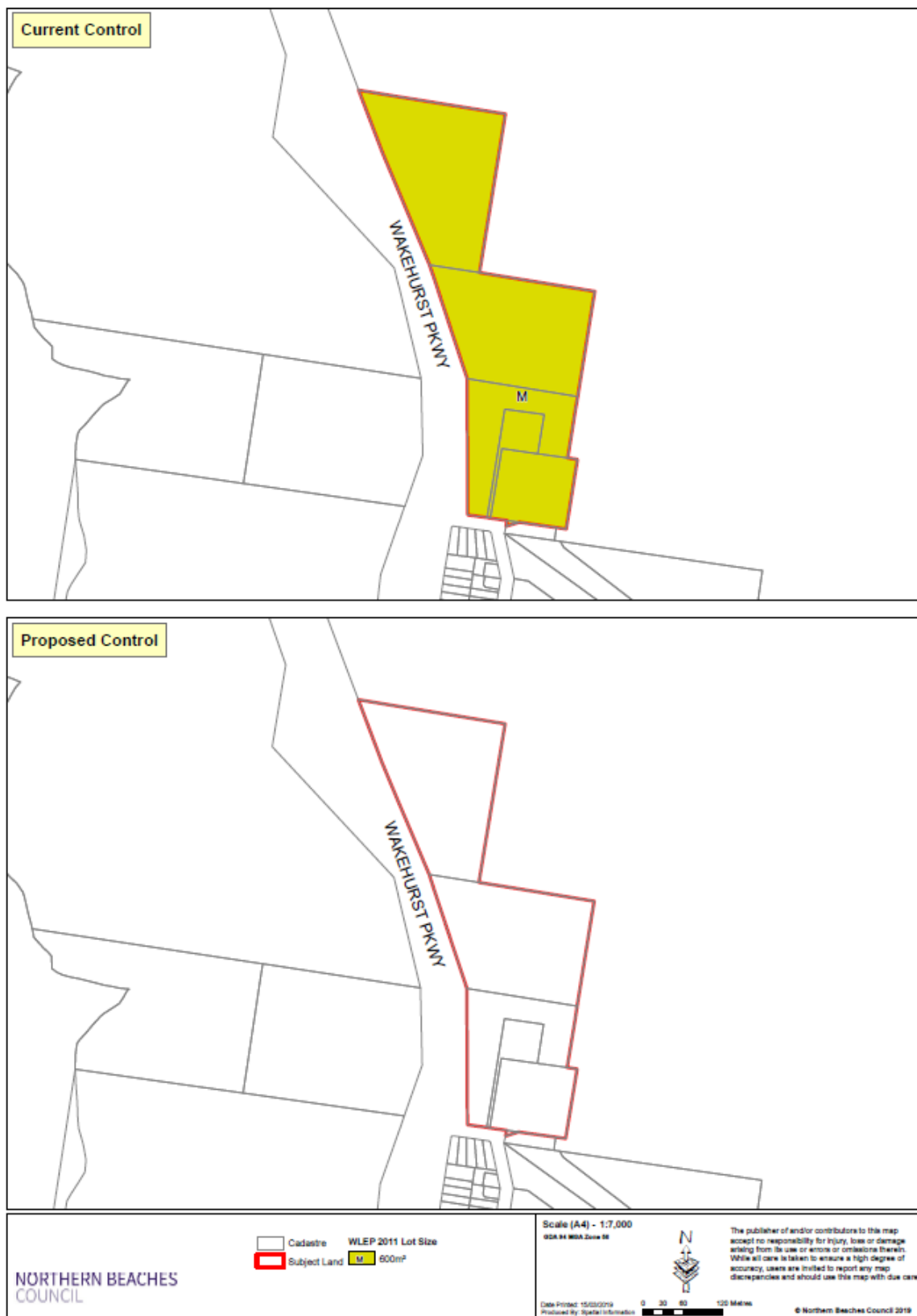


Figure 4: Current and Proposed Minimum Lot Size Map under WLEP2011

## PLANNING PROPOSAL

The Planning Proposal (Attachment 1) has been drafted in accordance with the Department's Planning Proposals: A guide to preparing planning proposals (2016).

### Part 1 Intended Outcomes

The intended outcomes for the Planning Proposal is to provide for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the State Park and the water quality of Manly Dam and to support the current ongoing public infrastructure use of Sydney Water Lot 1 DP 835 123 as a 'Water Supply System'.

### Part 2 Explanation of Provisions

Council's Planning Proposal seeks to amend WLEP2011 by updating the Land Zoning Map to rezone five (5) of the six (6) lots from R2 (Low Density Residential) to RE1 (Public Recreation) and to rezone the sixth lot being Sydney Water Lot 1 DP 835123 (water tower - reservoir) from R2 (low density residential) to SP2 (Infrastructure). It is also proposed that certain residential development standards for height of building and minimum lot size for subdivision are removed for the subject lots given residential development will no longer be permitted on the land.

### Part 3 Justification

This section justifies the need for the Planning Proposal and outlines why it is the best means of achieving the intended outcomes for the subject land.

The Planning Proposal has been assessed as being consistent with and supported by applicable Regional, Subregional and Local Plans/Strategies/databases including the:

- Greater Sydney Regional Plan
- North District Plan
- Manly Warringah War Memorial State Park, 2017 (State Park)
- Manly Warringah War Memorial Park Plan of Management, 2014 (POM)
- Northern Beaches Community Strategic Plan 2017-2028 'SHAPE 2028'
- Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone Land Map 2018
- Warringah Local Environmental Plan 2011 (WLEP2011)
- Objectives and permitted/prohibited land uses of the proposed RE1 and SP2 Zones
- Land Slip, Minimum Lot Size, Height of Buildings requirements
- Manly Dam and Surrounds Heritage Conservation Area and two heritage items: Item 1147 Bantry Bay Reservoir (WS 0008) and Item 1148 Bantry Bay Water Pumping Station (WPS 122), are located on the subject land as listed in Schedule 5 of WLEP2011

Although the Sydney Water lots are identified as a potential temporary construction site for the Beaches Link Tunnel Project, preliminary feedback from Roads Maritime Services (RMS) is that the proposed RE1 and SP2 zones are unlikely to impact this project.

The Planning Proposal was also assessed against its consistency with applicable State Environmental Planning Policies (SEPPs) and Ministerial Directions. Inconsistency with SEPP 55

(Remediation of Land) and Ministerial Directions 3.1 (Residential Zones) and 6.2 (Reserving Land for Public Purposes) were considered as follows:

**SEPP 55 (Remediation of Land)**

Refer to the discussion under the *Potentially Contaminated Land* heading below.

**Ministerial Direction 3.1 Residential Zones**

The objectives of this direction are to:

- a) *encourage a variety of choice of housing types to provide for existing and future housing needs,*
- b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- c) *To minimise the impact of residential development on the environment and resource lands.*

Specifically, the Direction states that a Planning Proposal should not contain provisions which will reduce the permissible residential density of land. The Planning Proposal may be inconsistent with the terms of this direction if Council can satisfy the Secretary of the Department of Planning and Industry (DPI) that the provisions of the Planning Proposal that are inconsistent are of minor significance.

The provisions of the Planning Proposal to rezone the land from a residential zone to zones that do not support residential development are considered of minor significance based on the size of the land involved, and given that the subject land is unlikely ever be developed for residential purposes in the future given environmental constraints.

**Ministerial Direction 6.2 - Reserving Land for Public Purposes**

This direction requires that approval is granted from the Department of Planning and Industry (Water, Property and Housing) and (Planning and Places) to reserve the land for a public purpose via the proposed RE1 (Public Recreation) zone. Compliance with this Ministerial Direction will be sought via the Gateway Determination – Statutory Consultation process.

**CONSULTATION**

Public exhibition of the Planning Proposal will take place following receipt of a Gateway Determination from DPI to proceed with the Planning Proposal. The Gateway Determination will prescribe the minimum requirements for consultation including the exhibition period and government agency consultation requirements. Council would usually undertake consultation as follows:

- A public notice in the Manly Daily notifying of the public exhibition at the commencement and midway through the exhibition
- Notification in writing to affected and adjoining landowners
- Notification of key stakeholders, including but not limited to the 'State Park Advisory Committee' and the local environmental conservation group 'Save Manly Dam Catchment Committee'
- Electronic copies of the exhibition material on Council's website
- An email to registered community members who have listed their interest on Council's Community Engagement Register

The following State Government Agencies are identified as requiring consultation following a Gateway Determination to proceed with the Planning Proposal:

***The Department of Planning and Industry – Water, Property and Housing (WPH)***

WPH is the landowner of the four (4) Crown Land lots that are proposed to be rezoned from R2 to RE1. Preliminary feedback was sought from WPH however no response had been received at the time of writing of this report.

***Sydney Water***

Sydney Water is the landowner of Lot 1 DP 835123 (Water Tower- Reservoir) and Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site) which are proposed to be rezoned from R2 to SP2 and RE1 respectively.

Preliminary feedback from Sydney Water indicates support for the proposed SP2 zoning of Lot 1 DP 835123 (Water Tower -Reservoir).

Sydney Water does not object to the proposed RE1 zoning of Lot 1 DP 710023 (Bushland Site), however they consider the site should be acquired by Council at market value based on the proposed RE1 zoning. This is not Council's intention and Council does not propose to create an acquisition clause in the Planning Proposal.

Sydney Water also note that Roads Maritime Services (RMS) has earmarked this lot and part of Sydney Water Lot 1 DP 835123 for possible acquisition as a temporary construction site for the Beaches Link Tunnel Project (refer to RMS comments below).

Sydney Water's approval is required to rezone Lot 1 DP 710023 to a public purpose i.e. RE1 (Public Recreation) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Although outside the scope of this Planning Proposal it is recommended that Lot 1 DP 710023 is ultimately acquired by the Crown and incorporated into the State Park to support the Parks vision and enable more effective management of the "urban edge". *Note: Under the Crown Lands Act 1989, land must be owned by the Crown to be included in a State Park.*

***Roads and Maritime Services (RMS)***

The Beaches Link Tunnel Project identifies Sydney Water Lot 1 DP 710023 (bushland site) and part of Sydney Water Lot 1 DP 835123 (water tower- reservoir) as a potential temporary construction site during the construction of the tunnel (refer to Section B of the Planning Proposal for more detail).

RMS has given preliminary feedback that the proposed RE1 and SP2 zones would not have any adverse implications for the Beaches Link Tunnel Project as these works could be undertaken via State Environmental Planning Policy – Infrastructure (SEPP Infrastructure).

***Aboriginal Heritage Office***

The Aboriginal Heritage Office requires consultation as the subject land has been identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.

**TIMING**

It is anticipated that the Planning Proposal will be completed in 6 - 12 months from the date of Council's approval to proceed. Following the issue of a Gateway determination, Council will be

required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following that exhibition.

### LINK TO COUNCIL STRATEGY

The intended outcome of the Planning Proposal is to protect the environmental, recreational, aesthetic and cultural values of the subject land and State Park and the water quality of Manly Dam. This will be facilitated via proposed amendments to WLEP2011 and WDCP2011. The Planning Proposal aligns with the following goals of the Northern Beaches Community Strategic Plan 2018-2028:

*Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations*

*Goal 2: Our environment and community are resilient to natural hazards and climate change*

*Goal 3: Our community is well-supported in protecting the environment*

*Goal 9: Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities*

### FINANCIAL CONSIDERATIONS

The Planning Proposal process will be undertaken within the existing Strategic and Place Planning budget.

### SOCIAL CONSIDERATIONS

The subject land is valued socially for:

- Public recreation such as bushwalking, mountain bike riding and golf
- Bushland environment - aesthetic/ scenic beauty
- A place of Remembrance - Manly Warringah War Memorial
- Manly Dam Water Catchment
- Ecological Value - providing potential and known habitat for hundreds of local native species
- Scientific Value - providing potential habitat for state and Commonwealth listed threatened species
- European Heritage Significance (containing two heritage items and partially covered by the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011)
- Aboriginal Heritage Significance - with the land identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site



- The Bantry Bay Reservoir and Bantry Bay Pumping Station that are listed as locally significant heritage items under WLEP2011
- Opportunities for educational activities and community engagement programs
- Public infrastructure with regard to the Sydney Water Tower/Reservoir

The proposed RE1 and SP2 zoning of the subject land will provide for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the State Park and the water quality of Manly Dam. The proposed SP2 zone will also support the current ongoing public infrastructure use of Sydney Water Lot 1 DP 835 123 as a 'Water Supply System'.

Consultation with the NSW Aboriginal Heritage Office is required following a Gateway Determination to ensure any potential impacts on Aboriginal Heritage are adequately addressed.

## ENVIRONMENTAL CONSIDERATIONS

Council's Bushland & Biodiversity team has assisted in the preparation of the Planning Proposal and confirms that the likely environmental effects of the planning proposal will be to better protect manage and restore the public lands ecological, scientific, cultural or aesthetic values. The Planning Proposal supports the following environmental considerations:

### ***Biodiversity Impacts***

The Planning proposal references several local and state ecological studies and mapping databases which provide evidence that the subject lots contain important core habitat for local native species including many threatened species and their habitat. The land is also likely to function as an important wildlife corridor, connecting Manly Dam to Garigal National Park.

The subject lots have the following biodiversity values:

- Mapped as "Priority Habitats" (coloured green) within the Connected Corridors for Biodiversity project by Southern Sydney Regional Organisation of Councils in December 2016
- The subject lots are part of the "Middle Harbour Valley" habitat area which is mapped as the highest fauna habitat ranking. Middle Harbour Valley is only one of 13 fauna habitat areas mapped as the highest ranking within the Sydney Metropolitan Area
- Mapped as having "Biodiversity Value" under the Biodiversity Conservation Act 2016 due to "threatened species or communities with potential for serious and irreversible impacts"
- Connectivity values between Manly Dam Reserve and Garigal National Park
- The subject lots all contain intact native bush, all mapped as native plant community types;
- At least four (4) threatened species have already been recorded within Lot 1 DP 835123, and
- The immediate locality is known to contain at least thirty (30) threatened flora and fauna species

The proposed RE1 and SP2 zones will introduce new zone objectives and land use permissibility that will better protect the local flora and fauna and their habitats compared to the current R2 zone. No adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats are likely as a result of the proposal.

### ***Scenic Protection***

The State Park is highly valued for the scenic beauty of its natural bushland environment. The proposed RE1 and SP2 zones would preclude future residential development on the subject land which would intrude into the Park's visual catchment, and/or skyline, detracting from the Parks natural aesthetic appeal.

### ***Water Quality of Manly Dam***

The subject land drains into Manly Dam which is valued by the community for its high water quality and recreational uses. The proposed RE1 and SP2 zones would minimise potential residential development impacts such as fertiliser use and uncontrolled or polluted stormwater runoff from impacting the water quality of Manly Dam.

## **GOVERNANCE AND RISK CONSIDERATIONS**

The following Governance and Risks considerations have been identified with regard to the Planning Proposal:

### ***Delegation of Plan Making Authority***

It is recommended that Council requests delegation to exercise the function of local plan making authority for the Planning Proposal when submitting the proposal to OPE for a Gateway Determination given it is considered of local significance.

### ***Proposed Zones***

Rezoning of the subject lands in public ownership from a residential zone to public recreation and infrastructure zones will reflect the current and ongoing use of the land and reduce potential risks to Council in terms of its regulatory obligations for the management of land use zones consistent with the values associated with the land under the Local Government Act 1993 and Environmental Planning and Assessment Act 1979.

### ***Warringah Development Control Plan 2011 (WDCP2011)***

In support of the proposed RE1 and SP2 zones it is recommended that Council prepare and exhibit consequential amendments to WDCP2011 to remove residential development controls, including setback and minimum landscaped area controls, from the subject land.

### ***The State Park and associated Plan of Management (POM) - Boundary Amendments and Land Ownership***

The Manly-Warringah War Memorial State Park was established on 7 April 2017 and is under the care, control and management of the Manly Warringah War Memorial Park (R68892) Reserve Trust. Northern Beaches Council manages the affairs of the Trust and carries out the day-to-day management of the Park on behalf of the Trust under the provisions of the *Crown Lands Act 1989*.

As the POM was finalised before the formation of the State Park in 2017, the land managed by the POM differs slightly from the State Park boundaries. Although outside the scope of this Planning Proposal, the POM requires updating so that Council can properly manage all of the land within the State Park.

In order for land to be included in a State Park it must be owned by the Crown under the *Crown Lands Act 1989*. Although outside the scope of this Planning Proposal, it is recommended that ownership of Sydney Water Lot 1 DP 710023 (surplus bushland site) be transferred to the Crown

(Department of Planning and Industry) and that this lot and the small southern Crown Land lot (Lot 1 DP 1200869) proposed to be rezoned RE1 (Public Recreation) be consolidated into the State Park to support the Park's vision and enable more effective management of the "urban edge".

### ***State Government Approvals***

Thea approval of Sydney Water, the Department of Planning and Industry (Planning and Places) and (Water, Property and Housing) is required to rezone the land for a public purpose (i.e. proposed RE1 (Public Recreation)) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000. This requirement represents a potential risk to the progression of this Planning Proposal.

### ***Landslip Risk***

WLEP2011 identifies the subject land as 'Area A- Slopes less than 5 degrees' and 'Area B - Flanking Slopes from 5 to 25 degrees' in terms of landslip risk. Consideration is required to be given to risk associated with landslides and their impact on both property and life when assessing development applications. Furthermore, such development must not cause significant detrimental impacts because of stormwater discharge from the development site or impact on or affect the existing subsurface flow conditions.

The Planning Proposal is consistent with the existing provisions as applicable to the land to be rezoned.

### ***Potentially Contaminated Land***

The two northern Crown Land lots in-part (the flat part of the lots under the Wakehurst Golf Course) contain 'demolition' and 'excavation' landfill materials and possibly other types of landfill material that may be contaminated as detailed in the Planning Proposal.

It is considered that the land is suitable in its current state for its current and ongoing use as a golf course which forms part of the State Park. The proposed RE1 zone would support the continued use of the land as a golf course.

As detailed in the Planning Proposal, to satisfy the requirements of SEPP 55 (Remediation) it is recommended that detailed site investigation and contamination testing should be conducted in conjunction with any future development application for a use of the land that is different to the current golf course use. In this regard, a trigger is proposed to be included on Council's Spatial Information System to alert Council Officers to potential land contamination on the subject properties and the requirements of SEPP 55 (Remediation).

### ***Bush Fire Prone Land***

The land is Bush Fire Prone Land in close proximity to Garigal National Park and dense bushland of the State Park. The proposed rezoning from R2 to RE 1 and SP2 would serve to protect life and property from potential bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone area. It would also protect native flora and fauna from land clearing pressure to create bush fire asset protection zones along the Park's boundaries.