NORTHERN BEACHES
COUNCIL

# ATTACHMENT BOOKLET 9

## ORDINARY COUNCIL MEETING

## TUESDAY 27 JUNE 2017

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**Attachment 1 - Referral Comments Received From State Agencies**

| PUBLIC AGENCY | COMMENTS | RESPONSE |
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| Office of Environment & Heritage | I refer to correspondence to the Office of Environment and Heritage (OEH) dated 18th April 2017 regarding the above planning proposal. The draft planning proposal seeks to permit a new four storey building comprising eight residential units, two commercial units and basement car parking. The following comments are provided on Aboriginal cultural heritage and biodiversity matters.<br><br>The Planning Report notes there are possible Aboriginal heritage issues although the site is not within an area identified as being of Aboriginal Archaeological Significance. It notes the discovery of an Aboriginal skeleton in Ocean Street in 2005 and the need to address Aboriginal archaeological significance as a "watching brief" during the works on site. Also, there is reference to possible middens on the site and the potential for Aboriginal archaeological material to be impacted as a result of the proposed works.<br><br>OEH advises that the assessment and recommendations presented in the report do not conform to the requirements of the National Parks and Wildlife Act 1974 (NPW Act) which protects Aboriginal heritage in NSW and is administered by OEH.<br><br>Should the proposal proceed to gateway stage, OEH recommends an assessment be undertaken by a qualified archaeologist with experience in Aboriginal archaeology to assess the likelihood of Aboriginal objects, including skeletal remains and midden material, being present and advise on how the planning proposal will address the potential presence of objects and how impacts will be avoided and minimised by the future development of the site.<br><br>If it is assessed that there is potential for Aboriginal objects to be harmed by the proposed works, works must not proceed without an Aboriginal Heritage Impact Permit (AHIP) issued by the OEH. Please note that it is an offence under Section 86 of the NPW Act to harm an Aboriginal object. Information on AHIPS and the | Agreed. Should the planning proposal progress, an aboriginal heritage assessment, in accordance with OEH's requirements, should be required as part of the Gateway process.<br><br>A threatened species assessment, in accordance with OEH's requirements, should also be required as part of a potential future Gateway process. |

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| | assessment of Aboriginal heritage is available on OEHs website: http://www.environment.nsw.gov.au/licences/investassessreport.htm<br><br>OEH also notes the planned removal of several Norfolk Island Pines. Consideration should be given to the possible significance of the trees for native species including the Osprey and White-bellied Sea Eagle. Records for these two threatened birds exist nearby and the trees may provide habitat. Adequate assessment should be undertaken for any relevant threatened species. | |
| Environment Protection Authority | The Environment Protection Authority (EPA) provides the following general guidance to assist Council in relation to the above planning proposal.<br><br>On the basis of a review of the information provided, the EPA makes the following observations :<br>• The planning proposal indicates an upper layer of sandy fill exists on the site.<br>• The site has a history of use as a motor garage.<br>• The planning proposal appears to state *"The site is not believed to be contaminated due to its historic residential/commercial uses. The proposed works will involve the excavation of the subject site to provide below ground car parking which will remove any potentially contaminated soil however this is unlikely".*<br><br>Council should ensure land is not allowed to be put to a use that is inappropriate because of the presence of contamination. The investigation of land contamination is an important consideration that should be delivered through the land use change process as identified under State Environmental Planning Policy (SEPP) 55.<br><br>SEPP 55 states that as part of any land use change process the following key considerations should be addressed:<br>• Whether the land is contaminated.<br>• If the land is contaminated whether it is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes to which the land will be used. | Agreed. Should the planning proposal progress, further contamination investigations, in accordance with EPA's requirements, should be required as part of the Gateway process. |

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| | • If the land requires remediation; will be made suitable for any purpose for which the land will be used.<br><br>In cases where land is potentially contaminated, the investigation and any remediation and validation work should be carried out in accordance with the guidelines made or approved by the EPA under Section 105 of the Contaminated Land Management Act 1997 and be in accordance with the requirements and procedures in the following:<br>• Contaminated Land Management Act 1997<br>• Contaminated Land Management Regulation 2013<br>• State Environmental Planning Policy 55 - Remediation of Land.<br><br>Council can also consider the involvement of an EPA-accredited Site Auditor during the contamination management process. This includes the provision of a Site Audit Statement certifying that the land is suitable for the proposed use(s).<br><br>Any waste generated during demolition and construction needs to be classified in accordance with the EPA's Waste Classification Guidelines and managed in accordance with that classification. Any fill that is being transported from a development can only be transported to sites that are lawfully able to receive such material. | |
| Rural Fire Service | The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal for a new four storey building comprising eight residential units, two commercial units and basement car parking with regard to Section 4.4 of the directions issued in accordance with Section 117(2) of the Environmental Planning and Assessment Act 1979.<br>The direction provides that a planning proposal must:<br>*(a)* have regard to Planning for Bushfire Protection 2006,<br>*(b)* introduce controls that avoid placing inappropriate developments in hazardous areas, and<br>*(c)* ensure that bushfire hazard reduction is not prohibited within the APZ.<br>Based upon an assessment of the information provided, NSW RFS | Agreed. Should the planning proposal progress, compliance with the bushfire conditions will need to be adhered to and Council will need to enter into an agreement to landscape and manage this area in perpetuity. |

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| | raises no objections to the proposal subject to the requirement that the proposed development complies with Planning for Bush Fire Protection 2006. This includes, but is not limited to:<br><br>• Provision of Asset Protection Zones (APZs) within the proposed lots in accordance with Table A2.4;<br>• Services to be provided in accordance with section 4.1.3.<br><br>With regard to these requirements, the following comments are made in relation to the submitted plans:<br>• The bush fire consultant has identified a need for an external asset protection zone over the adjoining Council reserve to the east of the site. The Council should confirm agreement with the proposal to landscape and manage this area in perpetuity.<br>The FRS has no objection if the 4 Norfolk Island Pines are retained as they do not constitute a bush fire hazard. | |
| Sydney Water Corporation | Thank you for notifying Sydney Water of the proposed development listed above. We have reviewed the proposal and can provide the following comments for your consideration.<br><br>Due to the proximity of the proposed development to Sydney Water assets, we recommend that Council imposing the following conditions of consent:<br><br>**Building Plan Approval**<br>The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.<br>*The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.*<br><br>The Tap in™ service provides 24/7 access to a range of services, including:<br>• building plan approvals<br>• connection and disconnection approvals | Noted. However, the conditions required by Sydney Water to protect their assets, can only be imposed as part of a development consent. The application before Council in not for the construction of a development. |

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| | • diagrams<br>• trade waste approvals<br>• pressure information<br>• water meter installations<br>• pressure boosting and pump approvals<br>• changes to an existing service or asset, e.g. relocating or moving an asset.<br>Sydney Water's Tap in™ online service is available at:<br><br>https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm<br><br>**Section 73 Certificate**<br><br>A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.<br><br>It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.<br><br>Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92. | |
| Roads & Maritime Services | Roads and Maritime has reviewed the submitted documentation and it is noted that the draft Planning Proposal seeks to permit a new four storey building comprising eight residential units, two commercial units and basement car parking, by amending the Pittwater Local Environmental Plan 2014 to:<br><br>• rezone the subject lots from R2 Low Density Residential to B1 Neighbourhood Centre and;<br><br>• increase the maximum permitted building height from 8.5m to 13m. | Noted. No objection as the potential traffic impacts to the surrounding local and arterial road network is considered minimal and would not require provision of transport infrastructure upgrades to support the proposed development. |

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| | Roads and Maritime raises no objection to the draft plan as the potential traffic impacts to the surrounding local and arterial road network is considered minimal and would not require provision of transport infrastructure upgrades to support the proposed development. | |
| State Emergency Service | The site that is subject of the planning proposal appears to be out of the probable maximum flood extent and accordingly the NSW SES does not have an objection to the proposal unless there are flood constraints on the roads leading to and from the site.<br><br>If the proposal proceeds to the gateway determination, if not already addressed, there should be consideration of whether the roads surrounding or leading to the site may be inundated or impacted during a flood, to ensure the safety of the future occupants during a flood. | Noted. Should the Planning Proposal progress, a consideration of whether the roads surrounding or leading to the site may be inundated or impacted during a flood, to ensure the safety of the future occupants during a flood will be undertaken. |

**Attachment 2 - Internal Referral Comments**

| BUSINESS UNIT | COMMENTS | RESPONSE |
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| Landscape Architecture | **1.0 Landscape Assessment within 1 and 3 Narrabeen Park Parade Narrabeen**<br><br>*Ground Level*<br>The proposed landscape treatment is contained to the northern boundary only consisting of a high stone wall and planter. This is supported only if the rezoning is achieved as B1 Neighbourhood Centre.<br><br>This extent of landscape treatment would not be acceptable for the lots current R2 zoning.<br><br>The proposed Commercial Space 1 proposes no landscape transition along the boundary and relies on public land for potential outdoor dining should this space be used as a café or restaurant.<br><br>*Level 1 and Level 2*<br>The proposed landscape treatment to the roof terrace is supported, as represented by drawing LSC-04, in terms of design and materials selection. It is noted that any selected plant species must survive wind and salt spray.<br><br>*Roof Terrace*<br>The proposed landscape treatment to the roof terrace is supported, as represented by drawings LSC-05 and LSC-06, in terms of design and materials selection. It is noted that any selected plant species must survive wind and salt spray. | Landscaping requirements on private land noted and would be imposed at the Development Assessment stage, should the Planning Proposal progress. |
| Landscape Architecture | **2.0 Landscape Assessment within RE1 (Local Open Space) Land**<br><br>*General*<br>The public domain proposal represented by drawings LSC-03, LSC-07 and A1.02 is not supported. | Agreed. The proposal to remove four Norfolk Island Pines is not supported. The existing trees shall remain and be protected to ensure that the landscape character is the dominance of vegetation over built form, as this is a clear message of design character as intended in the Pittwater DCP. |

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| | The proposal relies on the creation of a public domain area, for the benefit of the proposed Commercial Space 1, within land governed by the Lake Park Reserve Trust by Northern Beaches Council, and is classified as Public Purpose for Public Recreation.<br><br>Whilst the concept for public domain use within public land may benefit the local area by way of opportunities for social and community interaction, the design proposal relies on providing such benefit by removal of four existing Norfolk Island Pines.<br><br>*Visual Amenity*<br>The proposal to remove four existing Norfolk Island Pines presents an adverse environmental loss that will impact the visual quality of the current location.<br><br>The existing stand of six Norfolk Island Pines present a visually dominant landscape character as seen from the surrounding areas of the suburb, and in particular along and over the Ocean Street Bridge when travelling south to north. This view of the stand of Norfolk Island Pines presents a dominant visual element along the landscape at the edge of the lake and provides an emotive connection to nature along the lake and to the beach.<br><br>The proposed removal of four existing Norfolk Island Pines will eliminate the Norfolk Island Pines as the dominant visual landscape character within this area.<br><br>Removal of the four Norfolk Island Pines will result in the built form of the proposed building becoming the dominant visual element within the landscape. The Ocean Street Bridge is a 'gateway' transition that must retain the sense of arrival that is currently afforded by the presence of the existing stand of Norfolk Island Pines. | The proposed landscape treatment on public land is not consistent with current classification and cannot be supported. Any landscape treatment on public land will have to incorporate the Norfolk Island Pines.<br><br>Removal of the Norfolk Island Pines will have an adverse environmental loss by eliminating the trees as the dominant visual landscape character of the area.<br><br>The visual quality of the location will be adversely impacted as the removal of the stand of trees will result in the built form of the proposed building becoming the dominant visual element within the landscape.<br><br>The retention of two Norfolk Island Pines in isolation will result in canopy growth changes where each individual tree will be exposed singularly to wind and salt spray, as opposed to the current exposure as a stand. This will present issues with tree stability and future growth habit of the canopy and will diminish the quality of the canopy and potentially undermine root stability.<br><br>No objection based on existing recreational use and the concept for public domain use within public land as represented in this Planning Proposal would have merit if no existing vegetation was present. Due to the characteristics of the Norfolk Island Pines and the wind exposure in the locality, type of activity for proposed Commercial Space 1 should be achieved by way of a building setback that incorporates shelter and outdoor dining space. |

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| | *Impact of proposed Tree Removal*<br>The proposed removal of four existing Norfolk Island Pines within this stand of six will present issues with tree stability and future growth in this location. The Norfolk Island Pines have become established as a group, with the expected root growth existing as a interconnected clump. Removal of the four Norfolk Island Pines will potentially undermine root stability. Additionally the retention of two Norfolk Island Pines in isolation will result in canopy growth changes where each individual tree will be exposed singularly to wind and salt spray, as opposed to the current exposure as a stand. This will impact on the future growth habit of the canopy and will diminish the quality of the canopy.<br><br>*Existing Recreational Use*<br>The current use of the area is typically as a pedestrian passage from surrounding areas to the lakeside and beachfront. As such the impact to the existing Norfolk Island Pines is minimal, and this type of usage is supported.<br><br>*Public Domain Design Intent*<br>The concept for public domain use within public land as represented in this planning proposal would have merit if no existing vegetation was present.<br><br>However, with the existence of the stand of Norfolk Island Pines, the proposed public domain design is unlikely to achieve a suitable opportunity for public domain use, as the Norfolk Island Pines are trees that will drop needles and present heavy shade, and the location is subject to strong wind.<br><br>With this in mind the use of the area for public domain is challenging and this location is not ideal for outdoor public use as may have been anticipated by the applicant.<br><br>Retention of the four Norfolk Island Pines in association with an altered public domain that does not require tree removal will | |

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| | also be challenging, as it would be expected that outdoor dining would be the focus of the proposed Commercial Space 1.<br>The outdoor dining operators will most likely request approval to erect wind protection as well as overhead protection, resulting in a vastly different design feel of the public domain area to that as represented in the planning proposal.<br><br>As such the public and existing access may be alienated in favour of outdoor dining with associated structures.<br><br>This type of activity for proposed Commercial Space 1 would be achievable by way of a building setback that incorporates shelter and outdoor dining space.<br><br>*Summary for 2.0 Landscape Assessment within RE1 (Local Open Space) Land*<br>The public domain proposal represented by drawings LSC-03, LSC-07 and A1.02 is not supported.<br><br>The proposal to remove four Norfolk Island Pines is not supported. The existing trees shall remain and be protected to ensure that the landscape character is the dominance of vegetation over built form, as this is a clear message of design character as intended in the Pittwater DCP.<br><br>No alternative design proposal has been presented that includes an altered public domain area that is integrated with the retention of the four Norfolk Island Pines. | |
| Economic Development | I have the following comments to make from an economic development perspective (i.e. potential impact on job creation and commercial floorspace capacity).<br><br>1. The PP proposes 357sqm of commercial floorspace on the ground floor (of which 312 sqm for restaurant and 45 commercial unit). Against Priorities and Actions in the Draft North District Plan the PP states this would represent an increase in total jobs (both construction and operational stage). However, there is no information in | Noted. The Economic Impact Assessment does not assess the net increase of ongoing jobs associated with the Planning Proposal. Given the existing use of 1 Narrabeen Park Parade, any increase would not appear to be significant.<br><br>Nonetheless, the site is not located within an existing 'centre', according to draft North East Subregional Strategy. Intensification of development (largely residential) on the |

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| | the PP or supporting Economic Impact Assessment on the amount of existing commercial floorspace or jobs (currently a restaurant), against which to measures an increase/decrease in job/commercial floorspace capacity.<br><br>2. While the proposed change from R2 to B1 zone would permit employment generating uses (namely business premises, childcare centre, health consulting rooms, neighbourhood shops, restaurants or cafes; take away food and drink premises), given the exist use of half of the site for a restaurant, this would not appear to represent a significant change in employment generating uses on the site.<br><br>3. As the EIA notes, the proposed scale of commercial floorspace (357sqm) is not likely to support a supermarket or directly impact on the viability of surrounding retail centres (namely Mona Vale District Centre, or Warriewood Square).<br><br>4. The proximity to tourist facilities (namely Narrabeen Lagoon Caravan Park) would provide an opportunity to continue to attract visitors through new restaurant and amenities. However, the introduction of shop top housing alongside these uses may require consideration from noise compliance perspective.<br><br>5. The site is not located within an existing 'centre', according to draft North East Subregional Strategy. This strategy identifies nearby Waterloo St/Narrabeen as the 'Village' centre. Intensification of development (largely residential) on the proposed site would not, therefore, be supporting an existing centre.<br><br>Overall, given existence of a restaurant on the site, and the that fact that there does not appear to be significant change resulting from PP on potential jobs or commercial floorspace, the PP | proposed site would not, therefore, be supporting an existing centre.<br><br>Overall, given existence of a restaurant on the site, and the fact that there does not appear to be significant change resulting from the Planning Proposal on potential jobs or commercial floorspace, the Planning Proposal does not impact on commercial viability of nearby centres. There is therefore no significant issue from an economic development perspective. |

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| | does not impact on commercial viability of nearby centres. There is therefore no significant issue from an economic development perspective. | |
| Heritage | **1. Preliminary comments :**<br><br>In July of last year I provided the following preliminary comments about this property :<br><br>*"The building is a simple shed form with a coupled roof, with a masonry front of a simple 1930s Art Deco manner, now all painted white. The rear is weatherboard, the roof is all corrugated gal. iron or steel. It is typical of the modest earlier commercial development found on the Peninsula, but rapidly disappearing.*<br><br>*The front of the building is a Chinese restaurant, the rear a fish-and-chip shop.*<br><br>*The setting is very handsome, with some mature Norfolk pines around the immediate site. The building seems to occupy a small corner site possible created by subdivision for the large modern building next door. Although it appears to face southwest, it is a great site, advantaging the building in prominence and availability of parking.*<br><br>*Apart from its gesture to the corner, and retention of some obvious indication of its period and original presentation, the building appears to have been refitted internally and adapted to suit its restaurant use. It is capable of further more sensitive adaptation which could see its style and period charm used to greater advantage, creating something of a modest local landmark.*<br><br>*If there is any chance of the building having some substantial heritage significance, it would likely come from historical interest, or social significance associated with its local identity and associations for local residents. If the building were in a circumstance of threat, these issues should be explored,* | Noted. Preliminary comments were provided as part of the pre-lodgement process. |

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| | *before Council retreated to archival recording and allowing it to go.*<br><br>*If redevelopment were proposed, a simple heritage assessment should be undertaken, so the impact of its possible loss could be better understood."*<br><br>A planning proposal has now come forward, supported by a design concept and a Heritage Impact Statement.<br><br>**2. The Heritage Impact Statement :**<br><br>The Heritage Impact Statement prepared by Colin Brady, presents some background history but aspects remain unclear. This is perhaps inevitable with such a property and context, but since it is the enduring relationship of the building with its site, setting and context, more information about the development of the locality and the subject site would have been welcome. This would be particularly useful in understanding the significance of the Norfolk Island pines which so distinguish the site.<br><br>I understand some further background information has been received in a local submission from a resident concerned about the site. I have checked but do not seem to have a reference for this. It may contain leads worth following up, so that any arguments for the place having significance can be considered before reaching any conclusions.<br><br>In respect of No.1, Mr. Brady concludes that the building is representative only, and not of some individual outstanding significance. No evidence is provided of enquiry to discover social significance i.e., importance to some local group or community, which is usually demonstrated through submissions or representations. This is not unusual, however, this "absence of evidence" is not compatible with the many submissions received in respect of the site, and indeed of the building upon it. The importance with which a local community invests a site may be disproportionate to the formal "heritage qualities" it | Agreed. The Heritage Impact Statement is insufficient in outlining the history of 1 Narrabeen Park Parade and relationship with the locality and the Norfolk Island Pines.<br><br>The social significance of 1 Narrabeen Park Parade, demonstrated by the many submissions received in respect of the site, has not been considered in the Heritage Impact Statement. The importance with which a local community invests a site may be disproportionate to the formal "heritage qualities" it otherwise demonstrates. |

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| | otherwise demonstrates, and local regard may indeed be a force that complicates genuine and responsible assessment, by applicants and by Council.<br><br>No evidence seems to be provided in support of the assertion that No.3 has no significance. No information about the building is provided, full stop. Thus, no assistance is provided to Council in this regard.<br><br>In the absence of further information coming to light about No.1, it can be concluded that it has had a long association with its site and the surrounding place. It appears to date from the beginnings of more intense settlement and occupation off the area in the 1920s, as access improved.<br><br>The building has been considerably altered over its life so while there are still some features which lend it interest, recognition and identity, its authenticity and integrity have been adversely affected. The support for the building from the local community must be carefully analysed.<br><br>Of further concern is the support the report gives for the removal of four of the Norfolk Island Pines. While the trees would obviously have some complicating influences on the site, and would, for example, interfere with any excavated basement and views from the proposed apartments, their importance as longstanding landscape elements of the locality is too quickly dismissed, in my opinion. In this instance they appear to be intentional, calculated plantings and not of the “invasive” dimension. They are an intentional part of this place, as it has come to maturity. The public submissions received indicate the regard in which the trees are held.<br><br>To assist their formal evaluation it may be useful to have an assessment conducted by a landscape specialist, perhaps using or informed by the *Australian Natural Heritage Charter* (1996). Council has secured its own advice on matters of this nature in the past, and may need to do so in this instance. | No information about 3 Narrabeen Park Parade is provided.<br><br>Agreed, the support the Heritage Impact Statement gives for the removal of four of the Norfolk Island Pines is concerning. They are important longstanding landscape elements of the locality. They appear to be intentional, calculated plantings and not of the “invasive” dimension. They are an intentional part of this place, as it has come to maturity. The public submissions received indicate the regard in which the trees are held.<br><br>A formal evaluation is recommended prior to considering any removal of trees. |

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| | **3. Impact of the indicative building design**<br><br>In my opinion the submitted building design (or concept) indicates the greater concern with this proposal, being that the present combination of a longstanding building of local identity and a major landscape element (being two thirds of the Pine group) are to be removed and replaced by a building of much greater scale, height, bulk and overall size. The character of the suggested building is also worrying, being unsupportive of any local character or architectural flavour - appearing to promise an ersatz structure of "urban anywhere" design that will dominate the area around its site.<br><br>I do not agree with Mr. Brady that this concept and design are "*cohesive with the context and setting of the existing fabric*", nor does it "*maintain the beach side setting utilising forms, finishes, set out and style cohesive to the distinct character of North Narrabeen and the Northern Beaches in general*". In my opinion, it does not *"integrate new built forms with the landscape and topographic nature of the headland*" nor will the retention of two of the Norfolk Island pines, from the presently powerful group of six trees, "*enable interpretation of the mid 20th Century approach to beach landscaping*" when most of the striking planting is gone.<br><br>The concept for the building shows a maximal development of overall rectangular form whose height, bulk and scale are anything but cohesive with its surroundings and setting. It would introduce a form of development that is not consistent with local character, or existing buildings, or that would make any allusion to the adjacent landforms. The concept design is helpful to the understanding of the proposal in that it suggests how the over-development of this site, and the unresponsive architectural character of any building on it, will adversely affect the locality and remove characteristics which presently lend it a sense of real identity and place. This outcome is plainly apparent In the public submissions received, which do not see any such qualities in the proposed building, and proffer regret at the loss | The submitted building design (or concept) is of great concern. The combination of removing a longstanding building of local identity and a major landscape element (being two thirds of the Pine group) and replaced by a building of much greater scale, height, bulk and overall size. The character of the suggested building is unsupportive of any local character or architectural flavour - appearing to promise an ersatz structure of "urban anywhere" design that will dominate the area around its site.<br><br>Conclusions reached in the Heritage Impact Statement relating to building concept and design is not supported.<br><br>The maximal development of overall rectangular form whose height, bulk and scale are anything but cohesive with its surroundings and setting.<br><br>The proposed building would introduce a form of development that is not consistent with local character, or existing buildings, or that would make any allusion to the adjacent landforms.<br><br>The concept design represent an over-development of this site, and the unresponsive architectural character, will adversely affect the locality and remove characteristics which presently lend it a sense of real identity and place. |

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| | of the present one. The retention of the trees is seen as essential.<br><br>**4. Conclusions**<br><br>It may be that with further effort to clarity how the site and its setting have developed, the existing building may be allowed to go after archival recording of it and its relationship with the setting. However, the design proposal supporting the Planning Proposal suggests that the scale, bulk and capacity for re-development after demolition of the existing buildings will need to be constrained to much less than currently proposed, unless a much better outcome can be demonstrated.<br><br>A lower building, more responsive to the locality in character, scale, and its inclusions could be far more successful in urban design terms, particularly if married with the retention of the existing Pines, whose significance should be further investigated, if it cannot already be concluded that their retention is highly desirable in both heritage and urban design terms. | A lower building, more responsive to the locality in character, scale, and its inclusions could be far more successful in urban design terms, particularly if married with the retention of the existing Pines, whose significance should be further investigated, if it cannot already be concluded that their retention is highly desirable in both heritage and urban design terms. |
| Urban Design | **General:**<br>Discrepancy between the suggestion from the Economic Impact Assessment (EIA) Report which supports the proposal as B4 Mixed Use and the Planning Proposal Report which supports B1 Neighbourhood Centre. This referral is made on the base of the latter.<br><br>**Justification for upgrade in zoning and retail catchment**<br>The proposal proposes a rezoning and an increase in building height to allow a mixed use development to occur on this land. In general, the site is located approximately 30m from the nearest bus stop. The bus stop services route 155 to/from Manly which runs once every hour. The site is also located within approximately 500m of the nearest the existing retail/commercial near North Narrabeen Surf Life Saving Club and 600m to the existing commercial/retail at the corner of | Noted.<br><br>Agreed. The proposed zoning of B1 Neighbourhood Centre is not considered appropriate for the site. There is limited potential for further population growth in the adjacent residential area north of the site.<br><br>The GFA for commercial component is too optimistic based on the urban design assessment. Reduction in GFA is recommended. |

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| | Walsh Street-Pittwater Road-Berry Ave.<br>• Although the EIA Report analyses the impact of the proposal to the existing retail/commercial areas, it does not adequately analyse the impact of the existing retail/commercial areas to the proposal ie. the report is using a supermarket as an alternative use and population growth from a wider catchment. Overlapping catchments can impact on the viability of the retail/commercial component in the long term.<br>• Classification of B1 can be too optimistic considering the above issues ie. overlapping catchments and lack of public transport service.<br>• A 'Corner Store', the smallest type of centre, with an area of 150-300 sqm can be supportable within a neighbourhood of 12-15 dw/ha. This requirement can be reduced if the 'Corner Store' is located on main collector road (more than 10,000 cars per day). The proposal location is surrounded by reserves, water and a local street, therefore the average of dwelling density may not keep up with this viability requirements. Note that a 'Corner Store' is a retail classification from urban design requirements. A 'Corner Store' can contain a 'convenience food' or niche retail (deli, liquor etc).<br>• The upgrade in the zoning is proposed as a 'trade-off' for improvement in public space and the benefit for the community. Current proposal shows an approximately 33% of the area within the proposed public domain improvement will be used as circulation space and/or potential use associated with the proposed retail/commercial (ie. outdoor dining etc)<br><br>**Character and Design**<br>The proposal proposes a ground floor commercial/retail space is supported and can help to activate this corner. The supporting community space design should be relatively simple and uncluttered to allow for activities to eventuate in this space. However, to allow for a creation of this space, existing trees may | The premise of having 'community benefit' should be explored as a real opportunity to create better and usable public space. Current proposal shows a design which maximises the benefit of private use. A balance between private and public use as a 'shared' benefit should be offered.<br><br>A ground floor setback at the 'community space' frontage is recommended to allow for wider range of activities such as outdoor dining.<br><br>Narrabeen Park Parade frontage can maintain a zero setback on the ground floor to maximise retail/commercial component visibility from the street and passing traffic.<br><br>Building design should be amended to incorporate modulation and to fit into the existing lower density residential context. Proposed residential floor plans should comply with Apartment Design Guide, especially building separation and privacy. |

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| | need to be removed. The removal of the trees is subject to the arborist recommendation and landscape architect assessment on public domain character.<br><br>As mentioned above, the retail GFA may be too optimistic and the associated retail use may encroach to the community space. A ground floor setback can be recommended to solve both issues.<br><br>Upper residential plans do not comply with apartment guides on building separation distance. The balconies are only 3m from the site boundaries (balconies are usually adjacent to habitable room) and in danger of overlooking to the adjacent neighbour.<br><br>Building bulk and articulation are not adequately addressed. Continuous length of balcony, lack of articulation and maximum extent of building envelope cause a dominant effect to its adjacent low density residential context. Better building modulation may improve the outlook.<br><br>**SUMMARY AND RECOMMENDATION:**<br>A question needs to be raised in regard to the appropriateness of the proposed zoning as B1 Neighbourhood Centre. A Schedule 1 (additional permitted use) may be more appropriate to formalise the existing commercial activities (land use rights) on the site. There is limited potential for further population growth in the adjacent residential area north of South Creek.<br><br>The GFA for commercial component is too optimistic based on the urban design assessment above. Reduction in GFA is recommended.<br><br>The premise of having 'community benefit' should be explored as a real opportunity to create better and usable public space. Current proposal shows a design which maximise the benefit of private use. A balance between private and public use as a 'shared' benefit should be offered. A ground floor setback at the | |

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| | 'community space' frontage is recommended to allow for wider range of activities such as outdoor dining. The setback can also help to solve the viability/GFA issue above.<br><br>Narrabeen Park Parade frontage can maintain a zero setback on the ground floor to maximise retail/commercial component visibility from the street and passing traffic.<br><br>Building design can be improve to reflect better modulation and to fit into the existing lower density residential context.<br><br>Proposed residential floor plans should comply with Apartment Design Guide especially building separation and privacy. | |
| Traffic & Parking | The proposal is to rezone 1 and 3 Narrabeen Park Parade, North Narrabeen to permit shop-top housing, in a new four storey building comprising 1 ground floor commercial unit, 1 ground floor restaurant, and 4 x 2 bedroom units, and 4 x 3 bedroom units. A basement car parking for 18 spaces (includes 2 accessible parking spaces) and 5 bicycle racks is proposed.<br><br>**Parking**<br><br>The existing development includes 2 off street car park spaces for the dwelling at No.3 Narrabeen Park Parade, and 3 off street car park spaces for the restaurant at No.1 Narrabeen Park Parade. The required number of car park spaces required under the Pittwater DCP is 12 spaces.<br><br>The proposed development requires 19 car park spaces to cater for the unit dwellings and visitor parking, and 12 car park spaces for the shop and restaurant. Provision for garbage collection, removalist vans and emergency vehicles must also be provided onsite. The development proposes only 18 car park spaces which is 14 spaces less than that required under the Pittwater DCP.<br><br>Although it is recommended that the required spaces be | Agreed. Insufficient car parking proposed. The DCP prescribes 32 car parking spaces which is recommended. The minimum acceptable car parking space provision is 25 car parking spaces. The proposal includes 18.<br>The proposal is not supported by the Traffic Engineering section due to the deficiencies in the number of car parking spaces provided, which will impact on existing parking demands in the Council North Narrabeen Rock Pool Carpark and on street parking in Narrabeen Park Parade.<br><br>Council's future intention to restrict parking on one side of the Narrabeen Park Parade in the location due to traffic volumes and road width is noted.<br><br>The proposed access to the basement car park is via Council North Narrabeen Rock Pool Carpark. That access across a public reserve/crown land is not supported. It is an opportune time to correct past anomalies when a new development is proposed. The development should provide vehicle access to their site from Narrabeen Park Parade.<br><br>Technical construction requirements noted and be applied at potential future development application process. |

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| | provided as part of the development proposal, the minimum acceptable provisions must cater for all parking for dwellings (19 spaces), garbage/deliveries (1 space), and provisions for any increase to existing parking demand for the shop and restaurant (3 currently provided and additional 2 spaces required due to new shop and increase in GFA). A minimum total of 25 car park (includes 2 accessible parking spaces and space for garbage/deliveries) is required.<br><br>Any deficiency in the number of car park spaces provided by the development will impact the Council North Narrabeen Rock Pool Carpark and on street parking in Narrabeen Park Parade. The Council North Narrabeen Rock Pool Carpark is used by visitors to the Rock Pool, Narrabeen Lagoon, walking trails, reserve and BBQ facilities, as well as patrons to the restaurant. It is fully occupied during the warmer months, with ample demand outside these peak periods due to its amenity and proximity near the water.<br><br>Narrabeen Park Parade south of Sydney Road is classified as a collector road under the Council's Road Hierarchy Plan, and is also a bus route. The road pavement width is less than 10m wide and parking currently occurs on both sides of the road. Narrabeen Park Parade and Ocean Road is used as a 'rat run' to avoid the traffic signals and congestion on Pittwater Road. Council has future proposals to restrict parking on one side of the road due to traffic volumes and road width. This will further reduce the number of offstreet parking in the area.<br><br>**<u>Driveway Access from Council Carpark</u>**<br><br>- The proposed access to the basement car park is via Council North Narrabeen Rock Pool Carpark. That access across a public reserve/crown land may not be permitted/is not legal. It is an opportune time to correct past anomalies when a new development is proposed. While the Traffic section does not support access to the development from Narrabeen Park Parade, where it is better for the community and consistent with | Issues associated with proposed access arrangements are noted and potential future access from Narrabeen Park Parade will need to be assessed separately.<br><br>From a traffic generation and demand perspective, it is reasonable to assume the Planning Proposal will have a minimum impact on existing traffic flows which is unlikely to increase the anticipated peak hour traffic in the road network. No additional intersection upgrades would be required. |

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| | Councils position in previous similar situations where permanent vehicle access to private property across reserves has been denied/removed, then the applicant should provide vehicle access to their site from the public road (which they have the legal right to do).<br><br>The design/construction of the access driveway would need to comply with the relevant Australian standards and Council requirements ( as per the roads act ) which means as a minimum any passing bay would have to be located on the site ( cars not to queue on the road or across the nature strip ) , the driveway being a minimum 6 m wide , driveway located furthest distance from the marked pedestrian crossing ( on northern boundary of the site ) and the bus stop relocated if necessary ( full cost to applicant , including adjustment of infrastructure ).<br><br>- Figure 5 - Ground Floor Plan shows a new proposed driveway relocated to the eastern end of the site which provides access from the Council North Narrabeen Rock Pool Carpark to the new basement car park. The plan shows that the existing trees will be maintained in the Council carpark, with the existing number of car park spaces between Narrabeen Park and the new driveway (9 in total) also maintained. The existing driveway was located adjacent to a tree which provided separation between the car park space and driveway access. The relocation of the new driveway would result in a loss of at least 1 maybe 2 car park spaces in the Council carpark, as a 3m wide driveway will need to be provided and a minimum 1m separation (or greater subject to any specified requirements for landscaping) between the driveway and adjacent car park spaces. The loss of any car park spaces in the Council Carpark must be replaced within the offstreet parking provided by the development.<br><br>- The Traffic & Car Parking Assessment - Section 5 Site Access, indicates that a traffic signal system will control entry and exit movements to and from the basement car park. A passing bay is shown adjacent to the Community Space and pedestrian path | |

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| | which provides a link between the Carpark, shops and Rock Pool. Council requires that the passing bay be located within the private car park due to risk to pedestrian safety.<br><br>**Service Vehicles**<br><br>- The Traffic & Car Parking Assessment - Section 7.4 Service Vehicles, notes that deliveries to the proposed development will remain the same as for the existing development. Council is unclear how deliveries and garbage collection is currently being undertaken, however require that onsite car parking be provided for garbage collection, removalist vans and emergency vehicles as required under the Pittwater DCP for Shop-Top Housing. Use of the Council Carpark to facilitate these services is not acceptable as existing car park spaces and layout are designed for normal passenger vehicles, and it is not possible for deliveries to be carried out in Narrabeen Park Parade fronting the site. The location of the marked pedestrian crossing does not permit a vehicle to stop within 20m on the approach and 10m on the exit of the facility.<br><br>**Traffic Generation**<br><br>- From a traffic generation and demand perspective it is reasonable to assume at this stage for the Planning Proposal, that the development is unlikely to increase the anticipated peak hour traffic in the road network. The nett increase in traffic volumes as a result of the rezoning is expected to be 10-12 phvt, which will have a minimum impact on existing traffic flows, and no additional intersection upgrades would be required.<br><br>The proposal is not supported by the Traffic Engineering section due to the deficiencies in the number of car park spaces provided, which will impact the existing parking demands in the Council North Narrabeen Rock Pool Carpark and on street parking in Narrabeen Park Parade.<br><br>Furthermore, the off street parking requirements should be assessed by the Development Engineer, however comments | |

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| | have been provided as deficiencies in the car park spaces required will impact the existing Council Carpark and onstreet parking in the local road network. Please note that the Development Engineer will need to assess the internals including driveways, car park layout and dimensions car park spaces. | |
| Tree Management – Parks & Reserves | Regarding the proposal to remove 4 x Araucaria hetrophylla – Norfolk Island Pines from the public land adjoining the carpark and the property in question, I have the following concerns:<br>• The trees are healthy and have good structure with no obvious defects.<br>• The stand of 6 trees have historically grown as a stand since planting circa 1940's. Trees grow flexure wood along their trunks in response to wind loading, disruptions to stands of trees can potentially expose the remaining trees to stresses along their trunks and branches that were previously buffered by the surrounding trees.<br>• Given that the trees have adapted to the prevailing wind from the south, removal of four trees could change wind loading patterns and expose the remaining two trees to greater potential for branch failure and increase public risk.<br>• Norfolk Pines are exposed to lightning strikes along the coastal fringe, several have been struck in recent times at Newport Beach carpark resulting in the loss of 3 mature trees. Maintaining the stand at 6 trees widens the odds that a stand would remain if one or two were to be struck. Reducing the stand to two shortens these odds. The last two years has seen two major east coast low storms hit the peninsular.<br>• The trees are subject to a heritage application.<br>• The proposed driveway relocation to the eastern side of the foremost eastern tree would require excavation to achieve desired levels, potentially removing tension roots | Agreed. Removal of 4 healthy Norfolk Island Pines with good structure and no obvious defects is not supported. Disruptions to stands of trees can potentially expose the remaining trees to stresses along their trunks and branches that were previously buffered by the surrounding trees.<br>Removal of four trees could change wind loading patterns and expose the remaining two trees to greater potential for branch failure and increase public risk.<br>Norfolk Pines are exposed to lightning strikes along the coastal fringe. Maintaining the stand at 6 trees widens the odds that a stand would remain if one or two were to be struck.<br>The trees are subject to a heritage application.<br>The proposed driveway relocation to the eastern side of the foremost eastern tree would require excavation to achieve desired levels, potentially removing tension roots on the windward side of the tree. Due to the terrain and slope and lean of this tree removal of any tension / structural roots on the eastern side could potentially destabilise the tree.<br>The proposed underground carpark is likely to require root severance on the private property side. The proposal does not include an Arborist report or root mapping to identify the impacts of the development on the trees.<br>Future owners of the units are likely to request pruning for views and ongoing complaints regarding falling pine |

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| | on the windward side of the tree. Due to the terrain and slope and lean of this tree removal of any tension / structural roots on the eastern side could potentially destabilise the tree.<br>• The proposed underground carpark is likely to require root severance on the private property side. The proposal does not include an Arborist report or root mapping to identify the impacts of the development on the trees.<br>• Future owners of the units are likely to request pruning for views and ongoing complaints regarding falling pine needles.<br>• Strong community objection to removal of the trees. | needles.<br><br>Strong community objection to removal of the trees. |
| Coast, Catchment & Estuaries | From a water management perspective there is no problem with this planning proposal. The Geotech report identifies that there may be seepage of groundwater at the interface between soil and bedrock at ~3.6m deep, with the potential to cause instability of excavations during construction. All this can be managed at DA stage with a groundwater management report that covers the construction and development stages, including dewatering of the basement area. | Noted. No issues raised from a water management perspective.<br><br>Noted. Potential Geotech issues can be sufficiently dealt with at the Development Application stage. |
| Bushland & Biodiversity | As discussed there are no comments from a natural environment perspective for the planning proposal stage as the sites do not contain any natural vegetation. The Norfolk Island Pines are on the Council road reserve and comments will be provided from the Tree Preservation Officers and Council's Landscape Architect.<br><br>At the development application stage natural environment will provide comments on appropriate species to be planted. | Noted. No issues raised from a natural environment perspective. |
| Stormwater, Floodplain & Development Engineering | No impediments to the planning proposal have been identified and subsequent requirements can be dealt with at the Development Application stage.<br>Soil stability, erosion, sediment, landslip assessment, and subsidence will need to be managed by a Geotechnical engineer. The way the work is proposed to be carried out is the | Noted. No impediments to the Planning Proposal have been identified and subsequent requirements can be dealt with at the Development Application stage. |

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| | determining factor.<br><br>On-site detention will be required. Applicant to demonstrate water cycle management. Details to be provided during the DA process.<br><br>Stormwater management – no details provided. The proposal will need to comply with the DCP requirements and as presented appears to be able to achieve the compliance with Clause 7.10, with the only concern being the OSD functionality given the design levels shown in the plans provided.<br><br>Constructability is feasible and Council should request a full Construction Management Plan prior to approval.<br><br>Infrastructure servicing are subject to sewer capacity and upgrades required by service providers. | |
| Environmental Health | We don't really see an issue with it other than potential noise ( construction and shops, air-conditioning etc. ) and maybe contamination but this cannot really be assessed until the DA is lodged see below comment.<br><br>Proposal is to change the current R2 Low Density Residential zone to a B1 zone to allow shop top housing:<br><br>• There does not appear to be any contaminated land issues, Acid sulphate/or potential for acid sulphate soils within this area so a management plan is not required. However the "REPORT ON PRELIMINARY GEOTECHNICAL INVESTIGATION" prepared by UNITY PTY. LTD. Project: 2016-092.1 dated December 2016 states that the report is based on an investigation utilising only surface observations and several boreholes. "Which only provides limited data from small isolated test points across the entire site with limited penetration into rock, therefore some minor variation to the interpreted sub-surface conditions is possible, especially between test locations". However it does state | Noted. Noise and other pollution issues can be sufficiently dealt with at the Development Application stage.<br><br>Noted. A more comprehensive land contamination investigation will be required should the Planning Proposal progress. |

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| | that “the results of the investigation provide a reasonable basis for the analysis and subsequent design of the proposed works”.<br>• We would recommend when the DA is lodged for the demolition and development that this statement is taken into account.<br>• Noise and any other pollution can be taken into consideration when the DA is put in for the development | |
| Reserves | The reserve in question is a Crown reserve and the crown (like council), are not in favour of granting permanent access over a crown reserve to access private property.<br><br>Council does not want any work done on the reserve nor any access over the reserve either before / during or after the works.<br><br>Anything that goes on there cannot disrupt the ongoing operation of the carpark, pedestrian access to the reserve and the rock pool or the health of the Norfolk Island Pine trees located on the reserve adjacent to the site. | Noted. Access to private property via crown land is not supported by the Crown nor Council.<br><br>Parks & Reserves does not support any work proposed to the reserve.<br><br>Disruption to ongoing operation of the car park, pedestrian access or the health of the Norfolk Island Pines is not supported. |

**Attachment 3: Summary of Submissions**

**Submissions supporting the Planning Proposal followed by Council's response to matters raised**

| NO. | COMMENTS | MATTER |
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| 1. | My family are really excited by this proposal.<br>We love North Narrabeen beach and its surroundings and to finally see this site developed would be wonderful for the community.<br>We have long thought that this key connection point between the lake, pool and beach has been a missing link.<br>Please accept out strong support for the rezoning. | Improved access<br><br>In the public interest |
| 2. | When we come to Sydney my family and I go to the rock pool and having a quality café available would be such a convenience! | Improved amenity |
| 3. | This is where I swim regularly at the pool, and to have the convenience of lovely landscaped seating and a very timely new café would certainly add to the pleasure of visiting this area. | Aesthetics<br>Improved amenity |
| 4. | I am looking forward to this property being completed with public seating and walkways which I understand the developer is supplying for the general public and very much needed new café and restaurant. | Improved amenity<br><br>Improved access<br><br>Aesthetics<br><br>In the public interest |
| 5. | I usually swim at Narrabeen Pock Pool with my grandson and find the amenities very good! Having a café available plus very good seating and public area to be clean & well kept would be a great convenience. | Improved amenity<br><br>In the public interest |
| 6. | I take my grandchildren down to Narrabeen Rock Pool and would really like to see a decent café and proper outdoor area with well maintained seating. | Improved amenity |
| 7. | I visit this area quite frequently and this proposal I agree with, with shops and the fact that more seating and outdoor space will be provided by the developer and maintained by him with the additional café – most impressed. | Improved amenity<br><br>In the public interest |
| 8. | We support the application<br><br>Two trees are intended for being retained... | Improved amenity<br><br>Tree removal acceptable |

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| | This development is a benefit to the locality, providing an increase in the amenity to all users.<br><br>The current services supplied are old, seedy, unattractive, and low yielding.<br><br>The trees are NOT natives, they are an introduced species.<br><br>They are not providing any benefit to the locality creating a south facing, over shaded, darkened, barren zone.<br><br>The retention of the two trees will still provide a similar benefit that the four trees previously delivered.<br><br>Realistically, the four trees represent an overdevelopment of the small area involved...<br><br>Upgrading/consolidating the two buildings becomes a modern and beneficial contribution to the locality | Aesthetics<br><br>In the public interest |
| 9. | Along with the council improvements at Bird Park and the over 55´s appartments currently being built over the bridge , this proposal will bring a much needed boost to a run-down and shabby plot<br>The developer is proposing to provide a beautifully landscaped area for the community to use at no cost to the public | Improved amenity<br><br>In the public interest |
| 10. | I am in favour of the new development as the present condition of the cafe and outdoor dining area are in serious need of an upgrade.<br>The proposal by Unity NSW is exactly what our area is crying out for and will achieve a great improvement for the benefit of all who live in and visit this iconic coastal paradise. | Improved amenity<br><br>In the public interest |
| 11. | I support these plans. This land has been a eyesore for many years now. Happy to see a builder proposing a plan with low residential and light retail. This will be a perfect addition to the community especially when the northern beaches walk path is completed. | Improved amenity<br><br>In the public interest |
| 12. | this development is what Narrabeen needs, the future of the northern beaches needs good contributions from the private sector. this will be a focal point and a community space for all to enjoy. there is nothing to enjoy at the moment. the trees stop everything. no views are blocked, greater amenity for the locals and visitors at no cost to the ratepayers. a win for all | In the public interest<br><br>Improved amenity |
| 13. | The development looks fantastic, a stylish upgrade to a beautiful part of Sydney. Also a win win for council and communitty that the developer is willing to spend money to revitalise a community area and maintain the area with no expense to community ever. The trees currently stop any usage of the space so to create and provide usable community space is another positive for community. This is a great thing for North Narrabeen, it is a location that will further benefit from such a high standard of | Aesthetics<br><br>In the public interest<br><br>Tree removal acceptable |

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| | development. | Improved amenity |
| 14. | Lets start by saying that, if all the people who have put in a negative comment in regards to the removal of 4 trees out of the 6 is devastating, then I suggest you have a full read of the report. The trees were planted many years ago to stop the erosion of the sand before the wall was built. The trees are not heritage.<br>The current area at the moment is a waste of space as there is no seating and the pines are currently littering the streetscape with there pine needles ,The developer wants to add, footpaths, seating and a place for communal interaction for the community (at no cost to the tax payer), surely that is win for the council and the rate payers.<br>The height of the building will not have any impact on other residents as the surrounding properties are already on a higher elevation to this development. Car parking is accounted for in the underground carpark and should not impact on the visitors to the local car park.<br>Visiting this area many times each year I believe that this is a very responsible approach for the development of this site as the benefits to the community and to visitors to the Northern Beaches with a place to meet. After reading the report in full there seems to be minimalistic impact on the surrounding neighbours, the impact on the environment is only enhanced for the better with the planting of natives and no cost to the tax payer/council for the upgrade. Win/ Win for the local community, the visitors to the Northern beaches and the council. | Tree removal acceptable<br>Improved amenity<br>Improved access<br>In the public interest<br>No impact on neighbours<br>Sufficient parking provision |
| 15. | I love the look of the proposal which will enhance the area give it a much needed lift.<br>The tree removal is required to make use of the space and there are still trees to be retained.<br><br>Looking forward to seeing the transformation | Aesthetics<br>Improved amenity<br>Tree removal acceptable |
| 16. | The devlopment looks fantastic, a stylish upgrade to a beautiful part of Sydney. Also a win win for council and community that the developer is willing to spend money to revitalise a community area and maintain the area with no expense to community ever. The trees currently stop any usage of the space so to create and provide usable community space is another positive for community. This is a great thing for North Narrabeen, it is a location that will further benefit from such a high standard of development. | Aesthetics<br>Improved amenity<br>In the public interest<br>Tree removal acceptable<br>Improved access |
| 17. | development looks fantastic, something that is badly needed for this area. | Aesthetics |

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| 18. | It's great that this strategically located site, adjoining the public carpark and opposite the Caravan park is going to be upgraded in such an attractive fashion and in keeping with modern development standards. The ongoing regentrification of Narrabeen is great for visitors and locals alike. | Strategically located<br><br>Aesthetics |
| 19. | I have viewed the plan and artists impression and it is evident that extensive research has taken place to greatly enhance an otherwise dreary and obsolete space, further encouraging more local activity and especially beneficial to the camping area which could use some inspiration.<br>This proposal can only add prestige to North Narrabeen and definitely upgrade the area commercially, any objections would be foolish. I am happy to support this proposal. | Aesthetics<br><br>Improved amenity<br><br>In the public interest |
| 20. | My mother resides at 17 Peita Crescent Mona Vale and as a regular visitor to the pool and lagoon the proposed creation of a useful community space that will be funded by the developer and not ratepayers should be commended.<br>The original planting of the 4 pine trees next to the current building makes use of the land for community space impractical. Whilst these trees in the proposal will be removed, the other 2 pine trees closer to the car park will be retained which is a good compromise.<br>This particular area of North Narrabeen has been neglected for many years and should be a hive of activity instead its a deserted wasted space in desperate need of redevelopment. | Improved amenity<br><br>Tree removal acceptable<br><br>In the public interest |

**Matters raised in support of Planning Proposal and Council response**

| MATTERS | COUNCIL RESPONSE |
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| Improved access | Agreed. A public domain upgrade would result in improved access and utilisation of the area. |
| Improved amenity | Council has no objection based on existing recreational use and the concept for public domain use within public land, as represented in this Planning Proposal, would have merit if no existing vegetation was present. Due to the characteristics of the Norfolk Island Pines and the wind exposure in the locality, type of activity for proposed Commercial Space 1 should be achieved by way of a building setback that incorporates shelter and outdoor dining space. |
| Aesthetics | Not agreed. The submitted building design (or concept) is of great concern. The combination of removing a longstanding building of local identity and a major landscape element (being two thirds of the Pine group) and replaced by a building of much greater scale, height, bulk and overall size. The character of the suggested building is unsupportive of any local character or architectural flavour - appearing to promise an ersatz structure of “urban anywhere” design that will dominate the area around its site. |

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| Tree removal acceptable | Not agreed. Council does not support any removal of the Norfolk Island Pines. The referral comments were overwhelmingly of the view that the trees should be retained and any public domain upgrade should incorporate the trees. Council's heritage consultant recommended retention of the existing Pines, whose significance should be further investigated, if it cannot already be concluded that their retention is highly desirable in both heritage and urban design terms. |
| In the public interest | Not agreed. The proposal represents a private rather than a public benefit and is not considered to be in the public interest. |
| No impact on neighbours | Not agreed. The concept drawings do not appear to comply with SEPP 65. Building design can be improve to reflect better modulation and to fit into the existing lower density residential context. Upper residential plans do not comply with apartment guides on building separation distance. The balconies are only 3m from the site boundaries (balconies are usually adjacent to habitable room) and in danger of overlooking to the adjacent neighbour. Proposed residential floor plans should comply with Apartment Design Guide, especially building separation and privacy to minimise impacts on neighbours.<br><br>The visual quality of the location will be adversely impacted as the removal of the stand of trees will result in the built form of the proposed building becoming the dominant visual element within the landscape. |
| Sufficient parking provision | Not agreed. The Council North Narrabeen Rock Pool Carpark is fully occupied during the warmer months, with ample demand outside these peak periods due to its amenity and proximity near the water. Council's future intention to restrict parking on one side of the Narrabeen Park Parade in the location due to traffic volumes and road width will further exasperate the parking issue in the area. Deficiencies in the number of car parking spaces provided cannot be supported, which will impact the existing parking demands in the Council North Narrabeen Rock Pool Carpark and on street parking in Narrabeen Park Parade. |
| Strategically located | While it is acknowledged that the subject site is located at a popular destination for recreational purposes, it is not located within a centre or along a transport corridor with access to high frequency public transport, which is considered essential for any unplanned increases in dwelling densities, significantly at odds with Council's strategic planning framework. |

**Submissions objecting to the Planning Proposal followed by Council's response to matters raised**

| NO. | COMMENTS | MATTER |
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| 1. | I would like to object to the rezoning of 1 - 3 Narrabeen Park Pde.<br>I can't understand why the Council would even consider such a proposal and can see no reason as to | Council should not consider Planning Proposal |

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| | why that land should be rezoned to accomodate a four storey building!<br>It would be a major over-development in height, bulk and scale, and then there's the issue of traffic management, flooding plus environmental issues, starting with the removal of four pine trees (Which I believe are currently awaiting heritage listing??)<br>Please, think about the future of our area rather than pleasing a few money hungry developers!! | Over development<br><br>Traffic generation<br><br>Flooding<br><br>Removal of trees |
| 2. | I am concerned about our foreshore areas I grew up around the corner and I think the location is<br><br>Unsuitable for this development. | Over development |
| 3. | How do I provide feedback? The road location is dangerous. The traffic repeatedly does not stop at the pedestrian crossing. It is a blind corner to introduce a development. Extra road work will be required to make the road safe. There is no footpath either. | Safety concern (traffic)<br><br>Infrastructure provision |
| 4. | I feel it is wrong to rezone this area. People who bought in such an area have not bought with the idea of being near a 4 storey building. This is wrong. There are plenty of places where such a development would be appropriate and not require rezoning. I object to the rezoning of our Pittwater environment by an unelected administrator rushing development like this through. I object to this property being rezoned. | Over development<br><br>Decision made by the Administrator |
| 5. | I was sent a letter re this proposal by Council. I am the chairman of the residents committee at Sydney Lakeside.<br><br>I have no objection to the redevelopment of these two sites. There is one issue, however, that I feel is relevant to this application.<br><br>The section of Narrabeen Park Pde at the front of these sites is very narrow, making it difficult for cars to pass and almost impossible for buses and other large vehicles. The addition of commercial premises and additional residents vehicles will exasperate this situation.<br><br>Work should be undertaken (by Council?) to address this issue and widen the street, as there is sufficient space to do so. The other alternative is to prohibit parking on one side of the street.<br><br>Further to my submission I would like to add a further comment. I was not aware of the scale of the proposal at the time. | Safety concern (traffic)<br><br>Infrastructure provision<br><br>Inconsistency with strategic planning framework |

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| | The development should conform to current planning guidelines. | |
| 6. | We wish to comment on the Planning Proposal (rezoning) for 1 & 3 Narrabeen Park Parade, North Narrabeen (Lots 1 & 2, DP 1005148)<br><br>The issue we have with this proposal is that the proposed building is 4 stories high. We would prefer 3 stories which is in keeping with the area.<br><br>We are also concerned about parking within this complex. What parking will be available for visitors to this new complex and what parking will be available for customers to the two shops? Parking is also very important and must be taken into consideration since this is a beachside area. | Height<br><br>Parking provision |
| 7. | I heard the big pine trees in front of this development will be removed. Why and how could this happen? It is truly appalling to even consider that.<br><br>I look forward to hearing about the environmental impact of this development. | Removal of trees |
| 8. | Location 1 & 3 Narrabeen Park Parade North Narrabeen<br><br>To change Building Proposal from R1 to B1.<br><br>Construction for a four level residential and shop building.<br><br>My Concern.<br><br>Proposed removal of four large historical and healthy pine trees<br><br>The nominated pine trees are a significant part of Narrabeens history for local residents, and visitors over many years.<br><br>Summary.<br><br>I feel this proposal is based on a developers own interest to gain a major financial benefit without considering the permanent loss of these pine trees.<br><br>I ask that the council building planners review why the existing building code R1 be changed to B1 just to comply with the developers four storey building application.<br><br>As a local ratepayer for over 50 years in the Pittwater area I totally object to any proposal relating to the | Removal of trees<br><br>Heritage impact (trees)<br><br>Over development<br><br>Out of character |

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| | removal of four healthy pine trees that enhance this area.<br><br>In addition the proposed four storey building would be out of character in this area, and the vehicle access from the public car park a public risk. | |
| 9. | I believe it is entirely inappropriate to remove the 4 large Norfolk Island pines at 1-3a Narrabeen Park Parade from the adjoining Council Reserve as part of the above mentioned DA. These 77 year old majestic trees need to be preserved for their historical and environmental significance, and would be a tremendous loss if removed. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact |
| 10. | I believe it is entirely inappropriate to remove the four large Norfolk Island pines at 1-3a Narrabeen Park Parade from the adjoining Council Reserve as part of the above mentioned DA. These 77 year old majestic trees need to be preserved for their historical and environmental significance, and would be a tremendous loss if removed.<br><br>It's so sad to see Councils buckling to developer greed in Sydney's beautiful environs and the Northern Beaches gradually turning into yet another urban jungle with cheaply built cookie cutter apartments and townhouses, mirroring those of the inner city – don't make Pittwater another "paved paradise and put up a parking lot." | Removal of trees<br><br>Out of character |
| 11. | We have looked at the above proposal and object on the following grounds;<br><br>1. Removal of trees from crown land and believe it is vital to expedite approval of the current Local Heritage Listing application.<br><br>2. Adjacent Crown Land should not be allowed to be utilised for private commercial use and profit.<br><br>3. This proposal exceeds current building height limits (8.5m), unit density and parking provision requirements.<br><br>We hope that you will consider the above objections carefully and inform us about the Decision on this application. | Removal of trees<br><br>Heritage impact (trees)<br><br>Not in the public interest<br><br>Inconsistency with strategic planning framework |
| 12. | **The rezoning of these lots is inappropriate at this stage because of the ambit scope of the proposal. The present DA proposals appear so excessive that they seem no more than an initial negotiating position, for the following reasons.** | Removal of trees<br><br>Heritage impact (trees) |

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| | **Tree Removal**<br><br>There is no community benefit in removing 4 magnificent 74 year old Norfolk pines from Crown Land. Once removed they are irreplaceable.<br><br>The proposed removal will increase views and presumably profits, to the detriment of the local environment and North Narrabeen community.<br><br>These Norfolk pines are symbolic beacons of North Narra's unique pioneering cultural and historical heritage; tough, loyal and enduring. They have endured extreme southerlies and occasional cyclones that no other tree would survive.<br><br>At least 5 other groups of Norfolk pines in Pittwater have Local Heritage Listing; these should too. They were planted after the shop owner Arch McKinnon wrote to council in August 1941 seeking advice on appropriate trees to plant, and requesting assistance to build tree guards. (see attached McKinnon Minutes, and shop photo, probably taken 1942, 2 pines and guards faintly visible on right).<br><br>A local petition has gathered more than 500 written signatures for their preservation, and opposing the development, with more than another 300 on line.<br><br>They provide shade for pedestrians, shelter and nesting for birds with their melodious birdsong, and add to the sheer beauty of the area.<br><br>The proposed landscaping of the appropriated space would require considerably more maintenance than the existing trees.<br><br>**Alienation of Crown Land Reserve**<br><br>The alienation of an area of public reserve larger than development site itself , some 800m$^2$ (see Ground Floor Plan A1.02) will mainly benefit customers, owners and staff of the shop and restaurant, and the unit owners and tenants, not the public.<br><br>Unrestricted community usage would forfeited forever. | Environmental impact<br><br>Not in the public interest<br><br>Landslip<br><br>Over development<br><br>Inconsistency with strategic planning framework<br><br>Impacts on neighbours<br><br>Waste disposal<br><br>Safety (traffic)<br><br>Outdoor dining impacts<br><br>Parking provision<br><br>Traffic generation |

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| | Proposed maintenance by the developers in perpetuity is unrealistic.<br><br>Proposed resiting of the present driveway access to No1. will involve extensive excavation and terracing of the public Lakeside Reserve at the SE corner. This would make it unusable by the public, destabilise the hillside (a known landslip site), and probably require removal of the most easterly Norfolk pine. The existing driveway access should be retained.<br><br>**Building Form**<br><br>Artists impressions of the development, less 4 pines, are optimistic, relying heavily on the illusion of lush mature vegetation for softening, whereas local experience is that plants fail to thrive in this harsh environment.<br><br>The overall height (four storeys to a new 13m limit) and density of units (1 per 86$m^2$) is excessive, far exceeding regulations and anything else in the locality. The total combined site area is only 686$m^2$, for 8 units, a shop and a restaurant.<br><br>This bulky oversized development would be accentuated if the pines were removed, visible from far and wide as such.<br><br>The proposed design will not allow maintenance of building and landscaping without encroaching on No. 5.; the eastern and northern aspects should be set back and screened.<br><br>Adequate setbacks and height reduction are needed.<br><br>**Health and Safety**<br><br>Garbage bin placement, disposal and vermin on community land are significant problems needing to be addressed. Eight units will generate 16 bins weekly, plus large amounts from restaurant and shop.<br><br>Increased traffic to and from the proposed development carpark will cross the main footpath from Lakeside Holiday Park and Pelican Walk, to the Coastal Walk, Rock Pool and beach, will create real safety issues for pedestrians.<br><br>Increased area for outdoor consumption of alcohol on community land is at odds with large numbers of | |

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| | families with children using the area, and proximity to a public car park and picnic area.<br><br>**<u>Parking and Traffic (see appendix D Traffic and Parking assessment)</u>**<br><br>The application admits that only 18 parking places will be provided, rather than the 31 spaces required by Council regulations, obviously aggravating present parking problems on Narrabeen Park Parade and the Council car park.<br><br>The traffic from this project would generate 25-27 peak hour vehicle trips, from the present 15 phvt. | |
| 13. | I believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>I urge the Council to reject this proposal. | Removal of trees<br><br>Heritage impact (trees)<br><br>Not in the public interest<br><br>Over development<br><br>Residential density<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |

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| 14. | I would like to strongly object to the portion of this proposal that allows for the removal of the pine trees on this location.<br><br>My father's Uncle Jack was the person who planted these trees and in doing so added considerable beauty to that part of the beachscape.<br><br>I do not believe the developer has the right to remove a part of Narrabeen Beach that has been there for so many generations of my family and that of many others. | Removal of trees |
| 15. | I believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>I urge the Council to reject this proposal. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Not in the public interest<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |
| 16. | **Summary of Submissions re: Planning Proposal for 1-3 Narrabeen Park Parade, North Narrabeen, PP0001/17** | Removal of trees<br><br>Heritage impact (trees) |

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| | 1. The present DA proposals are unacceptable for the reasons below and a spot rezoning for Unit/commercial development should not be approved.<br><br>2. There is general community outrage at the proposal to remove 4 of the 6 iconic and historic Norfolk Island pines on the adjacent Lakeside Reserve land. These were planted in 1942 by Archie Mckinnon, the then storekeeper at No1 Narrabeen Park Pde. His letters to Council for advice and assistance are documented in the application to Council for Local Heritage listing lodged with NBC December 2016 (copy attached), and photos of the shop from that time show the pines (see attached photo- Tree assessment report page 6). The Heritage Report lodged with the Rezoning/DA application is erroneous in its conclusions regarding the shop's history, and NBC should consider the heritage value of this building, as well as expediting Heritage Listing of the pines. Over 800 signatures, in person and on line, have already been collected protesting against their removal, and the height, density and parking load of the DA.<br><br>3. The pines provide shade shelter and beauty as well as nesting for a number of native bird species, notably ospreys. These pines are the focal point of a highly valued environmental and community recreation area including:<br><br>• Heritage Listed Rock Pool<br>• North Narrabeen Aquatic Reserve<br>• North Narrabeen Surf Break (declared National Surfing Reserve 2009)<br>• Council Picnic Area and Car Park<br>• North Narrabeen Surf Beach<br>• Narrabeen Lake and Entrance<br>• North Narrabeen Headland Reserve<br>• Coastal Walk | Heritage impact (building)<br><br>Environmental impact<br><br>Outdoor dining impacts<br><br>Landslip<br><br>Vehicular access via Crown land<br><br>Over development<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation<br><br>Waste disposal |

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| | • Pelican Walk<br><br>• Sydney Lakeside Holiday Park and Coastal Environment Centre<br><br>4. The proposal involves developers taking over landscaping and management of Lakeside Reserve crown land, of an area larger than the development itself, for private commercial use, including consumption of alcohol.<br><br>5. 5. The DA shows the a new driveway from the development into the Council car park requiring excavation and terracing of native foreshore vegetation reserve land near the southeast corner of No1. This land was subject to landslip in 2012, with remediation and replanting by Council. (see landslip2.jpg of 11/6/2012 attached). It would also destabilise one of the pines. It crosses the path between the Holiday Park, Pelican Walk and Environment Centre, and the other assets listed above. Rather the existing driveway to No3 entering Narrabeen Park Parade should be used for access, or at least use the existing driveway into No1.<br><br>6. The proposal for a four storey commercial/ Unit complex to a 13m height limit in an R2 residential zoning is entirely inappropriate. The area both north and south of the Lagoon has an 8.5 m limit under Council's Principal Development Standard. Proposed density calculates to 1 unit per 86 $m^2$, (not 93$m^2$ as stated) whereas the Council's required standard is 1 per 150$m^2$. This proposal far exceeds other local developments in both height and density.<br><br>7. Parking is inadequate under Council's DCP, with only 18 car spaces, not the required 31spaces.<br><br>8. Traffic volumes generated will increase from 15 to 27 peak hour vehicle trips, almost double and hardly "minimal".<br><br>9. Service vehicle requirement and waste storage and removal increases have not been provided for, with at least 16 bins per week from Units alone plus whatever refuse the Restaurant generates. | |
| 17. | I understand the fact the current building needs upgraded but there needs to be a compromise . I strongly object to the 6 Norfolk pines being taken down and the proposal for a 4 Storey apartment block with 1-2 shops.<br><br>Surely 2-3 levels needs to be the absolute max . And we need assurance that these apartments will not be encroaching on the public parking facilities for the pool and beach area . | Removal of trees<br><br>Over development<br><br>Parking provision<br><br>Not in the public interest |

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| | There needs to be something giving back to the community - it cannot all be take take take by developers . Will another restaurant be put in here on ground level ?what about other suggestions to give back to the community ?<br><br>This will set a precedence for other developers - we do not want to become a dee why or manly - do not let them build so high - this is pure greed by developers and a catastrophe for our beautiful trees. | Out of character |
| 18. | I would like to express my dissatisfaction and concern with the proposed spot-rezoning of the properties at 1 & 3 Narrabeen Park Parade, North Narrabeen.<br><br>I am hacked off that the proposal has not made it explicitly clear to the casual observer that the thrust of this proposal is to build a 4 story building on this site, with the building height limit increased to 13m. Clearly this is not in the interests of the community on a number of grounds including:<br><br>1. Removal of the existing art deco style building and replacement with unit block will not be in keeping with the scale and character of the area.<br><br>2. Removal of the 4 large mature pine trees will significantly diminish the aesthetic beauty of an area visited primarily for its natural landscape qualities.<br><br>3. Car parking is already strained at weekends in the adjoining car-park, particularly in summer - this proposal would significantly exacerbate the problem.<br><br>4. Spot-rezoning of this site would undoubtedly result in a future pressure from developers keen to use the precedent set by Council here as justification for further inappropriate higher-density development in neighbouring properties.<br><br>5. The social cohesion and amenity of this public space as a relaxing place to come and visit and enjoy with others will be threatened if its character changes in line with the higher density development of other parts of the City.<br><br>This Council needs to put the foot down on developers who put forward outrageous planning proposals like this and stick up for the local community and the agreed Local Environmental Plan. | Over development<br><br>Not in the public interest<br><br>Out of character<br><br>Removal of trees<br><br>Parking provision<br><br>Precedent<br><br>Inconsistency with strategic planning framework |
| 19. | I am very worried about this Proposal for this multi-storey building & the destroying of our magnificent Norfolk Pines which so define our beachside area & have been here for over 60 years! | Over development<br><br>Removal of trees |

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| | I have lived & raised all my children at 53 Sydney Road since 1980. I have paid Land & Council Rates for our low density residential zoning & I do not wish the atmosphere of our beachside area to be destroyed. Please do not pass this proposal by a greedy developer wishing to cash in on new rules by an amalgamated council. If the Council approves this development then it will be very hard to refuse the next developer that comes along with similar plans.<br><br>I shall look forward to hearing that this proposal has been denied. | Out of character<br><br>Precedent |
| 20. | We wish to register our opposition to the planning proposal at 1-3 Narrabeen Park Parade for the following reasons:<br><br>• 13 metres is too high for this site. This multistorey development will be significantly higher than surrounding properties and out of keeping with the local environment.<br>• Removal of four 60 year old Norfolk Island Pine trees is environmental saboutage! These majestic trees have been an intrinsic part of the lake and beach scenery for generations of locals.<br>• These beautiful trees are on public land and should not be removed for private commercial purposes.<br>• Shopfront awnings and paved 'outdoor space' on public land is also not acceptable.<br>• Increased traffic flow due to apartment dwellers using the existing carpark entrance to access their underground parking space. | Height<br><br>Removal of trees<br><br>Not in the public interest<br><br>Traffic generation |
| 21. | We believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to | Removal of trees<br><br>Heritage impact (trees)<br><br>Precedent<br><br>Not in the public interest<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |

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| | Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>We urge the Council to reject this proposal. | |
| 22. | I object to the proposal put forward for 1-3 Narrabeen Park Parade,<br><br>ZONING<br>1. Number 1 Narrabeen park parade is zoned R2 Low Density Residential, currently it is used for a restaurant/takeaway, which is being allowed from Existing use rights (Not sure if this was ever granted and/or approved). It started out as a residential building and then a general store was allowed to trade years ago when it began. It has now been trading and should be suffice without using the Existing Use Rights as a pathway or credit to now push for rezoning of Shop Top Housing. Was always only ever zoned for R2 Residential Housing, and having Existing Use Rights should be of great benefit.<br>2. Number 3 Narrabeen park parade is zoned R2 Low Density Residential, this block has always been zoned for residential only and should not be changed. If this were to be considered, all other blocks in the R2 residential zoning should then also have the right to be rezoned to Shop Top Housing or Medium Density. This would set a precedence and would be argued in Land and Environment Court.<br>3. If this were allowed and people can get their R2 low density residential blocks rezoned via applying to council, it would cause litigation between land owners, developers and council being funded by the tax payer. These 2 blocks were purchased as R2 Low Density Residential and should remain that way.<br>4. All other neighbours made huge investments in neighbouring blocks as they were buying in the R2 Low residential density. If they knew that it was possible for rezoning they may not have bought in that area, and if it is possible to get it rezoned then all hocks should be allowed the same rules! | Inconsistency with strategic planning framework<br><br>Precedent<br><br>Inequitable<br><br>Sufficient medium density zoning<br><br>Bushfire<br><br>Flooding<br><br>Parking provision<br><br>Conclusions based on outdated data<br><br>Community opposition |

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| | 5. If Number 1 and Number 3 were approved for rezoning, why would number 5,7,9 etc etc also then not be given the same zoning if they were to lodge for rezoning. Or any other block in the Shire that is zoned R2 Residential.<br>6. These developers should buy land in current area's that are zoned for multi unit development if that is what they want to build.<br>7. Please see attached map of the area close by located running parallel with Oceans st, betweem Malcolm St and Wellington st. This area is zoned medium density and allows multi unit developments. Current there is 144 blocks of land in that area. Of those 144 blocks, there are units built on 33 of those blocks. There is still 111 blocks of land that is already zoned for multi unit development. Represent that only 23% of blocks have been used in that area for development.<br>8. Why would you need to be rezoning R2 Low Density residential areas, when there is still 77% of an adjacent medium density area that can still be developed ? There is currently no need to increase development area's whilst current are greatly underdeveloped.<br>BUSHFIRE AREA<br>9. The development falls with in the Bushfire zone hazard, sitting adjoining to the scrub and at the base of Narrabeen Head. Narrabeen Head also includes the original old clubhouse located at the swimming pool and also adjoins The Narrabeen Head Aquatic Reserve. A very sensitive area that should be preserved.<br>FLOOD LEVELS<br>10. The basement of the building is below Flood level, in the basement has parking and electrical components which would compromise safety and such an approval should be liable for any damages caused when the lake floods, which currently happens approx. every 4 years. Insurance companies should be able to hold councils liable if the approve a project that will initiate and insurance claim.<br>PARKING<br>11. The parking proposal is insufficient not allowing for the required amount of parking spaces. 31 spaces are required and only 18 are being provided. The report agrees the development is deficient carspaces and indicates that "Peak activity time for restaurants is 6 - 7 pm when occupancy in the carpark is low ". Is this indicating that the restaurant is only going to be open at night time ? Whilst also indicating that a report is supplied from 2010 for the North Narrabeen beach car park. This report is out of date and does not represent a true reflection of vehicle occupancy in 2017. Currently the car park is 100% full between 8am - 2.30pm on weekends. This impacts on all people in the neighboring streets. The carpark adjacent to the proposed development also is currently insuffient and at full occupancy currently, so to develop a building with insuffient minimum car spaces is irresponsible. | |

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| | 12. The developer makes mention that they will contribute to the surrounding area. This area has been already been improved over the years and currently is a beautiful space for everyone to enjoy. Grassed area's, BBQ's and seating, coastal walk, stairway to access the headland lookout and walking track, aquatic reserve, surf access, fishing, sunbaking, visitors to the caravan park etc etc. How are these activities going to be accessed by the community if the current parking allocation is reduced ? As you know all current parking requirements are at minimum levels, so realistically there will be more cars than the minimum requested by the development controls.<br>13. Realistically as follows 4 x 2 bed and 4 x 3 bed units = 20 Bedrooms 20 Bedrooms = 40 people (Max) Restaurant at 312m2 = restaurant of that size will have a minimum of 12 - 15 workers during service times. The restaurant would also seat 160 - 200 people Retail at 45m2 = 2 workers minimum The proposed development would use all car spaces available and not allow for others to enjoy the existing amenities that currently exist.<br>CONCLUSION<br>There are plenty of other area's currently zoned for redevelopment on the Northern Beaches and Sydney that are not being utilized, why would you need to rezone a R2 Low density, sensitive, flood level area in this way. There is so much objection to this development from the local people, and most of those who written to approve of the development do not live in the area and would strongly suggest that if a block of units was to be | |
| 23. | I would like to add my voice to the protests about the above application<br><br>The loss of the trees and public access, in an area which is very busy especially in summer and all the other losses<br><br>These will be covered by others but my main worry is for the amenity of the surrounding homes<br><br>They have built and created their outdoor spaces in accordance with the then prevailing surroundings<br><br>To have an three, or at worst, a four storey building encroaching on their space will cause many problems<br><br>I can speak from experience in this regard.<br><br>I lived in Guildford for 40 years before I moved to the Northern Beaches and the last four were blighted by a reception centre opening without a DA on Guildford Road<br><br>The noise, which was never really fixed up, would come straight into my bedroom even with the | Removal of trees<br><br>Loss of public access<br><br>Impacts on neighbours<br><br>Possibility of short term rentals<br><br>Not in the public interest |

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| | windows closed<br><br>Calls to what was then Holroyd Council and the police fixed up a few problems but my life was never the same and I dreaded Saturday nights<br><br>The people in the surrounding buildings will have to put up with more noise and interference with their overlooked living spaces should the building be allowed<br><br>Another problem for them will be the possibility of Air BnB lettings in the new building which as many councils know is hard to control<br><br>Any new building in that area will be a certainty for lettings like that to the detriment of the surrounding homes<br><br>I can understand a builder trying to maximise their profits but the losses in public space far outweighs any other consideration<br><br>PLEASE DO NOT ALLOW THIS TO BE APPROVED | |
| 24. | I would like to register my vote to defeat this application and deny approval for re-zoning.<br><br>• Well used public land would be taken away<br><br>• Mature trees would be removed<br><br>• There is not enough parking in the current car park for visitors whose cars already line the neighbouring streets and make driving and walking hazardous during busy time periods<br><br>• Research data that has been used regarding traffic is totally outdated as the population of the area has increased dramatically in the last few years since this data has been collected<br><br>• The apartment block would not provide affordable housing for those who need it<br><br>• Warriewood Square provides adequate shopping for campers no further shops are required<br><br>• There is already enough outdoor space for dining without the need to extend further out as long | Not in the public interest<br><br>Removal of trees<br><br>Parking provision<br><br>Conclusions based on outdated data<br><br>No affordable housing<br><br>No need for commercial floor space<br><br>Sufficient outdoor dining area<br><br>Out of character |

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| | as the current boundary wall is used<br><br>• The holiday and recreation space for both residents and non residents would be detrimentally affected by the introduction of higher level appartments | |
| 25. | I live in Sydney Lakeside Park (at the above address). I strongly feel that the proposed development is definitely not suitable, for various reasons:<br><br>IN SUMMARY this application (PP0001/17, 1&3 Narrabeen Park Pde.) seeks to:<br>1. Remove four magnificent iconic and historic Norfolk Pines from Crown reserve, which are currently subject to a Local Heritage Listing application with Council.<br>2. Alienate public Crown Reserve land for private commercial use, involving open air consumption of alcohol, in dangerous proximity to families with small children, cars parking, a new adjacent driveway, and a busy narrow road.<br>3. Create a four storey commercial/ Unit complex fronting directly onto a Crown Reserve, in an area of significant and diverse cultural, environmental, aesthetic, educational and recreational elements. These include historic Norfolk Pines, Council Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club.<br>4. Create a four storey commercial/ Unit complex to a 13 m height limit. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2: the PDS requires 1 per 150 m2 (60% more than is proposed). This far exceeds other local dcvelcpments in height and density.<br>5. Create only 6 more parking spaces, to a total of 18: Council's Development Control Plan 2014 requires 31 spaces, ie 70% more than proposed. This area has high parking demands already, especially holidays and weekends.<br>6. Increase the existing RMS calculated Peak Hour Vehicle Trips (PHVT) from 15, to a maximum of 27 PHVT, nearly double.<br>7. Ignore waste removal problems with 8 units, a restaurant and a shop, at least 30 bins twice weekly. How many bins does a restaurant alone generate?<br><br>RECOMMENDED<br>• No removal of trees from Crown Land, and expedited approval of the current Local Heritage Listing application for the pines.<br>• Adjacent Crown Land be retained for cirrent recreational use, and not alienated for private | Removal of trees<br><br>Outdoor dining impacts<br><br>Over development<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation<br><br>Waste disposal |

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| | commercial use and profit.<br>• Any proposal strictly adhere to current building height, unit density, and parking provision requirements.<br>• Consideration of vermin and waste disposal problems. | |
| 26. | I would also like to register my vote to defeat this application & deny approval for re-zoning.<br><br>The restaurant/cafe that is already onsite there just needs to be updated & kept on one level.<br><br>It's ideal for summer lunches and dinners after a lovely day at the beach or pool.<br><br>The trees have been there a long time & add to the beachy environment and should stay there forever. | No need for commercial floor space<br><br>Removal of trees |
| 27. | I am totally against the following application due too:<br><br>IN SUMMARY this application (PP0001/17, 1&3 Narrabeen Park Pde.) seeks to:<br><br>1. Remove four magnificent iconic and historic Norfolk Pines from Crown reserve, which are currently subject to a Local Heritage Listing application with Council.<br><br>2. Alienate public Crown Reserve land for private commercial use, involving open air consumption of alcohol, in dangerous proximity to families with small children, cars parking, a new adjacent driveway, and a busy narrow road.<br><br>3. Create a four storey commercial/ Unit complex fronting directly onto a Crown Reserve, in an area of significant and diverse cultural, environmental, aesthetic, educational and recreational elements. These include historic Norfolk Pines, Council Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club.<br><br>4. Create a four storey commercial/ Unit complex to a 13 m height limit. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2 : the PDS requires 1 per 150 m2 (60% more than is proposed). This far exceeds other local developments in height and density.<br><br>5. Create only 6 more parking spaces, to a total of 18: Council's Development Control Plan 2014 | Removal of trees<br><br>Outdoor dining impacts<br><br>Over development<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation<br><br>Waste disposal |

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| | requires 31 spaces, ie 70% more than proposed. This area has high parking demands already, especially holidays and weekends.<br><br>6. Increase the existing RMS calculated Peak Hour Vehicle Trips (PHVT) from 15, to a maximum of 27 PHVT , nearly double.<br><br>7. Ignore waste removal problems with 8 units, a restaurant and a shop, at least 30 bins twice weekly. How many bins does a restaurant alone generate?<br><br>**RECOMMENDED**<br><br>No removal of trees from Crown Land, and expedited approval of the current Local Heritage Listing application for the pines.<br>Adjacent Crown Land be retained for current recreational use, and not alienated for private commercial use and profit.<br>Any proposal strictly adhere to current building height, unit density, and parking provision requirements.<br>Consideration of vermin and waste disposal problems. | |
| 28. | I have lived in North Narrabeen for 57 years and have walked under these majestic pines often, I think it would be a tragedy if they were removed just to improve the views of the residents of this development. | Removal of trees |
| 29. | I am a resident of 3/13 Lagoon St, Narrabeen and am writing to oppose the development in North Narrabeen for the following reasons:<br><br>1. Remove four magnificent iconic and historic Norfolk Pines from Crown reserve, which are currently subject to a Local Heritage Listing application with Council.<br><br>2. Alienate public Crown Reserve land for private commercial use, involving open air consumption of alcohol, in dangerous proximity to families with small children, cars parking, a new adjacent driveway, and a busy narrow road.<br><br>3. Creating a four storey commercial/ Unit complex fronting directly onto a Crown Reserve, in an area of significant and diverse cultural, environmental, aesthetic, educational and recreational elements. These include historic Norfolk Pines, Council Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club. | Removal of trees<br><br>Outdoor dining impacts<br><br>Over development<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation<br><br>Waste disposal |

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| | 4. Create a four storey commercial/ Unit complex to a 13 m height limit. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2 : the PDS requires 1 per 150 m2 (60% more than is proposed). This far exceeds other local developments in height and density.<br><br>5. Create only 6 more parking spaces, to a total of 18: Council's Development Control Plan 2014 requires 31 spaces, ie 70% more than proposed. This area has high parking demands already, especially holidays and weekends.<br><br>6. Increase the existing RMS calculated Peak Hour Vehicle Trips (PHVT) from 15, to a maximum of 27 PHVT , nearly double.<br><br>7. Ignore waste removal problems with 8 units, a restaurant and a shop, at least 30 bins twice weekly. How many bins does a restaurant alone generate?<br><br>RECOMMENDED<br>• No removal of trees from Crown Land, and expedited approval of the current Local Heritage Listing application for the pines.<br>• Adjacent Crown Land be retained for current recreational use, and not alienated for private commercial use and profit.<br>• Any proposal strictly adhere to current building height, unit density, and parking provision requirements.<br>• Consideration of vermin and waste disposal problems. | |
| 30. | I am a local resident of Collins street Narrabeen and use the car park and pool area around the proposed development, I object to the development on the following grounds,<br><br>Size and bulk.<br><br>Exceeds current height restrictions.<br><br>Carpark will be used for units 2nd cars restricting available spaces.<br><br>Development not in keeping with surrounding houses.<br><br>Current zoning rules are in place to protect from over development and should not be changed to suit a developer against the confirmed wishes of the local community. | Over development<br><br>Inconsistency with strategic planning framework<br><br>Parking provision<br><br>Out of character<br><br>Removal of trees<br><br>Loss of public access |

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| | The Norfolk Pines are a landmark on council land and should remain so.<br><br>As observed by other developments in the area disruptions to the walkway and parking will happen as the builder will not confine them selves to the building footprint and council does not seem able to police these infringements and disruptions to the local community. | |
| 31. | I object to the removal of the Norfolk Island pines on this site there part of that part of narrabeen the locals have lived with them forever so why should a developer be able to remove them for their own purpose. | Removal of trees |
| 32. | I live within 150mtrs of this proposed development and strongly oppose the development. The developer shows no consideration to the characteristics of the surrounding areas and total disregard for the close local community. I STRONGLY oppose the destruction of the 4 norfolk tree that with to be cut down and am disgusted with the fact that the council has even considering it. The building height is totally out of line and oppose . I really can't believe that there has been no consideration or requirements to be met with car and foot traffic. With increased foot traffic and non local visitors and the speed that cars come up to the intersection i fear there will be a fatal accident. Please stop giving in to money hungry developers trying to taking over every corner of the suburb. | Out of character<br><br>Removal of trees<br><br>Council should not consider Planning Proposal<br><br>Height<br><br>Safety (traffic) |
| 33. | I am a local resident (approx. 300m from the proposed development) and have grave concerns and **oppose** this submission for development.<br><br>This is already a very high traffic and footfall area and cannot sustain the additional traffic and parking issues that we already face today, and this would exacerbate that. The current infrastructure in the area cannot support this additional proposal and would in my opinion make this an accident hot spot. The local young children that use this area and footpath on foot and bikes on a daily basis to access the parkland and the beach to swim & surt, etc. We do not want to jeopardise the safety of our residents and children.<br><br>The development is not in keeping with the local surroundings and recreational purpose. The proposal will require the removal beautiful trees and scenery that tourists visit the area for and I enjoy on a daily basis. The removal of the majestic pines that are over 60 years old is not in keeping with council strict policy on tree removal.<br><br>Multi-Storey multi-unit developments have their place but not in this proposed location. The northern beaches has been too much high density buildings developed over the last 10 - 15 years and no | Traffic generation<br><br>Parking provision<br><br>Safety (traffic)<br><br>Out of character<br><br>Removal of trees<br>Over development<br><br>Infrastructure provision |

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| | infrastructure has been upgraded to accommodate this.<br><br>The Northern Beaches is a place of beauty. The zoning of land to remove the natural beauty of the area and replace with concrete should not be allowed. | |
| 34. | I'd like to express my concerns with this development application in Narrabeen. I am concerned about the height of the apartment and the plan to remove the iconic Pine trees. The net effect of both will be to dramatically impact the ambience of the area. We have a lovely, sleepy, relaxed beach which reflects a relaxed beach culture that attracted many of us to the area. Cramming high rise apartments and removing trees simply ruins this. This area is currently family homes and is leafy. This proposal sets a dangerous precedent that will change the culture of the area including the beach. Please, consider carefully lowering the height to maximum three stories and keeping the beautiful pine trees. Preserve our culture. | Height<br><br>Removal of trees<br><br>Out of character<br><br>Precedent |
| 35. | The proposed development is a destruction of the beauty and relaxed atmosphere of the area.<br>The trees – which are on public land – and the corner building have been there way back into the 19 hundreds.<br>I enjoyed them then and enjoy them now!<br>They are in keeping with the relaxed family residential building scheme and enjoyed by many hundred campers and long term residents such as myself and my family. | Removal of trees |
| 36. | I believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Precedent<br><br>Use inconsistent with classification of Crown land<br>Over development<br><br>Residential density<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |

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| | Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>I urge the Council to reject this proposal. | |
| 37. | I read with horror that there is a development proposal at North Narrabeen), which includes the removal of Norfolk Island pines.<br><br>These mature trees have been local icons for many years. Imagine if a proposal was put to remove the Pines at Manly beach!. It would be kicked out immediately. This area is no different.<br><br>Trees of this size bind the sandy soil and mitigate erosion at the entrance to Narrabeen Lagoon.<br><br>There are many other areas in the Application that I totally disagree with, including rezoning, building height, car parking and access through council land.<br><br>I don't wish to comment further on this Application, as it is so out of touch with public opinion and council planning rules that it should be given a permanent ban.<br><br>So often we see these types of applications re-submitted with minor changes until approval is granted. This application should be stopped forever. | Removal of trees<br><br>Environmental impact<br><br>Out of character<br><br>Height<br><br>Parking provision<br><br>Loss of public access<br><br>Inconsistency with strategic planning framework |
| 38. | I strenuously object to the above application being approved by council.<br><br>1. The proposed development asks for a change in zoning from current R2 low density to medium density which is not in keeping with the area's zoning plan.<br>2. The current café already uses council land for outdoor eating. Do they have Council permission and do that and do they have a lease and pay rental?<br>3. Does the current user have permission from council to cross council land for car access. I must provide access to my property by only crossing a footpath.<br>4. The proposed development does not provide access to car parking other than through Council Land. How is that legally possible?<br>5. The proposed restaurant will not provide parking for its customers so they will overtake the area used by local residents, CAMPING GROUND RESIDENTS, walkers and Narrabeen pool users.<br>6. The trees they wish to have removed are on Council property. They are iconic trees that have been grown for many years along the Northern Beaches to give the green treed look to our area. | Inconsistency with strategic planning framework<br><br>Access through public reserve<br><br>Parking provision<br><br>Removal of trees<br><br>Environmental impact<br><br>Out of character |

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| | Whilst the trees are not endemic to this area they have been grown to beautify the area and they stabilise the fragile environment at the entrance to Narrabeen Lagoon.<br>7. This proposed development WILL NOT enhance the local amenity. I also feel that a four story development at this rather fragile site is so out of keeping with what the community want on the Northern Beaches.<br>8. It goes against all concerns for the environment. Think of the disaster on Collaroy beach caused by inappropriate development close to waterways and the ocean.<br>9. Ocean Street is a busy through road used as an alternative to Pittwater Road. When we travel along this section we must be careful because of the narrow road with cars parked on both sides, traffic accessing the car park and the foot crossing from the camping ground. | Safety (traffic) |
| 39. | I formally write to register my dismay at the below as a resident of Narrabeen<br><br>1. Remove four magnificent iconic and historic Norfolk Pines from Crown reserve, which are currently subject to a Local Heritage Listing application with Council.<br>2. Alienate public Crown Reserve land for private commercial use, involving open air consumption of alcohol, in dangerous proximity to families with small children, cars parking, a new adjacent driveway, and a busy narrow road.<br>3. Create a four storey commercial/ Unit complex fronting directly onto a Crown Reserve, in an area of significant and diverse cultural, environmental, aesthetic, educational and recreational elements. These include historic Norfolk Pines, Council Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club.<br>4. Create a four storey commercial/ Unit complex to a 13 m height limit. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2 : the PDS requires 1 per 150 m2 (60% more than is proposed). This far exceeds other local developments in height and density.<br>5. Create only 6 more parking spaces, to a total of 18: Council's Development Control Plan 2014 requires 31 spaces, ie 70% more than proposed. This area has high parking demands already, especially holidays and weekends.<br>6. Increase the existing RMS calculated Peak Hour Vehicle Trips (PHVT) from 15, to a maximum of 27 PHVT , nearly double.<br>7. Ignore waste removal problems with 8 units, a restaurant and a shop, at least 30 bins twice weekly. How many bins does a restaurant alone generate?<br>RECOMMENDED<br>• No removal of trees from Crown Land, and expedited approval of the current Local Heritage Listing | Removal of trees<br><br>Outdoor dining impacts<br><br>Over development<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation<br><br>Waste disposal |

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| | application for the pines.<br>• Adjacent Crown Land be retained for current recreational use, and not alienated for private commercial use and profit.<br>• Any proposal strictly adhere to current building height, unit density, and parking provision requirements.<br>• Consideration of vermin and waste disposal problems. | |
| 40. | Re DA at 1&3 Narabeen Park Parade. App DP 0001/17 I believe the proposal for this site is totally inappropriate, because:<br>it would involve the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species is perhaps one of the most culturally significant in public spaces on the east coast. The Pines are historically significant, being planted by Arch McKinnon next to his general store in 1942. These magnificent mature trees dominate the site and provide shade for the site. Their cultural, historical and environmental significance can not be overstated.Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would create a dangerous precedent.<br>The use of Crown land for private commercial use will reduce the area available for public recreation<br>This proposed building will have a height of 13 meters, when all other surrounding buildings are subject to Councils existing height limit of 8.5 metres. Setting a precedent for overdevelopment.<br>With a density of one unit per 86m2, the proposal far exceeds Councils guidelines of 1 per 150m 2.<br>Only an additional 6 car parking spaces have been proposed, to a total of 18. Councils 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches I urge Council to reject this proposal. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Use inconsistent with classification of Crown land<br><br>Height<br><br>Precedent<br><br>Residential density<br><br>Parking provision |
| 41. | I strongly object to this application:<br>1) The proposed removal of the Norfolk Pine trees which are on council land.<br>2) The erection of a four storey building with shops and units, and underground car park.<br><br>The Northern Beaches suffers from overdevelopment, lack of infrastructure and inadequate public transport. It can take 40 minutes to drive from Dee Why to Narrabeen, not only in peak hours. The idyllic beachside lifestyle we brought into is vanishing daily and we hate it.<br>Politicians aren't interested in the future past their term in office. It is heartbreaking how our beautiful peninsular is disappearing fast. Most people I know feel the same, passionate about our peninsular, but no-one in office seems to care.<br>Warriewood Valley is an example of over satuation, with no thought given to all the extra traffic we have to endure. Medium density.....more like a disaster. | Removal of trees<br>Over development |

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| | Stop ruining our area. | |
| 42. | I believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>I urge the Council to reject this proposal. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Precedent<br><br>Use inconsistent with classification of Crown land<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |
| 43. | I am truly saddened to read about the redevelopment of "The Narrabeen Modern Chinese Restaurant".<br><br>I cannot emphasize enough that this is one iconic landmark that does not need redevelopment.<br><br>The location is great, the trees are wonderful, the views amazing, and great parking (Why cant that be free again too?)<br><br>The food is great, the service is great and the prices are reasonable. I love this place and often bring friends form all over the world to enjoy its unspoilt ambiance. | Over development<br><br>Removal of trees |

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| | What can possibly be better?<br><br>Why is it as soon as you have found a great spot someone has to come along and ruin it? Just for greed.<br><br>The proposal is massive and overbearing and unsympathetic with the area.<br><br>Let the trees live in their majesty! | |
| 44. | I am truly saddened to read about the redevelopment of "The Narrabeen Modern Chinese Restaurant".<br><br>I cannot emphasize enough that this is one iconic landmark that does not need redevelopment.<br><br>The location is great, the trees are wonderful, the views amazing, and great parking (Why cant that be free again too?)<br><br>The food is great, the service is great and the prices are reasonable. I love this place and often bring friends form all over the world to enjoy its unspoilt ambience.<br><br>What can possibly be better?<br><br>Why is it as soon as you have found a great spot someone has to come along and ruin it? Just for greed.<br><br>The proposal is massive and overbearing and unsympathetic with the area.<br><br>Let the trees live in their majesty! | Over development<br><br>Removal of trees |
| 45. | I have to say I am appalled at the above application submitted to Northern Beaches Council which seeks to set its own rules with regard to a development with total disregard for current council bylaws. This is an attractive area for both locals and visitors.<br><br>This proposal, flouts the current guidelines and would be a slight on the present landscape which is situated so close to pristine waterways and parkland. The development should be made to conform to the current requirements for: building height, unit density and parking provisions.<br><br>The delicate location of this proposal is adjacent to Crown land which should remain for recreational use only and not for a private business to use for commercial venture and profit. There should be NO removal of trees on this crown land which is there for the enjoyment of all who visit, not just a selected | Inconsistency with strategic planning framework<br><br>Out of character<br><br>Use inconsistent with classification of Crown land<br><br>Removal of trees<br><br>Parking provision |

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| | few to gain monetary reward.<br><br>There are already high parking demands in this recreational area which is used by people visiting our heritage listed rockool, North Narrabeen aquatic reserve, North Narrabeen Reserve, North Narrabeen surf, Narrabeen Lake, the Coast Walk, the Coastal Environment Centre and much more. At peak times the carpark is very busy so any new development must be made to conform to existing density and parking space rules.<br><br>The area in question is on a narrow strip of roadway which is already very busy and does not need any more traffic flow which would only seek to make it dangerous and put people's lives at risk - especially our children. There are many people crossing the already busy road from the Lakeside Caravan park as well as the users of the above local facilities.<br><br>Allowing a development like this would simply be opening a Pandora's box for further developments which are not inline with keeping the beautiful Northern Beaches for the people to enjoy. In short, Northern Beaches Council would be negligent in allowing a development like this occur which completely defies current council legislation. I trust council will do the right thin by residents and users of this beautiful unique area. | Safety (traffic)<br><br>Precedent |
| 46. | Having reviewed the documentation submitted in support of the application we have formed the considered opinion that insufficient justification has been provided by the proponent in support of the planning proposal as detailed below.<br>Strategic Planning Justification<br>The strategic planning justification put forward by Doyle Consulting Group is summarised in the conclusions at page 51 of the report namely:<br>*The New South Wales Department of Planning and Environment have prepared documentation titled A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals which set out the justification for the subject site to be rezoned to permit shop top housing to be erected on the site subject to the support for a site specific amendment to the relevant Local Environmental Plan.*<br>Comment: Noted.<br>*The preparation of this planning proposal has been composed in accordance with the above guides prepared by the Department of Planning and Environment in a manner that has carried out detailed site examinations by a number of experts to ensure that the subject site although subject to constraints such as geotechnical sensitivity and bushfire will be able to be developed in a manner that will enable an appropriate built form and scale to be provided to give respect to the locality surrounding the subject site, its visibility and its importance to the community of North Narrabeen.* | Insufficient justification/merit<br><br>Heritage impact (building)<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Parking provision<br><br>Flooding<br><br>Impacts on neighbours<br><br>Out of character<br><br>Sufficient medium density |

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| | Comment: We disagree with these comments. The application seeks the **demolition of an existing building of apparent heritage significance** it being noted that the heritage report prepared in support of the application would appear to contain incorrect historical information. I am advised that the existing building located on No. 1 Narrabeen Park Parade was constructed in 1940 for Archie McKinnon as a general store and that the adjacent Norfolk Island Pines were planted at or around the time of construction. The original facade and form appear to have remained relatively intact as detailed in the photos at Figure 2 over page.<br>The application must not proceed until an independent heritage assessment has been undertaken by Council.<br>The application proposes **the removal of the 4 existing Norfolk Island Pine trees located within the adjacent reserve** to the south of the existing commercial premises. The Accompanying Tree Assessment Report, dated December 2016, prepared by Bluegum Tree Care and Consultancy (Attachment 1) assesses the significance of the trees and contains the following conclusions:<br>*Each of the assessed trees is in good health and structural condition. There are no grounds to warrant removal of any of these trees based on concerns relating to health, stability or longevity.*<br>*As a group, these trees have considerable landscape, environmental, cultural and historical significance.*<br>*These trees are worthy of retention and any future development should ensure they are adequately protected and retained. An AQF Level 5 Arborist should be engaged as part of the design process to review the plans and provide guidance. Excavation for the driveway (through the existing embankment within the Tree Protection Zone of Tree 4) will require particular attention.*<br>*These trees are located on crown land and are a public asset. Removing of four (4) of the six (6) trees to serve the needs of a private development is not justifiable.*<br>The report contains a number of photos showing the Norfolk Island Pines as planted in 1940 and as they existing today as reproduced in Figure 4 over page. These trees are located on public land and have apparent landscape, environmental, cultural and historical significance and therefore must not be removed for private benefit.<br>The application also proposes the **excavation of the entire site to accommodate basement car parking**. We note that even with this level of excavation the development **will rely on the adjacent public car parking area to meet the car parking demand generated by the proposed development**. Again, the application seeks to utilise public land for a private purpose. Further, we are not convinced that the site is not flood effected and seek Council's confirmation in this regard.<br>The application proposes the construction of the development on a **nil setback to our client's eastern property boundary with extensive excavation to accommodate the basement carpark and associated access driveway**. This has the potential to block existing access to our client's property as depicted in Figure 4 over page and proposes structural retaining wall elements in place of the natural | zoning<br><br>Not in the public interest<br><br>Removal of trees<br><br>Insufficient setbacks<br><br>Extensive excavation<br><br>Over development |

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| | landform in this location.<br>The proposal seeks to **replace the existing single storey non-conforming commercial building with a 13 metre high 4 storey mixed use building** on the land. We disagree with the proponent's statement that the rezoning *will enable an appropriate built form and scale to be provided to give respect to the locality surrounding the subject site, its visibility and its importance to the community of North Narrabeen.* We are of the opinion that the rezoning will actually enable a building displaying a **totally incompatible and inappropriate building form and scale compared to that which currently exists on the site**, only by virtue of it benefiting from existing use rights, with **the demolition of the existing building and removal of the existing Norfolk Island Pines totally destroying any significance that this site currently may have to the community of North Narrabeen**.<br>*The subject site is located in close proximity to major transport routes, within walking distance of retail, service and medical facilities and will fulfil a need for additional housing in a sensitive manner as required and identified under the relevant regional plans.*<br>Comment: Northern Beaches Council's housing targets can be met elsewhere within the LGA without the spot rezoning of sensitive coastal land. We do not agree with this justification.<br>*Strategically, the subject site will enable housing opportunities to be facilitated in an area which has access to existing service, support and recreational facilities in accordance with the Plan for Growing Sydney which emphasises the importance of providing future housing in localities that are able to satisfy environmental, sustainability and transport outcomes.*<br>Comment: For the reasons previously outlined, these particular sites are unsuitable for the increased mixed use/ residential densities and associated built form outcomes proposed.<br>*There will be a net community benefit of the proposal in that it will enable the existing dilapidated structures on the subject site to be removed and replaced with a contemporary sustainable building which will provide a valuable community focus by enabling the area of public open space adjacent to the subject site to be developed in a manner that is conducive to community uses, environmentally sustainable and totally funded by the applicant.*<br>Comment: For the reasons previously outlined, we consider there to be no community benefit associated with the proposal in that it will:<br>➢ Require the demolition of an existing building of apparent heritage significance;<br><br>➢ Require the removal of the 4 existing Norfolk Island Pine trees located within the adjacent reserve;<br><br>➢ Require excavation of the entire site to accommodate basement car parking.<br><br>➢ Rely on the adjacent public car parking area to meet the car parking demand generated by the | |

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| | proposed development.<br><br>➢ Provide nil setback to our client's eastern property boundary with extensive excavation to accommodate the basement carpark and associated access driveway. This has the potential to block existing access to our client's property and proposes structural retaining wall elements in place of the natural landform in this location.<br><br>➢ Replace the existing single storey non-conforming commercial building with a 13 metre high 4 storey mixed use building on the land.<br><br>➢ Facilitate a building displaying a totally incompatible and inappropriate building form and scale compared to that which currently exists on the site, only by virtue of it benefiting from existing use rights, with the demolition of the existing building and removal of the existing Norfolk Island Pines totally destroying any significance that this site currently may have to the community of North Narrabeen.<br>*I believe that the proposal has been well considered, sensitively crafted and worthy of a positive response to the submission of this planning proposal.*<br>Comment: For the reasons outlined in this submission we disagree with this conclusion. Under such circumstances, we are of the considered opinion that the application must fail. | |
| 47. | I have found it difficult to enter a submission for this development as I didn't know it was happening. There has been little information about it.<br><br>I am extremely upset that this proposal could even be considered for these reasons;<br><br>The Norfolk Is pines in this area are a landmark for the North Narrabeen rock pool entrance. This area has been substantially developed over the years as a recreation reserve, which is well utilised by picnickers from other areas and the caravan park.<br><br>The very limited parking does not need to be reduced in any way, and certainly isn't sufficient for a further use. There isn't any amount of reasonable parking nearby.<br><br>The height and scale of the development is totally out of character with the low scale of development in the laid back beachside environment.<br><br>The existing restaurant has changed hands many times and could use an upgrade, but in keeping with the iconic nature of the building. It needs to be developed as a low level kiosk to serve the beachgoers and caravan park guests. A second storey only would not be out of character. | Removal of trees<br><br>Parking provision<br><br>Out of character<br><br>Flooding<br><br>Height |

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| | Given the need for floor levels in new developments to be raised above the high water mark to allow for sea level rise, I can't see this overdevelopment having a connection to outside space for dining without completely overpowering this small reserve.<br><br>The height of the development, apart from causing major obstruction to views for neighbouring houses, will overshadow and overlook the caravan park and reserve, leading to lack of privacy and general lack of light and sunshine.<br><br>More than anything, this development is totally inappropriate and out of character for this area. | |
| 48. | **We strongly oppose this proposed development at 1-3 Narrabeen Park Parade.** Why are the neighbours and local residents, who are directly impacted by this development application, being placed in a defensive position? Defending ourselves against this development application and the proposed destruction of iconic trees on public land requires substantial time, effort, and in some cases, money (via third party reports) in order to detail the objections.<br><br>Outright rejection of this development plan should be an automatic action taken by Council on the basis that the proposal does NOT comply with the existing residential zoning requirements. Land zoning and development controls are in place for a good reason. They provide an agreed framework for the way the land can be used. Clearly, not every single street located within the northern beaches area can be multistorey, higher density living. All of the residents surrounding this natural coastal area have bought into and live by the R2 zone controls governing their property.<br><br>As local residents, we must comply; so why does this developer get the opportunity to bypass the existing zoning restrictions and do otherwise? The arrogance of this development application is further demonstrated by the intention to encroach into the existing car parking space and remove the mature and iconic Norfolk Pine trees that are located on public land. Not private land; public land!<br><br>The developer is attempting to arbitrarily change zoning regulations on this land for their financial benefit. As ratepayers living in the immediate neighbourhood affected by this application, we will receive no benefit from this development. The intent of the proposed B1 re-zoning is to provide for neighbourhood centres that serve the needs of the surrounding area. Yet, with the strong opposition to this rezoning application by the very neighbours and local residents of Warriewood and North Narrabeen that B1 zoning is meant to serve, the Council can see that there is clearly no justification for rezoning this land to B1.<br><br>Of further concern is that this re-zoning proposal is being attempted to be pushed through via a decision of the interim Northern Beaches Council. By ignoring the existing low-density zoning control on this site, | Burden on local residents to object<br><br>Inconsistency with strategic planning framework<br><br>Removal of trees<br><br>Use inconsistent with classification of Crown land<br><br>Not in the public interest<br><br>Community opposition<br><br>Decision made by the Administrator<br><br>Precedent<br><br>Sufficient medium density zoning<br><br>Traffic generation<br><br>Parking provision |

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| | and approving this increased development, Council is leaving itself exposed to further unrestricted higher density development applications without any recourse. Surely any rezoning decisions of this magnitude can only made by a duly elected Northern Beaches Council, who have made their position on unrestricted rezoning intentions for increased density living in their elected Ward, clear to ratepayers at the time of the upcoming Council elections.<br><br>In addition to failing to meeting the existing zoning restrictions of the land on which it is proposed, there are further reasons why this development application needs to be opposed. Many other concerned local residents have outlined valid reasons for their objections and we summarise additional concerns of our household regarding this development proposal. These are:<br><br>1. The rezoning of residential land sets a dangerous precedence to the area and effectively removes the Council's ability to subsequently oppose any additional applications on the same grounds. By overriding existing land zone controls, the Council is literally paving the way for uncontrolled and rampant over-development.<br><br>2. Substantial available land for higher density development already exists for the developer in the R3 zone, immediately south of the Ocean St Bridge. There is no legitimate need for increased density housing specifically at the 1-3 Narrabeen Park Pde site, when available land for increased development already exists within easy walking distance.<br><br>3. There are real traffic and parking concerns with adding increased density along Ocean Rd and the existing council car park facilities at this site. The Council already has multiple submissions on file from local residents that outline the valid concerns regarding added traffic congestion, poor pedestrian safety, the need for direct driveway access onto Ocean St, and the intent to remove parking and footpath space for all visitors to enjoy this public area.<br><br>4. This application also fails to comply with Council flood restrictions in this area. Again, if Council approves this application, they will be unable to prevent others using this example to not comply in future.<br><br>5. The established Norfolk Pine Trees are majestic, iconic and most importantly, are located on public land. Let the incoming Council nominees publicly stand on a position of removing these grand trees from the Narrabeen landscape for the sole benefit of this overdevelopment, and see | Flooding<br><br>Environmental impact |

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| | how they fare when Council elections occur.<br><br>6. Finally, this land adjoins the main public access point to the Narrabeen Head Aquatic Reserve. Any action that increases the human footprint and pollution in this area must be avoided. The goal is to protect the pristine nature of this valuable ecological area. Yet the proposed development is already asking to encroach on the public land bordering this zone with the intention of dramatically increasing urban development, addition of commercial food eateries and removal of the iconic coastal trees.<br><br>By removing mature carbon capturing trees, whilst significantly increasing the commercial food and litter waste and human impact on this ecological area, the natural coastal environment is compromised. Increasing the commercial food premises at this location will only lead to greater pollution in the nearby waterways from discarded drink and food containers.<br><br>Across Sydney's Northern Beaches, we already have many commercial cafes and multi storey, higher density living precincts. In contrast, Narrabeen's iconic coastline and the Narrabeen Head Aquatic Reserve are unique!<br><br>Rejecting this development application is imperative. | |
| 49. | As I am just retired person, living 25 years in Dee Why and now in Narrabeen, I've seen lots of new developments happened at Northern Beaches.Yes, I fully agree that society needs to go forward, including a new housing, shopping centers, hospitals, etc,etc. In NSW we have lots of developers working hand in hand with great architects, they together can put some remarkable things together, sensitive to people's needs and the foremost sensitive to our environment.<br><br>Seeing the proposal, of new development, which will benefit to locals, I was just shocked reeding such a monumental insensitive and be blunt stupid idea of getting rid of those beautiful trees, which are not only beautiful for the area, but so important for the environment. We, in Australia, we need as much trees as possible, such a pines does not grow up in 1-2 years, well I believe I do not have to give a lecture to adult sensible people who are supposed to be in charge of such a project. Well, sensible... I strongly believe, that in an co-operation with environment minded architects, the solution how to save those magnificent and useful trees can be find. | Removal of trees |
| 50. | This submission is to register my strenuous objection to the above planning proposal<br><br>**1. Introduction and Summary** | Undermines public trust in the planning system |

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| | My objections are centred on the following three themes:<br>• principle – spot rezonings devalue the planning process, and fly in the face of the community's expressed aspirations for a place (as set out in an adopted LEP and accompanying development standards);<br>• merit – the proposal fails when assessed against several key criteria (including the DCP's "Desired Character" statement for the Warriewood locality), will detrimentally change the character of the area, will reduce community access and enjoyment of public land, and adversely impact the area's amenity and quality of the local environment; and<br>• precedent – approval of this proposal for medium density development in an otherwise entirely low density residential neighbourhood, and endorsement of the associated breaches of the prescribed development standards (such as parking provisions and density), would set a potentially dangerous precedent for Council and residents.<br><br>The Pittwater 21 Development Control Plan 2014 was prepared "to reflect the communities [sic] aspirations in regard to the environment, development, infrastructure, and public areas. It is about a vision that the community has as to how their area will develop, their expectations as to how their needs will be met ….". These land use and development expectations are also expressed through the Pittwater LEP and the zonings prescribed therein.<br>The proposal is clearly contrary to the community's expressed vision for the subject site and its environs – as set out in the current LEP's zoning and associated DCP provisions. In essence the proponent is asking Council to ignore or override that stated wishes of the community, and its own LEP, by a change to the zoning and then also permitting certain development standards to be flouted, for the benefit of the landholder/proponent but to the serious detriment of the local and wider community, the locality's character and it physical and visual amenity, and the site's surrounding environment. The proposed removal of four majestic mature Norfolk Island Pines from adjacent public land, the effective privatisation of even more public land for exclusive commercial/private use, and the reduced quality and appeal of the adjacent lakeside park that are proposed or will follow if this application is approved are particularly concerning.<br>I would request that Council reject this application in its entirety and not approve any subsequent proposals for this site that are not consistent with the existing R2 Low Density Residential zoning (allowing for existing use rights), and are not fully compliant with the relevant development standards.<br><br>**2. The Adverse Impact of Spot Rezonings**<br><br>Spot rezonings such as this proposal seriously damage and devalue the planning process, and erode | Insufficient justification/merit<br><br>Precedent<br><br>Height<br><br>Residential density<br><br>Over development<br><br>Out of character<br><br>Sufficient medium density zoning<br><br>Traffic generation<br><br>Parking provision<br><br>Safety (traffic)<br><br>Infrastructure provision<br><br>Removal of trees<br><br>Environmental impact<br><br>Heritage impact (trees)<br><br>Use inconsistent with classification of Crown land<br><br>Loss of public access |

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| | the community's faith in sound and consultative land use planning and development control.<br>The community and Council have gone through a plan making process, an often extended exercise involving significant community engagement, to devise an LEP and supporting documents that express the community's agreed intention for the land use(s), development intensity and the character of an area. To have the efforts and express wishes of the many potentially annulled and largely reversed at the behest of one, or even a few, individuals is to render the plan making process and those who contributed to it almost meaningless. In essence spot rezonings represent planning and land use change by incrementalism, and opportunism, rather than by consensus.<br>The community's faith in planning and development control is then further eroded when, after an unsolicited or opportunistic rezoning has gone ahead, the subsequent development is progressively amended – through the DA modification process (and even via post-completion "approval" of as-built non-complying elements) – to push or exceed the boundaries of the development consent or DCP.<br>In essence what this rezoning application for 1-3 Narrabeen Park Parade is seeking is for Council to ignore or override that stated wishes of the community, and its own LEP, by changing the rules (zoning) as well as allowing the proponent to ignore/break certain development control rules (such as the DCP's minimum on-site parking requirements and density controls) for the personal benefit a landholder/developer but at the detriment of the local and wider community and the locality's amenity and environment (physical and visual). As elaborated below – the proponent's arguments in favour of the rezoning are subjective, unsubstantiated and in some cases spurious or irrelevant while the costs to the community and the locality are downplayed or ignored entirely.<br>The precedent implications, and risks, of this application (if approved) should also be acknowledged – as discussed further in point 22 below.<br><br>**3. Local Availability of Neighbourhood Centre (B1) and Medium Density Residential (R3) Lands**<br><br>The proposal offers no justification for the rezoning of the subject site from R2 Low Density Residential to B1 Neighbourhood Centre other than "to permit the construction of the mixed use development through Shop top Housing" (page 17). This is manifestly inadequate – if a proponent seeks to overturn the combined plan-making efforts of the community and Council some attempt at making a valid, validated and defensible case (other than "we want to") must be presented (also see point 2). The proposal fails, and should be rejected, on these grounds alone.<br>There is no local shortage of, and no expressed demand for, additional land to be zoned B1 Neighbourhood Centre or R3 Medium Density Residential within the locality of the subject site.<br>Under the Pittwater and Warringah LEPs there are existing B1 Neighbourhood Centre zoned lands:<br>□ on the opposite side of the Ocean Street bridge, at the intersection of Ocean and Malcom Streets – 490 metres south of the subject site; | Risk associated with commercial arrangement<br><br>Heritage impact (building)<br><br>Extensive excavation<br><br>Unsubstantiated claims in submitted documentation<br><br>Potential variations to standards<br><br>Invalid application of metropolitan strategic plans<br><br>Precedent<br><br>Council should not consider Planning Proposal<br><br>Site contamination<br><br>Geotechnical<br><br>Flooding |

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| | on Pittwater Road, between Walsh Street and Berry Avenue – 800 metres (road distance) east of the subject site (this Pittwater road "commercial strip" also continues southwards as B6 Enterprise Corridor lands), and<br>on Narrabeen Park Parade above Warriewood Beach – 1,250 metres (road distance) north of the subject site.<br><br>Significantly the B1 lands on Pittwater Road, between Walsh Street and Berry Avenue, are at present undergoing development with this commercial space yet to come onto the market and be taken up. North of the subject site there are no areas along Narrabeen Park Parade, Peal Place or Sydney Road now zoned R3 Medium Density Residential. This area is entirely zoned R2 Low Density Residential or E4 Environmental Living (a fundamental reason to reject this proposal in its totality). However only 900 metres south of the subject site is the north end of an elongated area, along the spine of Narrabeen Peninsula (largely between Ocean and Lagoon Streets), that is zoned R3 Medium Density Residential. This R3 zoned area has only been partially "infilled" with medium density housing to-date, with a large number of blocks still occupied by free-standing single dwellings. Demonstrably there already exists adequate, and unrealised, capacity for R3 medium density residential development within the vicinity of the subject site. Additional shop-top residential units are also about to come on-line as part of the development of the B1 lands on Pittwater Road, between Walsh Street and Berry Avenue.<br><br>**4. Excessive Height**<br><br>The proposal is excessively and unacceptably high.<br>The current height limit applying to the site is 8.5 metres. The building envelope provisions (D14.11) of the Warriewood Locality section (D.14) in the Pittwater DCP 2014 – as shown below – would also apply to the site, if developed for shop top housing, and further restrict the height and building form permissible. The building as shown in the sections accompanying the proposal is 12 metres high, from ground level, and the proponent is seeking a permissible maximum height of 13 metres (page 20). In an existing low rise residential area, and adjacent to a highly valued recreation space, this is simply unacceptable and should be rejected. The proposal's statement that a 13 metre maximum height will allow a development that is "in keeping with the locality" (page 20) is simply ludicrous.<br>The proposal claims on page 13 that the impact of the building's maximum height at 11.98 metres (a bare 20 millimetres short of 12 metres) will be ameliorated as "the top level is well recessed back into the site".<br>This "recessed back" claim is grossly overstated as demonstrated by the floor plans provided which show that, on the western frontage to Narrabeen Park Parade – the ground floor and first floor are built hard on the property boundary, only a very small part (less than 4 metres in length) of the second floor | |

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| | is set back and this less than 2 metres off boundary, and only the roof level is fully set off the property boundary but this is only approximately 0.5 metres in the south increasing to approximately 1.5 metres in the north (taken at the edge of the built terrace/overhang, or just over 3 metres to the top floor's western wall). The building's upper floor is also misleadingly hidden in the "Artist impression along Narrabeen Park Parade" accompanying the proposal. So in reality the building's western face will "read" as a notched or indented wall, but still a wall to the full height of 12 metres.<br>This high blank wall effect will also be the case for the building's entire northern face, which will be built to the full 12 metre height. The north-western corner of the proposed structure and much of this high north wall will be very visible from Narrabeen Park when viewed from this northern aspect – as shown on the Google Earth streetview image below. The proposal is totally silent on any consideration of the building's appearance, excessive bulk, high (blank ?) façade and visual dominance when seen from the north-west on Narrabeen Park Parade.<br>On the building's southern face only the top floor has any notable set back, with the southern wall of the upper rooms set approximately 7.5 metres from the property boundary. However here again the terrace/overhang is less than 1 metre from boundary and the privacy walls to each unit's terrace extend to within 3 metres of boundary (and these terrace areas may well be enclosed at some future time by any occupants). Again the "recessed back" claim is overstated and underpays the proposal's excessive height, bulk and visual dominance – with these impacts on the southern side exacerbated in that this aspect overlooks a popular and heavily used area of lakeside public open space.<br><br>**5. Adjoining Building Height – Misleading Comparison**<br><br>The proposal references No. 5 Narrabeen Park Parade as being "elevated above the subject site" (page 7) and includes the outline of this adjacent building on an accompanying section – the implication being that the proposal will be a lower structure than the adjacent residence. Page 13 of the proposal similarly claims "The proposed development will remain well below the height of the adjoining dwelling at 5 Narrabeen Park Parade". These statements, and image, are extremely misleading and incorrectly downplay the proposed building's bulk and visual dominance.<br>The proposal does not acknowledge that the westernmost point of No. 5 Narrabeen Park Parade is set 39 metres back (east) from the road's edge, up the hillslope and behind screening trees – as shown on the Google Earth streetview image below.<br>**No 5**<br>By comparison the proposed development would present a 12 metre high western facade mostly built directly on the property boundary (as discussed in point 4 above), adjacent to the footpath and only a couple of metres off the road edge.<br>Additionally No. 5 Narrabeen Park Parade, and other residences upslope of the subject site, are built on | |

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| | a ground level that is some 8-10 metres (and higher progressing upslope) more elevated than the ground floor (and footpath) level of the proposed development. That is, the existing buildings mirror or follow the slope of the headland's western hillside. This is as required by the "Desired Character" statement for the Warriewood Locality (Section A4.14 in the Pittwater DCP 2014) which states "Development on slopes will be stepped down or along the slope to integrate with the landform and landscape".<br>The proposal would not mirror the slope's landform in this manner, but would jut abruptly upright as a 12 metre vertical "block" at the base of the slope – rather than following the natural contour of the landform. As such an intrusive structure it is inconsistent with the DCP's "Desired Character" for the locality (of development stepping down slopes and integrating with the landscape). It certainly would not "sit well within the hillside" as the proposal incorrectly asserts (page 12). Removal of four mature Norfolk Island Pine Trees, from public land, adjacent to the subject site would only exacerbate this adverse visual impact.<br><br>**6. Density Non-compliance**<br><br>The subject site is at present zoned R2 Low Density Residential, with a minimum lot size of 550 square metres – a maximum density of 1 dwelling per 550 square metres of site area.<br>The proposal seeks to rezone the site to B1 Neighbourhood Centre which would allow for a density of 1 dwelling per 150 square metres of site area. However it then indicates that a further exemption or variation to this density will be sought, at the development application stage, seeking a density of 1 dwelling per 93 square metres of site area. This represents a 590% increase in density from the current standards (compared to the current single dwelling rate). Such an increase in density is totally unacceptable – in terms of the subject site's location in a low density residential area, the proposal being entirely out of scale and character with its setting (both in a single dwelling residential area and adjacent to a major public recreation and scenic asset), the inevitable impacts on the amenity of the surrounding area, and other adverse effects that would flow from such an increase in density/occupancy of this site (such as traffic/parking, alienation of public open space, and other issues as discussed elsewhere in this submission).<br>Interestingly the proponent's stated combined area for both lots is 688.6 square metres (page 5) which, if developed for 8 dwelling units, would equate to a density of 1 dwelling per 86 square metres of site area (even less the non-compliant 1 dwelling per 93 square metres that the proponent intends to later request).<br>The only justifications the proponent offers for this very significant, and detrimental, increase in density (even over and above what the LEP permits for a B1 Neighbourhood Centre zone) is that "the proposal is suitable for the subject site by virtue of its sensitive organic design and provision of adequate parking | |

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| | to serve the use" and "due to its location on a prominent corner lot" (page 13).<br>Taking the first point - no amount of subjective statements about the architectural worth (or otherwise) of the proposed building's design will justify, or ameliorate, the adverse impacts of such a substantial increase in density.<br>As to the second point – the clamed "provision of adequate parking" is totally incorrect. The proposal's accompanying traffic and parking report acknowledges that the 18 on-site parking spaces the proposal provides for is 13 spaces short of the 31 on-site spaces that would be required under Council's applicable development standards (see point 9 for further discussion of the proposal's inadequate provision for car parking). Essentially the proponent is citing another of the proposal's shortcomings and non-compliances (parking) as justification for not having to meet the prescribed development standards in another area (density).<br>As to the third point – the issue a corner location is largely irrelevant, if anything such a prominent position will make the visual impacts of the site's proposed overdevelopment even more apparent and detrimental.<br>Density is a fundamental attribute, and impact generator, of the proposal. The site, and locality, is not suitable or appropriate for anywhere near the increased densities sought by the proponent. Both the rezoning application and the attendant non-conformances with established development standards should be rejected, and the subject site's current zoning and development controls enforced.<br><br>**7. Inappropriate and Intrusive Scale, Bulk and Character**<br><br>Flowing directly from the issue of the proposal's excessive density and height the scale, bulk and character of the proposal is totally out of keeping with both the character of the surrounding single dwelling (mostly) residential neighbourhood and the immediate environs of the subject site.<br>The proposal is excessive and out of place in terms of scale, bulk and intensity of land use when compared with any of the surrounding activities, their level of development and appearance – either the adjacent single dwellings on Narrabeen Park Parade and Peal Place (as well as further north along Sydney Road and Narrabeen Park Parade), or the adjacent public carpark and low-key lakeside open space and recreation area, or the expansive and beautiful open space of the lake's entrance and adjacent sand dunes and North Narrabeen Beach, or Narrabeen Headland and it remnant native vegetation, or the open lawns and landscaped setting of the caravan park, or the playing fields and facilities of North Narrabeen Reserve.<br>There is at present no land use or style of development in the neighbourhood north of the Ocean Street Bridge that is as large (in bulk and height), as intensive, and as visually dominant as the propose development would represent. It would create a jarring, inconsistent and intrusive element in an otherwise generally uniformly low rise urban fabric of single dwellings, open space and remnant native | |

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| | vegetation . The application claims that it is “even more important to ensure that the development is not dominating of the locality” (page 11) but in this the proposal fails its own test !. This proposal would irreparably change the character of the locality, the “sense of place”, and the community values of this space – for the worse.<br>In seeking to rezone an existing R2 Low Density Residential area for medium density development the proposal also runs contrary to the “Desired Character” statement for the Warriewood Locality (in Section A4.14 in the Pittwater DCP 2014) which states “existing residential areas will remain primarily low density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape” and that “future development will maintain a building height limit below the tree canopy and minimise bulk and scale”.<br>Further commercialisation of the subject site also represents another significant change to the character of the locality.<br>The sections and artist impressions accompanying the proposal show a building resplendent with lush mature screening and softening vegetation. The reality will be much different, and most likely far less appealing, given the subject site’s challenging front-line coastal location that will make plant selection, establishment and maintenance difficult. The proposed four storey building will be much more visible, and visually dominant or intrusive, then the proposal implies.<br><br>**8. Medium Density Residential and Housing Choice Issues**<br><br>The application repeatedly points to the provision of medium density housing and the associated widening/improving housing choice as some of the proposal’s core benefits, and cites alignment with higher order panning documents – such as *A Plan for Growing Sydney* (2014) and *Draft Northern District Plan 2016* (also see the discussion at point 20).<br>However as indicated in point 3 there are substantial areas of land now zoned R3 Medium Density Residential, but not yet taken up for this purpose, starting only 900 metres south of the subject site along the Narrabeen Peninsula. The desire to offer greater housing choice should not come at the expense of the amenity of existing low density residential areas not zoned for this purpose when there exists spare capacity nearby.<br>The Pittwater DCP 2014 supports this cautious approach to the careful siting of medium density residential developments, and the “protection” of existing low density housing areas, in the “Desired Character” statement for the Warriewood Locality (Section A4.14) which states “existing residential areas will remain primarily low density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape” and that “future development will maintain a building height limit below the tree canopy and minimise bulk and scale”. To provide for some housing choice the DCP acknowledges that “secondary dwellings” and “dual occupancies” are | |

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| | permissible in residential areas (with some conditions) but that "any medium density housing will be located within and around commercial centres, public transport and community facilities".<br>The proposal is clearly inconsistent with the intent of the DCP's "Desired Character" statement for the Warriewood area (which includes the subject site). The site's location on a secondary bus route and next to a public park and beach are not, I suggest, the type and level of "public transport and community facilities" envisaged by the DCP, and the subject is a residential neighbourhood rather than a "commercial centre".<br>It is interesting to note that the former NWS Planning Minister, and local Pittwater MP, Rob Stokes is on the public record as saying – in relation to medium density residential development proposals in otherwise low rise neighbourhoods – that "I have always supported density going in appropriate locations and that is designated centres, not in peripheral locations or (near) low density communities" (Manly Daily, 3 May 2017).<br><br>**9. Traffic and Parking Issues**<br><br>The application is deficient in its consideration of the proposal's likely traffic and parking impacts (pages 13-14) – glossing over some issues such as traffic congestion and safety, and ignoring non-compliances notably in on-site parking provision (where it fails to bring forward the admitted shortfall of 13 on-site parking spaces, as per the Pittwater DCP 2014, as acknowledged by the accompanying traffic and parking report - but instead devotes two paragraphs to parking space sizing !).<br>The proposal's traffic and parking impacts (and non-compliances) alone warrant rejection of this application by Council.<br>Traffic and Access<br>The traffic and parking report labels Narrabeen Park Parade as a "local road". This may be its intended role (or formal classification), however in reality the Ocean Street - Narrabeen Park Parade - Sydney Road corridor operates much more as a "collector" road or even a "sub-arterial" road. It already carries daily traffic volumes well above that considered acceptable for a local road, with additional "beach traffic" during the warmer months. It is also a heavily used peak hour "rat run" between Mona Vale and South Narrabeen, to avoid the congestion of Pittwater Road and the Narrabeen Bridge, and an alternative route to and from Mona Vale Hospital. Council has previously recognised the traffic issues on this corridor and some years ago proposed traffic calming devices along Sydney Road and more recently was considering a 40kph speed zone above Warriewood Beach – but neither eventuated.<br>Significantly the traffic and parking report does not provide any AADT data to support the claim that Narrabeen Park Parade is a local road, or that adding 10-12 vehicle movements per hour to this corridor "will have no impact on existing traffic flows, intersection capacities or neighbourhood amenity".<br>This later statement certainly is not supported by the "lived experiences" of local residents who drive this | |

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| | route daily, the bus drivers who have to stop as they are unable to safely pass oncoming vehicles, and the congestion experienced at this northern end of the Ocean Street on any weekend or holiday during the warmer months. The marked pedestrian crossing and refuge island immediately adjacent the subject site is already a high risk zone in busier times - with turning and queued vehicles conflicting with through traffic (including buses) as well as walkers on the crossing all interacting on this narrowed section of carriageway, often with vehicles parked along both sides of Narrabeen Park Parade immediately to the north compounding the safety issues. (The proposal itself acknowledges that the subject site is "at a nodal intersection of pedestrian and vehicular traffic" [page 26].) The proposal can only exacerbate these risks, however the traffic and parking section of the proposal (pages 13-4) glosses over this point entirely, and both the proposal and accompanying traffic/parking report are deficient in the consideration of these congestion and road safety implications.<br>The traffic and parking report notes that the proposal's driveway will "egress onto a public car park where vehicles speeds are low" and sight distance are adequate. However it fails to mention that this driveway exit/entry is also a high pedestrian activity area, especially in the warmer months, as it crosses the pathway to the beach and rock pool (the main route used by many carpark patrons as well as all those beach-goers parking north along Narrabeen Park Parade and Walsh Street). The proposed driveway is also further east than the existing kerb layback and driveway (which only services 5 parking spaces) which would mean potentially 27 vehicles each hour driving further into/through the public parking and pedestrian zone to access the proposed basement parking. No mention is made of the passing bay (shown adjacent to the driveway, on the ground floor plan) which has further potential for vehicle-pedestrian confusion.<br>Finally the proposal aims to add a second commercial premises to the site and increase the retail/commercial floorspace from approximately 175 square metres to 357 square metres (a 114% increase), yet the traffic and parking report claims that this "will not generate any significant increase in service vehicles. It is difficult to accept that this is correct.<br>Parking<br>Under the requirements of the Pittwater DCP 2014 the proposal is simply non-compliant in terms of the provision of on-site parking and should be rejected.<br>The traffic and parking report acknowledges that the DCP requirement is 31 on-site spaces, but the proposal only incudes 18 spaces as basement parking – a 13 spaces shortfall (or 42% less than the prescribed amount of on-site parking).<br>The suggestion that the proposal should be awarded a "credit" of 7 spaces based on current operations is untenable and flawed, and should be ignored. The current restaurant operates under "existing use" provisions, however these rights should not be extended to ancillary elements - such as inadequate parking provisions, to then flow through to subsequent redevelopments.<br>It is also grossly incorrect to claim that parking "has operated satisfactorily" to-date. In reality car parking | |

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| | in the existing public carpark and adjacent streets (to the north and north-west) is already beyond capacity on any weekend or holiday (and increasingly at other times) during the warmer months. It is not unusual to witness beachgoers parking 200-300 metres north-west along Walsh Street on the busier days, as well as north along Narrabeen Park Parade. Parking capacity is already an issue at this location, and the proposal would only add to this problem (even without the audacious suggestion that 13 less on-site spaces are provided than required by the applicable development standards).<br>It is also not acceptable that both the proponent and the traffic and parking report imply, or expect, that the shortfall in on-site parking will be accommodated within the adjacent public parking area. The public should not be displaced by, or have to compete with, patrons or residents of a development that has been intentionally designed to have fewer parking spaces than the regulations require. If a proposal is not economically or physically viable through having to comply with the community's development standards, then it is not Council's role or obligation to give a proponent a "free kick" and accept the use of adjacent public parking (especially in an areas already beyond capacity at busier times). It is also very dubious to claim that any proposed restaurant would only be at capacity in the early evening when the public carpark was emptying. Local residents know that this area can be at (and beyond) capacity until dusk in the warmer months, and it cannot be assumed that in a beachside location lunch or early afternoons would not be equally busy periods for food outlets (clashing with the peak time for beach-goers).<br><br>**10. Public Transport Errors and Assumptions**<br><br>In relation to public transport the application claims "the proposal will optimise the use of the transport network" (page 32) and "will also reduce the use and reliance upon private motor vehicles by residents" (page 45). This is pure speculation (indeed wishful thinking !).<br>It could equally be argued that each future resident, say 20 people in total (one person for each bedroom), drives independently to work in the CBD every day – thus adding 20 more vehicles to the existing peak hour grid lock on roads to and from the northern beaches each day. Both arguments are speculative, but both equally valid.<br>The proposal also attempts to link the subject site to the "Northern Beaches bus rapid transport corridor" (presumably the current B-Line project), implying the proposal will "assist the viability" of the project (pages 31-34). This is a very tenuous (arguably incorrect) claim – given the subject site is not on the B-Line route, Narrabeen Park Parade is not planned to "become part of the future rapid transport corridor" and the existing Route 155 Manly Wharf service past the subject site is not "a major bus route" (usually having only hourly services).<br><br>**11. Removal of Norfolk Island Pines – Unnecessary and Diminishing the Public Domain** | |

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| | Perhaps one of the most disturbing and outrageous (and audacious) aspects of the application is the proposal to remove four majestic 75 year old Norfolk Island Pine trees (*Araucaria heterophylla*) adjacent to the south side of the subject site – located approximately 6 metres beyond the property boundary, on public land.<br>Unfortunately this is an item that could be easily conceded by the proponent in an endeavour to make the remaining project elements appear more "palatable" or "saleable", but that could easily be revisited later on the pretext that these trees present a threat to the structure (also see the discussion at point 21).<br>These four pines in questions have been part of the local landscape, and a familiar sight as well as a shared landmark or "touchstone," for local residents and beach-goers for many decades. Personally I recall the trees from my childhood, when 1 Narrabeen Park Parade was the local beach milkbar in the late 1960s. They are a characteristic species (regularly described as an "iconic" tree) associated with the Sydney, and east coast, beachside scenery, community and local heritage. An application for local heriage listing over the four trees in question has been lodged and is pending (Norfolk Island Pines elsewhere are already are listed as Schedule 5 Environmental Heritage items at Bilgola, Bayview, Collaroy, Clontarf and in multiple locations in Manly).<br>The reasons put forward for the removal of these trees border on farce and some of the statements are simply wrong.<br>It is farcical to claim the majestic mature trees (with clear trunks and not requiring any under-pruning) "impede the usability of the valuable public open space" and that their removal is necessary "to facilitate the enhancement of the public space" (page 12). Norfolk Island Pines are a key visual and amenity feature of the beach front at Manly and Dee Why as well as other locations such as Collaroy, Narrabeen, Mona Vale and Whale Beach (where they are in proximity to buildings and other structures). These beach fronts are functional, high value and highly valued public open spaces. It is impossible to imagine them without these distinctive beachside trees. It is absurd to suggest that the removal of mature majestic trees, with over 70 years of growth and in good/healthy condition, would enhance this area of public open space. (The only values that stand to be "enhanced" would be views from any proposed development, the potential area for paving adjacent to the proposed commercial space, and of course the economic returns to the proponent.)<br>The proposal further suggests that Norfolk Island Pines are prone to dropping limbs which "pose a risk to users" (page 12). This is simply incorrect, branch drop is not a significant risk that arborists associate with healthy Norfolk Island Pine trees. If Council accepts this argument then it does not bode well for the Manly, Dee Why and other beach fronts in our area – as there would exist a "duty of care" to similarly remove the Norfolk Island Pines from these highly trafficked public spaces to ensure the safety of users.<br>The proposal claims the Norfolk Island Pine are "causing significant damage to structural works in the | |

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| | vicinity" (page 46) and "damaging the pavement and associated infrastructure" (page12). The only damage evident is minor pavement lifting, due the pine's surface roots, and this can be easily rectified and/or addressed in detailed designs (notably Council has found a solution to the co-existence of Norfolk Island Pines and high standard public domain improvements along the Dee Why Beach foreshore, indicating that adequate solutions are possible). In any case, as this issue is on public land and impacting public infrastructure it is a consideration that should be beyond the ambit of the proposal and not necessarily be considered in Council's response to the application.<br>The pair of Eastern Ospreys (*Pandion cristatus*), a listed vulnerable species in NSW under the *Threatened Species Conservation Act 1995*, that nest in the lower reaches of Narrabeen Lagoon are frequently observed using these Norfolk Island Pines for perching, shelter, feeding and as vantage points – as are passing White-bellied Sea Eagles (*Haliaeetus leucogaster*). The trees also attract an abundance of other, more common birdlife, which enhances the quality of, and add to people's enjoyment of, this public open space.<br>Council rightly rails against tree poisoning and unauthorised removal when it occurs in beachside or foreshore locations or other areas of public land, and also enforces a strict tree preservation policy. To approve the totally un-necessary removal of four healthy mature Norfolk Island Pines from public land to enhance a proposed development (a development contrary to the adopted LEP zoning, and seeking to ignore key development standards) would be tantamount to a similar act of vandalism. All six Norfolk Island Pines in the North Narrabeen Rock Pool Crown land reserve deserve the same level of protection – both legislatively and physically – that Council affords to these iconic beachside trees in Clontarf Reserve and similar locations.<br>On page 46 the proposal also seems to confuse the issue of the Norfolk Island Pines (*Araucaria heterophylla*), calling them "*Pinus* species" and implying that there exists a "Councils requirement to reduce [these] undesirable plants". According to Council's website Norfolk Island Pines are not a declared noxious weed, nor a listed environmental weed, in the Pittwater area - and so do not "require reduction".<br><br>**12. Alienation of, and Reduced Amenity of, Adjacent Public Open Space**<br><br>The proposal variously praises the value, appeal and popularity of the public open space adjacent to the subject site and then also describes it as requiring "rejuvenation" and "enhancement". This small lakeside park is enormously popular and heavily used (as demonstrated by the wear and tear evident on the area's grass). It is used for picnics and family gatherings, fishing (day and night), exercise and fitness training (independently and with personal trainers), as a base for lake and beach visits, walking, and simply siting and enjoying the view. It is an important "transit" area for people heading to and from the rock pool, lake mouth, beach and surf. Council has undertaken a range of upgrading and facility | |

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| | provision works at this park in recent years, so it is curious as to why the proponent feels it requires further “rejuvenation” and “enhancement” ?<br>Unfortunately the proponent’s view as to this required “enhancement” is the removal of four majestic Norfolk Island Pine trees (as discussed in point 11 above) and the “hardening” of an even larger area of public land to become a quasi-private extension of the proposed development and commercial space.<br>The current restaurant uses a paved outdoor seating/dining area along the south-western portion of the subject site, covering approximately 82 square metres (according the demolition plan accompanying the proposal). The application proposes extending this paved and planted area along almost the entire southern side of the subject site to cover an area of approximately 445 square metres (according to ground floor plan accompanying the proposal). This extra 363 square metres is a 443% increase on the existing situation (and represents 65% of the total the size of the subject site).<br>This enlarged area is euphemistically labelled “community space” on the proposal’s ground floor plan. However the reality is that it will be an adjunct space to the proposed development, and particularly to the commercial units on the ground floor. It will be solely for the use of the businesses and their paying customers – with the wider public and park/beach users excluded.<br>The proposal makes this evident when it describes this space as “dining verandas and outdoor rooms” (page 13) and references potential lease/licence arrangements (page 42). The proposal’s ground floor plan also evidences this by showing the footpath along the southern side of the site (labelled “pedestrian way”) narrowing to a ludicrous 1 metre width at one point, while the layback and path off the south-west corner of the subject site (directing walkers across the entrance to the Council carpark and southwards) is shown as widened to a generous 6.2 metres – making it clear the proponent is not seeking to encourage public access along the south side of the site and the proposed commercial outdoor dining spaces. The proposal’s claim that it “will improve connectivity and direct access to the park, river and beach” (page 13) is shown to be demonstrably false by these accompanying plans.<br>The proposal identifies that improvements to existing footpaths around the subject site are required (pages 26-7), however such works are not contingent on the erection of a 12 metre high shop top development !<br>To allow a private landholder to increase the “effective” size of their holding by nearly 65% through the alienation of adjacent public land is unconscionable and totally unacceptable. This proposal should be rejected, and any future proposal’s inclusion of the adjoining public land as part of this site should be strictly confined to the existing paved area footprint of approximately 85 square metres (maximum).<br>Giving away our precious public lands for exclusive private profit-making use is simply not acceptable.<br>Siting a four storey medium density residential building overlooking this lakeside park will also diminish the quality of this space and the experiences of users. The proposal’s windows and rooftop terraces face south, directly overlooking this park - with this sense of intrusion and loss of social/recreational privacy exacerbated should the four Norfolk Island Pines be removed. | |

**13. Pittwater Ocean Beaches Plan of Management - North Narrabeen Rock Pool**

The proposal cites the *Pittwater Ocean Beaches Plan of Management 2006*, and specifically "Section 7.0 North Narrabeen Rock Pool".
The plan of management does authorise the possible "future leasing of a proposed outdoor eating area in conjunction with the existing commercial outlet adjacent to the reserve". However the proposal ignores the condition that this authorisation specifies the "existing commercial outlet" and, arguably, may not be a transferable provision.
The proposal also cites the plan of management's conditions for any future leases, licenses and estates (within the entire North Narrabeen Rock Pool Crown land reserve) as only those that do "not substantially diminish public use of or access to open space" and do "not adversely affect the natural environment, the heritage significance of any heritage items or … the existing amenity of the area." It can be argued that the proposal – in terms of its alienation of public open space, removal of four Norfolk Island Pines from public land, and adverse impacts on the local amenity and the adjacent park's recreational quality – fails both these conditions.
The proposal is also silent on the point that the accompanying Masterplan for the North Narrabeen Rock Pool area shows the four Norfolk Island Pines adjacent to the subject site as being retained (Figure 4, page 49 of the PoM) or that the Ocean Beaches Plan of Management's overall objective for Landscape Character (across all sites) is to "to maintain the existing open landscape character of the beach and surrounds" (page 30 of the PoM). A four story development overlooking a public lakeside park, and requiring the removal of mature trees from that park is far from maintain this area's appealing "open landscape character".

**14. Proponent Funding of Public Open Space Upgrading and Maintenance – Unrealistic and Unenforceable**

In several places in the proposal such as at the top of page 10 it is stated that "The proponent has agreed to fund and upgrade the public realm immediately to the south as part of the overall proposal in conjunction with Councils requirements and criteria. The proponent has agreed to implement an ongoing management agreement for the maintenance of the public realm" (interestingly by the bottom of page 10 this agreement to fund upgrading of the adjacent public park has changed to an "offer to fund" only). Similar statements/offers are made on page 13 and again on page 42.
This undertaking is unrealistic and in practice unenforceable. It should in no way be considered a merit argument in favour of the application.
The proponent should be liable for normal Section 94 contributions which are intended to fund

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| | community assets. So the offer to fund an upgrade to the adjacent public open space or to "fully fund the redevelopment of this public realm as part of the overall proposal" (page 13) could be seen, cynically, as an attempt to steer these contributions (or payments in lieu of them) towards investments that would benefit the proposal.<br>More presumptively the proponent has unilaterally determined the community, the park's users, are dissatisfied with this public space and desperate to have it upgraded. This without any consultation or supporting evidence. The tenor and weight of the submissions received to-date (12 May) via Council's "Community Hub" in relation to this proposal suggest the contrary – that the community values the low-key appeal and less developed character of this site. The need to upgrade the park is a self-serving assumption on the proponent's part, and is also totally at odds with numerous other statements in the proposal talking of the area's enormous popularity and appeal.<br>In terms of funding this park's ongoing maintenance, the statement/offer is nebulous and absent of any detail as to how such a scheme would be operationalised and secured into the future (when the developer has sold the units and moved on, or the company folded or bankrupt). Short of a covenant on each unit in perpetuity this offer is unrealistic and unenforceable, and does not warrant serious consideration. It should certainly not be seen as an incentive for Council to approve any part of the application.<br><br>**15. Heritage Issues**<br><br>The proposal and accompanying heritage report acknowledges that the remaining evidence of the original structure at 1 Narrabeen Park Road "has some historic significance". It certainly has local heritage and cultural identity values for the many residents and beach-goers for whom this building is part of their lives and lake or beach experiences.<br>It would be far preferable to retain the heritage fabric and curved façade of this building, and re-purpose the structure than to replace it with a four storey development. The application's suggestion that the proposed four storey concrete and glass development would pay "homage to the art deco curved elements" of the original one storey brick building is disingenuous in the extreme.<br>As indicated at point 11 an application for local heriage listing over the Norfolk Island Pines, on public land adjacent to the subject site, has also been lodged.<br>The heritage report's consideration of Aboriginal cultural heritage is cursory, speculative and inadequate. It fails to meet the minimum requirements of the Office of Environment and Heritage *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, 2010*.<br>**16. Further Public Land Encroachment and Stability Issues**<br><br>Positioning of the proposed driveway off the south-eastern corner of the subject site (as shown on the | |

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| | ground floor plan) will require an excavation of at least 2 metres depth at this point (which is at present a grassed embankment) – this to even get down to the existing carpark level (to which the proposed driveway connects).<br>This excavation is on public land. The ground floor plan indicates that this driveway excavation will also be accompanied by further earthworks and slope tapering/terracing immediately to the east, with 3 or 4 retaining walls and steps proposed (all unlabelled on the plan) – again on public land, and potentially impacting the stability of this adjacent slope. Again the proposal's footprint is extending well beyond the property boundaries into the public domain – with no benefit for the community or local environment.<br><br>**17. Meaningless Hyperbole, Subjective Claims and Implausible or Unsubstantiated Statements**<br><br>The application is peppered with glowing descriptions of the proposal and subjective claims or statements. It is replete with florid language, hyperbole and almost meaningless buzz words such as – "an iconic site southern gateway to Pittwater sense of address an extension of the coastal setting an organic form reflect the lagoon and beach configurations refracted building forms reinforce the fluid movement lines sit well within the hillside integrate seamlessly with the public realm healthy attractive vibrant and safe neighbourhood centre community 'node' a site unique in north Narrabeen revitalise this entry to North Narrabeen complement the natural beauty of the subject sites locality increase the social cohesion of the locality focal point will support community initiatives encouraging a fit and healthy community the true value of the site is being emphasised create a sense of place a focus for residents and visitors to interact enhance the village experience uses that will seek to engage the public a social, cultural and economic hub"<br>These statements are hollow, sometimes spurious and mostly very subjective – one person's "vibrant' is another person's "crowded and noisy" !<br>If the site is such an "iconic", "gateway" location of such "natural beauty" then the question must be asked – why then respond with such a brutal overdevelopment that is totally out of character with the surrounding neighbourhood and will adversely impact the amenity of both the site's location and the wider lake and beach setting ?<br>The proposal's florid verbage is nothing more than a "sales pitch" intended to paint the proposal in as positive a light as possible, and take the focus away from the fundamental issue that what is being sought is a rezoning to permit land uses and a scale of development contrary to the community and Council's wishes, as agreed under the LEP, as well as to waive key development standards that would normally apply. The "sales pitch" is to benefit the proponent at the cost of community access and enjoyment, site amenity and the local environment. Simply because the proposed building is, in the eyes of the proponent, a "sensitive organic design" is not an argument as to why a grossly inappropriately sized building should be approved, public open space alienated for private use (and | |

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| | profit), and significant mature trees removed from public land.<br>Additional to this extravagant and subjective language are the numerous statements regarding the proposal's potential benefits that are unrealistic, implausible and unsubstantiated. For example - it is claimed (page 32) that the development would "improve access to goods, services, employment and education which will support regional development", or (page 36) that it will cause an "increase in affordable rental housing" and "contribute to improved health outcomes and increased walking", or (page 38) "contribute to improved environmental performance", or (page 44) that recreational use of the adjacent lakeside park "will require support in the form of social and retail focal points", or (page 45) that it "will foster the creation of an active transport network", or (page 47) that removal of the Norfolk Island Pines (from public land) will "achieve Councils aim of sustainably managing urban forest tree canopy", or (page 47) that it "will support and also promote local and regional business and social networks" … the list goes on (and on). These claims are simply gross over-reach, in a transparent attempt to "talk up" the project and present some imagined (clearly unrealistic and unsubstantiated) benefits.<br>Most outrageously the proposal claims that it will lead to an "increase in the provision of community facilities, including open space" (page 37) and "increased provision of open space" (page 38). It is not elaborated how the alienation of a further 363 square metres of public open space for quasi-private (customer only) use represents an increase in the supply of public open space (also see discussions at point 12)<br><br>**18. Potential for Compliance Not a Merit Argument**<br><br>The proposal quotes relevant clauses of the Pittwater LEP 2014 – in relation to issues such as bushfire hazard, acid sulphate soils, and coastal risks (as well as referencing BASIX, the Apartment Design Guide) – that may have implications for the proposal's design, approval pathway, implementation and ongoing management. The proposal then addresses these with statements such as "adequate in design and location" or "reasonable"<br>The claimed design adequacy of the proposal or its potential for compliance with a range of design, performance or risk mitigation criteria is not a merit argument in favour of the proposed rezoning and non-compliance with set development standards.<br>In terms of these additional requirements or considerations, just because the applicant claims the proposed development "can do it" isn't a merit argument that they "should do it". Simply because the development can be made to comply with these requirements, or can be made to work within the site's constraints or design consideration (or is not at risk), is not an acceptable reason for Council to alter the current zoning or permit the proposal to contravene prescribed development standards.<br><br>**19. Community Consultation Meeting – Selective and Unsubstantiated** | |

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| | Page 50 of the proposal states that "the applicant has already commenced community consultation by conducting a presentation evening at the subject site and inviting likely affected persons to the presentation and it is noted that the results of this presentation did not exhibit any fundamental objections to the proposal".<br>As a statement in support of the proposal this paragraph is meaningless – without any accompanying explanation of who was invited to this meeting, on-what basis and why they were selected, what was presented/discussed, and how the discussions were mediated and recorded ? Accordingly the implied claim of community support is unsubstantiated and should be discounted completely. The anecdotal accounts that I have heard of a meeting regarding this proposal (admittedly second hand) are that several of the invited participants expressed strong opposition to the proposal.<br>Contradicting the claim of no fundamental community objection (from a proponent initiated/selected community meeting) is the overwhelming negative response that the proposal has generated to-date (13 May) from the wider community via Council's "Community Hub". Notably those few submissions in support of the application largely come from people well beyond the vicinity or even the neighbouring suburbs, or do not provide an address at all.<br><br>**20. Incorrect Application of Higher Order Plans**<br><br>The application seeks to validate and promote the proposal by claiming alignment with the goals, objectives or directions of selected higher level planning documents – notably the *A Plan for Growing Sydney* (2014) and *Draft Northern District Plan 2016*. These are macro-level plans, not intended to be applied at the individual lot level – as the proposal has attempted to do.<br>Together the application dedicates 12 pages (pages 27-38) attempting to demonstrate that these higher level documents support the rezoning and the waiving of key development standards on a 2 block suburban site in an existing residential area adjacent to a high use area of public open space and recreation asset.<br>This is a gross error (or intentional misuse) of scale. *A Plan for Growing Sydney* (2014) presents the government's vison for Sydney at the metropolitan scale – as it says (page 5) it "applies to the Sydney Metropolitan Area – 41 Local Government Areas". Similarly the *Draft Northern District Plan 2016* covers the "Greater Sydney's North District, which includes the local government areas of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Northern Beaches, Mosman, North Sydney, Ryde and Willoughby".<br>As an example, in relation to *A Plan for Growing Sydney*, on page 28 it is claimed the proposal will support the goal of "1. Sydney's competitive economy, Item 1.7 Grow strategic centres – providing more jobs closer to home". However the strategic centres referred to in this metropolitan scale plan cover 28 listed locations the only two of which on the northern beaches are Brookvale-Dee Why and the Northern | |

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| | Beaches Hospital Precinct. The south end of Narrabeen Park Parade doesn't make the list as a nominated metropolitan strategic growth centre ! Similarly under the goal of the "2. Sydney's housing choices, Item 2.1.1 Accelerate housing supply and local housing choices" this relates to infill housing in 10 "priority precincts" identified within the plan, none of which are located on the northern beaches.<br>The same incompatibility of scale is the case in relation to the relevance of the *Draft Northern District Plan 2016* (these Draft District Plans from the Greater Sydney Commission have also been widely criticised by local governments as lacking in detail and specific applications). Even the proposal struggles to finds points of relevance – resorting to almost meaningless statements such as "Strategically, the increase in total jobs will also occur as a consequence of proximity of the subject site to the increased health facilities on the Northern Beaches" (page 35).<br>Clearly to reference these higher level planning documents in an attempt to support the proposal is inappropriate, and incorrect in planning terms, and should be discounted. It is not a merit argument supporting the application.<br>Similarly the application references SEPP 32 - Urban Consolidation (Redevelopment of Urban Land) in support of the proposal. However it fails to elaborate that the first stated aim of this SEPP (Clause 2 - Aims and objectives) is "to promote the orderly and economic use and development of land by enabling urban land *which is no longer required for the purpose for which it is currently zoned or used* [italics added] to be redeveloped for multi-unit housing and related development".<br>The proposal does not make the case that the current uses of the subject site are redundant and the R2 Low Density Residential zoning is "no longer required". As stated in point 3 the proposal offers no justification for the rezoning of the subject site from R2 Low Density Residential to B1 Neighbourhood Centre other than "to permit the construction of the mixed use development through Shop top Housing" (page 17). Any justification under terms of SEPP 32 is not made.<br><br>**21. Council Under No Compulsion to Approve**<br><br>Council, and the assessing officer(s), should feel under no compulsion to approve any part of this unsolicited and opportunistic rezoning application – which is, in essence, an ambit claim.<br>Importantly, Council should not feel obliged to negotiate with the proponent to "trade" any elements of the application. If it arises, as it conceivably may, that the current intention to remove four Norfolk Island Pines (on public land) is subsequently withdrawn from the application this should in no way make the underlying rezoning request or the other non-compliant elements of the proposal (such as the exceeding the current height restrictions) somehow more acceptable. Forgoing one unacceptable aspect of a proposal does not make the remaining non-compliances or excesses permissible. (There is also nothing to prevent a subsequent application to remove these trees on the basis that they later pose a threat to the building.) | |

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| | It is my submission that the proposal should be rejected in its entirety, and that Council should refuse every aspect of the proposal that is non-compliant with the land use zoning and DCP requirements as currently applying to the site.<br><br>**22. Precedent Issues**<br><br>Approval of this application to rezone two lots from R2 Low Density Residential to B1 Neighbourhood Centre in an otherwise entirely low density residential neighbourhood (with no current developments of a similar nature, scale or density), and endorsement of the associated non-conformances with the prescribed development standards, would set a potentially dangerous precedent for Council and residents. This risk would be heightened given the sensitive nature of the subject site's location and the proposal's impacts on public land and the area's amenity.<br>If such an inappropriate proposal is approved under these circumstances ambitious property developers would have an incentive to lodge similar applications, in perhaps less contentious locations, which Council and the community would have a difficult (and potentially costly) time refusing.<br>I would urge Council to have "an eye to the future" when considering this proposal, and to reject it in its entirety for the sake of the immediate neighbourhood and potentially for other low density beachside residential areas elsewhere along the northern beaches.<br>**23. Other Matters**<br><br>There are numerous other deficiencies or clarifications required around the application, particularly the detail of the proposal in the form now submitted.<br>These include inadequate consideration of the potential for soil contamination (given its past use as a service station), geotechnical issues, the lack of a service space for the commercial units (especially if these are to be food services), inadequate attention to climate change and sea level rise threats (despite the fact, not acknowledged, that swell and wash were coming over the sandstone training wall and inundating part of the park [as well as running across Ocean Street just north of the bridge] in the major storm event of June 2016), no accommodation for lift machinery housings above the two internal lifts (and consequent implications for building heights), etc.<br>However as the proposal in its current form is largely as "stalking horse" in support of the application for rezoning and certain development standard waivers, and that any final development application if/when submitted (which hopefully will not eventuate with the proposal's refusal) is likely to be different to the current details, I have not bothered to go into greater detail.<br>As a final comment it is somewhat perplexing as to why a rezoning application for a property on the northern beaches would be prepared by a planning consultancy based in Cowra in central western NSW ? While this is entirely permissible, the lack of detailed local knowledge of both the subject site | |

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| | and its locality, as well as the wider northern beaches, is evident throughout the proposal – as demonstrated by basic factual errors such claiming the site is within "walking distance to Warringah Mall" (page 6) and the repeated references to Brookvale-Dee Why in relation to the proposal and subject site (page 31).<br>Again I would register my strong objection to this proposal, and ask Council to reject Application Number PP0001/17 for the proposed rezoning of Lots 1 and 2, DP 1005148, at 1-3 Narrabeen Park Parade, Narrabeen. | |
| 51. | I would like to register my objection to the proposed rezoning of these two lots at the start of Narrabeen Park Parade. The concerns which I have are<br>1. The proposed height of 13 metres is completely out of character with the rest of the street and is clearly significantly higher than the current regulation.<br>2. The proposed density of housing would also change the nature of the street.<br>3. There would be significant pressure on the public parking currently serving Narrabeen Rock swimming pool as a result of both the commercial premises proposed and visitors to the extra residential premises.<br>4. Traffic congestion is likely. This is already quite a complicated area for traffic movement. Extra residential and commercial activity would add significant further congestion.<br>I feel that this proposal represents an opportunistic action as a result of the recent council amalgamation. | Height<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation |
| 52. | I have serious objections to the proposed rezoning:<br><br>• The number of additional residences proposed will gravely impact on the Council car park and swimming pool/beach/rockshelf access, as visitors and residents will most likely park there and general increased vehicle movement will congest this already complex area<br>• The proposed 4 storey development is much above the current 8.5m height profile for residences and will change for ever the delightful ambience and amenity of the estuary<br>• Rezoning approval would deliver a shocking windfall profit to the developers, with no community benefit.<br>• Approval would open the flood gates for 3 and 4 storey unit developments up Sydney Road and Melbourne Street and around the rest of Narrabeen Park Parade | Traffic generation<br><br>Parking provision<br><br>Height<br><br>Out of character<br><br>Not in the public interest<br><br>Precedent |
| 53. | I would like a lot more information to be available about this proposal, as I believe it will have a massive impact on our local area.<br>From the information I have read I am opposed to the height, to the changes to the carpark, and to the removal of trees.<br>I also don't think this fragile area should be re zoned or can really cope with such an increase in traffic | Height<br><br>Parking provision<br><br>Removal of trees |

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| | and volume of people, as stormwater run off affects the lake. | Over development |
| 54. | We are to the opposed to the development Application at 1 and 3 Narrabeen Park Parade.<br><br>The local area has seen substantial development and over development in shop fronts and the encroachment on public land.<br><br>Examples are the Bline taking valuable park land and converting to a car park at Narrabeen, the development of Rat park to have two story carpark plus extra carpark on what was once grass open area.<br><br>We were advised by letter from council when we first came to the area, that Rat park was designated open area and now that has been turned over to suit other interested parties.<br><br>The area at 1 and 3 Narrabeen Park Parade, should remain an area for people to come and enjoy and not an over developed commercial area.<br><br>Why do council have height restrictions on building when a developer can change this?<br><br>We oppose any removing of the Norfolk pines and the increase in housing density will also cause substantial traffic issues, as today it can be extremely busy around this area as we have people wanting to enjoy the pool and surrounding area.<br><br>We hope there isn't consideration for this unwanted development | Over development<br><br>Height<br><br>Inconsistency with strategic planning framework<br><br>Removal of trees<br><br>Residential density<br><br>Traffic generation |
| 55. | I am absolutely opposed to this application going ahead as it will destroy yet another beautiful public area on the western side of Ocean Street where Narrabeen Lake enters the Pacific Ocean. Many people outside of the area enjoy this piece of land with its beautiful 60 year of Norfolk Pines.<br>Before amalgamation it was the Pittwater Council who aesthetically redesigned the parking facility and walkway. The entrance to the rockpool and beach area through this section of land is very popular with us residents of the area and also those many holiday campers who flock to the nearby campsite all year round.<br>Pittwater Council would do well to consider how the Sydney Harbour foreshores have been reclaimed for greater community enjoyment and I, the undersigned, am against the privatisation of this development in Narrabeen Park Parade Warriewood. | Removal of trees<br><br>Not in the public interest<br><br>Use inconsistent with classification of Crown land |
| 56. | I am absolutely opposed to this application going ahead as it will destroy yet another beautiful public area on the western side of Ocean Street where Narrabeen Lake enters the Pacific Ocean. Many | Removal of trees |

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| | people outside of the area enjoy this piece of land with its beautiful 60 year of Norfolk Pines.<br>Before amalgamation it was the Pittwater Council who aesthetically redesigned the parking facility and walkway. The entrance to the rockpool and beach area through this section of land is very popular with us residents of the area and also those many holiday campers who flock to the nearby campsite all year round.<br>Pittwater Council would do well to consider how the Sydney Harbour foreshores have been reclaimed for greater community enjoyment and I, the undersigned, am against the privatisation of this development in Narrabeen Park Parade Warriewood. | Not in the public interest<br><br>Use inconsistent with classification of Crown land |
| 57. | We request that the development comply strictly to the current council's control plan as follows.<br>No removal of the 4 pines.<br>No increase in height above 8.5 metre limit.<br>No increase in unit density<br>No alienating of crown land<br>No reduction in the number of parking spaces as laid down.<br>At peak times this is a very busy area with many young children from the caravan park and also from local schools all encouraged by the environmental centre.<br>Access to the rock pool will cross the garage entrance to the units both for walkers and cyclists. When cars are parked in the council car park on the unit side, the visibility will be restricted for cars leaving the units.<br>As it is obvious that a tasteful development will go ahead, it is also obvious that safety in an area which is sometimes congested is of paramount importance and current council's control plan ensures that this will occur. | Inconsistency with strategic planning framework<br><br>Removal of trees<br><br>Height<br><br>Residential density<br><br>Use inconsistent with classification of Crown land<br><br>Safety (traffic) |
| 58. | I wish to protest in the strongest terms against this proposal.I have lived in this area all my life.There have been many changes including units on the southern side of the lake and all along Pittwater rd ,to which I have not objected.This is way out of proportion for the area.In addition the loss of public space and the tees cannot be justified for the sake of a few multimillion dollar units.This type of development belongs on Pittwater rd not in residential and unique recreational area.Pittwater Council was created to stop developers from turning the peninsula into a densely developed suburb.I trust the new amalgamated council will continue this concept | Not in the public interest<br><br>Removal of trees<br><br>Out of character<br>Over development |
| 59. | I recently received advice of the above proposed development and have been away on business.<br><br>I am a resident of the peninsular and wish to protest the above development as strong as possible and lodge this advice, aware that it is late and would appreciate it being considered with all the other representations. | Out of character<br><br>Over development<br><br>Removal of trees |

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| | This type of development is not appropriate for the eastern side of Pittwater Rd.<br><br>It is totally out of character with the surrounds, the size of the development is too large for the area and the loss of the existing trees is appalling.<br><br>Council should not approve the Development application. | |
| 60. | I am absolutely opposed to this application going ahead as it will destroy yet another beautiful public area on the western side of Ocean Street where Narrabeen Lake enters the Pacific Ocean. Many people outside of the area enjoy this piece of land with its beautiful 60 year of Norfolk Pines.<br>Before amalgamation it was the Pittwater Council who aesthetically redesigned the parking facility and walkway. The entrance to the rockpool and beach area through this section of land is very popular with us residents of the area and also those many holiday campers who flock to the nearby campsite all year round.<br>Pittwater Council would do well to consider how the Sydney Harbour foreshores have been reclaimed for greater community enjoyment and I, the undersigned, am against the privatisation of this development in Narrabeen Park Parade Warriewood. | Removal of trees<br><br>Not in the public interest<br><br>Use inconsistent with classification of Crown land |
| 61. | Thank you for the opportunity to provide comment on the planned proposal for the above property adjacent to my own.<br>I object to the proposal as submitted by the developer.<br>However the application is sugar coated as being of benefit to the community, the reality is that the objective of the developer is to maximise the realisable values of the land and development. Once that is achieved, the will walk away with their profits and the local residents and community will be left with an ongoing detrimental impact on our area.<br>I see no compelling rationale for the proposal to be approved when it clearly does not meet the planning requirements imposed on the area and which are met by all other residents:<br>**Current zoning does not permit the planned businesses**<br>Whilst I would enjoy having new local businesses in that location, the Planning Proposal focuses heavily on foot traffic and minimises any reference to the impact of vehicular traffic.<br>The adjacent carpark is already at capacity at peak periods, adding commercial businesses to the area will cause significant parking constraints.<br>As the adjacent carpark is metered parking, many patrons will choose to utilise parking on Narrabeen Park Parade itself, impacting the availability of parking for local residents and visitors.<br>I suggest council staff reference 2 recent parking and traffic items in this area:<br>1. **Proposed Bus Zone Narrabeen Park Parade July 2015** – This proposal from Sydney Buses related to the difficulties buses had in attending the eastern side bus stop referenced in this report due to parking and traffic along this section of Narrabeen Park Parade and had requested removal of more | Not in the public interest<br><br>Inconsistency with strategic planning framework<br><br>Parking provision<br><br>Residential density<br><br>Height<br><br>Out of character<br><br>Removal of trees<br><br>Precedent |

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| | street parking to facilitate bus entry and exit at the stop.<br>2. **The establishment of parking restrictions on Walsh Street** North Narrabeen just this year to restrict long term parkers with the resulting impact of pushing them into neighbouring streets with unrestricted parking (such as Narrabeen Park Parade).<br><br>The Proposal fails to adequately address the parking requirements for commercial businesses, how goods deliveries will be accommodated so as to not impact on local residents for noise, access and parking nor the inadequate provision of parking in the development for residents and visitors given the number of units and bedrooms.<br>**Failure to meet site density requirements**<br>I disagree with the developers' assertion in relation to the developments density "*it is nonetheless considered that the proposal is suitable for the subject site by virtue of its sensitive organic design and provision of adequate parking to serve the use."*<br>Clearly, parking for that density on the site will be inadequate, as referenced above and will impact local residents negatively.<br>I see no benefit to the community stated that would provide any impetus for Council to allow a development which exceeds the planning requirements by 160%. The planning rules applied in this area are for the protection of all residents, and they serve their purpose. Should council allow this type of excess over planning rules, it serves no purpose to the local residents and simply provides a windfall benefit to the (non-local) developer to the detriment of local residents.<br>**Failure to meet height requirements**<br>I disagree with the developers statement that : *The maximum height development standard of 13 metres is a reasonable height standard for the subject site due to the current level of site excavation which will enable the proposed Shop top housing to be developed in a configuration and height that is in keeping with the locality."*<br>Even casual observation will show that from that site heading north along Narrabeen Parade and Sydney Road there are NO properties reaching the requested building height. Not a single one. This is NOT "*keeping with the locality*".<br>Admittedly, on the southern side of the lake, in the old Warringah Council area, there are many multi-unit and commercial developments of varying sizes, but there has always been a clear delineation from one side of the lake to the other with the type of built environment which has been permitted. This has reflect the wishes of the local Pittwater Council residents and I would urge the new Northern Beaches Council to think very carefully before extending the 'overdeveloped' Warringah model into the previous Pittwater Council area.<br>**Removal of trees from public space**<br>Whilst the developer proposes removal of the 4 Norfolk Island Pines from the public reserve for the | |

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| | "enhancement of the public space along the southern frontage and to avoid future damage" even the casual observer will recognise this as a cynical ploy to improve the views offered from the development and allow them to further increase the value of the development and their profits. The public space is enhanced by these trees being retained on PUBLIC land at this locality.<br>A development proposal of this scale will be a litmus test for the new merged Council. The benefits to the developer far outweigh the benefits to the local residents and to the wider community. Retaining the unique environment of the old Pittwater Council area is at risk and allowing developers to simply request exemptions from the planning rules applied to all sites in the area will open the door to excessive development.<br>I note that on page 6 of the proposal it states the site is within walking distance of Warringah Mall. Warringah Mall is a 2 hour walk away from the proposed site, and I assume the preparer was referencing Warriewood Square. This is an unfortunate reminder of non-local developers completely unfamiliar with the area and the local environment they will be impacting.<br>I'm sure that as part of Councils assessment of the proposal, they will weigh both positive and negative responses to the proposal. I would ask you to ensure sufficient weighting is applied to the responses from locals in the immediate vicinity of the subject lots who will live with the direct consequences of the development daily as opposed to visitors/non-locals from outside the immediate area who will only come to the area occasionally. | |
| 62. | I think this proposed development is totally inappropriate. This is a beautiful area with lagoon entrance, lovely beach, rock pools and magnificent bushland on the headland. It is a perfect spot for the camping area and would be spoiled by a large development. Already the development on the other side is an eyesore and the once beautiful little beach is being ruined by masses of concrete. The whole area is unique and must be kept that way - any more development will destroy its character forever. | Over development<br><br>Out of character |
| 63. | Please note:<br>1. The application should be rejected as it does not comply with the R2 Low Density Residential. !!!<br>2. Definitely the Council must not change the present rules and allow such gross development and prevent further subsequent development applications<br>3.The Council should also keep in mind that the road may have to be widened to allow better stopping access for the buses and generally increasing road traffic.<br>4.The trees and parking spaces should not be touched and protected to serve the community,wildlife and the visitors staying at the camping ground and from other suburbs who do not have such a beautiful lake and ocean front. | Inconsistency with strategic planning framework<br><br>Precedent<br><br>Infrastructure provision<br><br>Traffic generation<br><br>Removal of trees<br><br>Use inconsistent with |

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| | | classification of Crown land |
| 64. | This DA is completely unacceptable to our family & the Pittwater community. The size & scale of the building is obscene. How dare they try to push high rise into this environmentally sensitive part of the coastline, It is unacceptable to try to amend the Pittwater Local Environment Plan 2014 in any form, let alone to bring in something so hideously big to the shores of Narrabeen Lagoon, which is used for recreation by thousands of people from the area and beyond, with the campground next door. It should not be spoiled by oversized developments such as this proposal. It has and should remain a low key, 2 storey (at most) building with no increase in footprint size to the existing buildings. This proposed plan would bring an increase in traffic to the already clogged roads in this area as well as parking issues. It is not acceptable to remove any trees from this block. Instead, there should be many more trees planted and some of the land could be purchased by the Council to increase parkland around the shoreline, to encourage the community to use this beautiful part of Pittwater, NOT a development monstrosity as this proposal is. With the ever increasing sea levels due to global warming, it is also plain stupid to dig down into the sand beside the lagoon and also risk flooding, by building something so big, so close to the lagoon/ocean mouth. This is inappropriate development at its worst and exactly what we have been fearing from the new Council amalgamation and the insidious push by developers, encouraged by this State government, to inappropriately develop any land, regardless of our Community's wishes - and even try to have our Environmental Plans amended to push developments through. This plan or anything vaguely similar on this huge scale, MUST be rejected by the Council. | Over development<br><br>Inconsistency with strategic planning framework<br><br>Traffic generation<br><br>Parking provision<br><br>Removal of trees<br><br>Council should purchase this land<br><br>Flooding<br><br>Not in the public interest |
| 65. | I object to this development. I object to the cutting down of the pine trees. | Over development<br><br>Removal of trees |
| 66. | How can Council consider a four storey building on a residential street with nothing anywhere close to that height north of the lagoon?<br>Why would you want to dominate and overshadow a beautiful picnic area where locals as well as visitors come to enjoy. | Council should not consider Planning Proposal<br><br>Over development<br><br>Not in the public interest |
| 67. | NO...this can't go ahead. Around the site there is nothing like this huge development. It would be overpowering on an alternative route to Pittwater Road and beside a very well used and enjoyed area. Cannot lose parking spaces from the car park or remove the shade created by the Norfolk Pines. | Out of character<br><br>Over development<br><br>Parking provision<br><br>Removal of trees |

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| 68. | To Protect Pittwater<br>I wish to oppose strongly the proposal to overdevelop this site in contravention of the Pittwater LEP.<br>The Pittwater LEP was prepared for the region of Pittwater by the people of Pittwater for the control and protection of Pittwater.<br>The proposal shows no good cause why the LEP should be breached and to suggest a height level a whopping 53% above the maximum LEP level is outrageous, There should a timewasters fee imposed upon greedy developers who cannot operate within the building rules and waste the time of those regulating developments and other hard working people who have to make sure that the regulator is given no ground to go against the clearly documented wishes of the people.<br>There should be no precedent set by a council under administration.<br><br>Please refer to the Administrator.. | Over development<br><br>Inconsistency with strategic planning framework<br><br>Insufficient justification/merit<br><br>Height<br><br>Higher development assessment fees<br><br>Precedent<br><br>Decision made by the Administrator |
| 69. | We, the undersigned, strongly oppose the application put before the NBC to allow a 13 M high building with 8 units and 2 shops at 1-3 Narrabeen Park Pde, Narrabeen.<br>This is exactly the reason why we, in the former Pittwater Council, opposed to the amalgamation. When this Highrise Building is approved, more highrise will definitely appear in Pittwater and will change the character of this area forever.<br>Furthermore when this application is approved the developer wants to cut down 4 of the majestic Norfolk Island Pines, which are over 60 years old and have graced the beach-lake scenery for generations.<br>They are on public land and can never be replaced.<br>If the NBC has a genuine concern for ALL of the areas of the council, please show it profoundly by refusing this application. | Over development<br><br>Precedent<br><br>Removal of trees |
| 70. | I wish to oppose the proposed development at 1-3 Narrabeen Park parade North Narrabeen. As a local resident I believe that the repercussions of this development will negatively impact my use of the beach pool and lake entrance area.<br>I am strongly against the removal of the Norfolk pines as I believe there are an iconic part of the space and provide natural habitat for native wildlife.<br>I believe that increasing the size and therefore residents of the zone will increase traffic congestion and make parking even more difficult for local residents wishing to access the pool.<br>I hope that the planners reassess the size of the development and keep Norfolk pines and the 8.5m | Over development<br><br>Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Traffic generation |

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| | height restriction in place, therefore limiting the density. | Parking provision |
| 71. | The Northern Beaches coastline suffered enormously damaging storm surges and high seas in the middle of 2016. As climate scientists tell us that this scale of extreme weather event is our new tomorrow, I consider it irresponsible for Council to contemplate approving a multi-storey building in a low-lying position so close to the ocean and the tidal lagoon.<br><br>It's time to reduce over-development close to the ocean not to construct new 4-storey buildings with, in this case I can only assume, basement car parking excavated from sand and not very much higher than the mean tide level.<br><br>I request Council to reject Planning Proposal Application PP000/17 for Lots 1 & 2, DP 1005148 Narabeen Park Parade, Narrabeen and to deny the proposal to rezone the site. | Flooding<br>Over development<br><br>Extensive excavation |
| 72. | Please reject proposal for removal of norfolk pines.these pines should be heritage listed.they are a landmark of north narrabeen,provide shelter,shade and homes for hundreds of birds.let the developer work around the existing and beautiful landscape. the arial shot of proposed development should be enough reason for council to reject this greedy proposal,the green scape is so important.these trees are so old,once they are gone we cant get them back.please do not approve this proposal and let greedy get rich developers destroy our north narrabeen history for the sake of some shoptop apartments they can sell with a better view as trees have been cut down. Say no to this one council.. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Over development |
| 73. | I believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable. | Over development<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Precedent<br><br>Use inconsistent with classification of Crown land<br><br>Height |

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| | The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>I urge the Council to reject this proposal. | Residential density<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |
| 74. | I strongly oppose the development of 1-3 Narrabeen Park Parade and the proposed change to local planning rules.<br><br>If the development goes ahead the area will lose its iconic charm forever. The area is already busy and with increased traffic, will become a hazard, especially to pedestrians.<br><br>The proposed building will take away public space on the lake foreshore and many people in the local area will be disadvantaged by this.<br><br>The proposal to cut down the Norfolk Island Pines is criminal. The pines are an asset to the area, contributing to the beauty of the site and a source of food and place of refuge for many animals.<br><br>A multi-storey building will be a complete eyesore!<br><br>Once council has allowed one building to go ahead, there will be no stopping the development of the whole block along Narrabeen Park Parade and further.<br><br>Council should seriously consider the negative impact of this proposal. An error of judgement through greed will have long lasting ramifications for the residents and animals in the area. | Out of character<br><br>Loss of public access<br><br>Removal of trees<br><br>Environmental impact<br><br>Precedent |
| 75. | I am writing to you to strongly protest against the removal of the Norfolk Pines, at Narrabeen. | Removal of trees |

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| | For year I have taken my Grand-child to Narrabeen lakes, and we always coment on the beautiful healthy pines.<br>This area is public land. I cannot believe the council would ever enter into any plan to remove these trees to apiese a developer. | Council should not consider Planning Proposal |
| 76. | It is my concern that the Norfolk Island Pines would be cut down, they are old trees but are healthy and conducive to a good environment.<br>I would not like to see a 4 storey building in a low density residential area, which then would open up developers to come along with similar plans which then would not be able to be refused. | Removal of trees<br>Over development<br>Precedent |
| 77. | Point 1. There appears to be no mention of the fact that 4 of the 6 Norfolk Island Pines currently in existence are to be removed. In the plan they are to be replaced with more open space and smaller trees. The Norfolk Island Pines are at least 70 years old and are a landmark for the area. They are synonymous with the beachside environment on the northern beaches. They are also on public land and belong to the people. They provide dense shade from the very hot afternoon western summer sun for the path, the carpark and the present outdoor dining section of the existing restaurant. It would be a great loss to the natural environment of the area if these 4 trees should be removed. It appears that there is no reason to remove the trees other than to improve the view from the proposed residential units.<br>Point 2. The proposed development of a four storey building is a massive increase in bulk of the built environment to be imposed on a small corner of a very popular part of a beach and lake recreation area. The building is designed to be right on the narrow footpath with outdoor dining on Narrabeen Park Parade. Four storeys towering over this narrow road will destroy the atmosphere of this relaxed recreation area. The proposed development would also tower over the holiday makers in their caravans and tents in Lakeside Holiday Park. The current houses which look over the Holiday Park are set back on the hillside of the North Narrabeen headland and are therefore not nearly as intrusive as this development would be. | Removal of trees<br>Heritage impact (trees)<br>Environmental impact<br>Over development<br>Out of character |
| 78. | We frequently visit the beautiful Pelican Walk, beach and rock pool at North Narrabeen with our two small children. This area in its current state is very family friendly and a wonderful community location and symbolic of the northern beaches.<br><br>We are absolutely appalled that this lakeside reserve is to be dominated and ruined by this entirely inappropriate development. It would ruin the natural appeal of the area as a family friendly location with increased traffic, the outdoor consumption of alcohol and overpopulation of a small thoroughfare. | Over development<br>Traffic generation<br>Outdoor dining impacts<br>Residential density |

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| | Furthermore the pulling down the lovely pine trees would be a tragic loss to the community.<br><br>We strongly oppose this hideous development and urge council to reject it entirely. | Removal of trees |
| 79. | I wish to object strongly to the proposed development/shops and the removal of the ancient trees on the corner of Narrabeen Park Pde - 1-3 Narrabeen Park Pde. These trees have been there for as long as I can remember. I am 72 and have lived here since 1967 but remember them being there when I was a child. Development must be controlled and regulated on the eastern side of Pittwater Road. I thought there were restrictions in place until the house beside me (no 49) started renovations which, if the garage is included, will make it 4 stories tall on the cliff face. If this can happen in domestic development I hate to think how tall future commercial development will become. It must stop. | Removal of trees<br><br>Out of character<br><br>Over development |
| 80. | I object to the use of Crown land for private commercial use as it will reduce the area available for public recreation, which is not acceptable. I understand that Norfolk pines will be removed and this is a travesty especially in our times of global warming and our efforts to curb greenhouse emissions.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Council's existing height limit of 8.5m. This definitely sets a dangerous precedent for overdevelopment, especially in a holiday area where people come for rest and relaxation.<br><br>With a density of one unit per 86m2, the proposal far exceeds Council's existing guideline of 1 per 150m2. The guidelines are a maximum in this setting, not a minimum.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. In this particular setting, where visitors will take all existing parking spaces, it is essential that the units and shops have their own parking.<br><br>In short, this proposal does not meet many of Council's own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed. | Loss of public access<br><br>Removal of trees<br><br>Inconsistency with strategic planning framework<br><br>Precedent<br><br>Residential density<br><br>Parking provision<br><br>Not in the public interest |
| 81. | We would like to object to the proposed change to the local planning rules. I understand the "zoning" change is from R2 Low Density Residential to B1 Neighbourhood Hub. This area does not constitute a "Neighbourhood Hub". There can be no justification for this rezoning other than to financially benefit the developer. Parking, which is already limited, will be further restricted by the proposed shopfront awnings and paved outdoor spaces (assumed al fresco dining spaces restricted to paying customers). This development provides no improved community space, if anything, it will restrict access to the pool, | Out of character<br><br>Parking provision<br><br>Loss of public access |

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| | lake and beach which are definitely community spaces.<br><br>Surely the Council will not support the destruction of four Norfolk Pines on public land surrounding this proposed development.<br><br>Finally, we live in Sydney Road, a direct extension of the roadway for the proposed development. Should this rezoning and development proposal be approved, there will be little or no possibility of rejecting similar applications in the surrounding area in the future. | Removal of trees<br><br>Precedent |
| 82. | Im extremely upset to hear of the proposed development at 1 - 3 Narrabeen Park Parade and even more devastated that you will be removing 4 of the beautiful Norfolk Island Pines which are over 60 years old and have been apart of the lake and beach scenery for generations. I believe that these trees are on Public Land. This corner will be more built up and more crowded and will increase the traffic an parking problems already experienced in this space. It is clear yet again that the developers will benefit from this not the local community and the environment will lose out big time. | Removal of trees<br><br>Traffic generation<br><br>Parking provision<br><br>Not in the public interest |
| 83. | I'm extremely disappointed to hear of the proposed development at 1 - 3 Narrabeen Park Parade and even more concerned that you will be removing 4 of the Norfolk Island Pines which are over 60 years old and have been apart of the lake and beach scenery for generations. I believe that these trees are on Public Land. This corner will be more built up and more crowded and will increase the traffic and parking problems already experienced in this area. It is clear yet again that the developers will benefit from this, not the local community and the environment will lose out big time. | Removal of trees<br><br>Traffic generation<br><br>Parking provision<br><br>Not in the public interest |
| 84. | Using Crown land for private commercial use will reduce the area available for public recreation, this is not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m, setting a dangerous precedent for overdevelopment.<br><br>With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP | Loss of public access<br><br>Over development<br><br>Precedent<br><br>Residential density<br><br>Parking provision |

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| | requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. This is not adequate or acceptable.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community or my family's expectations of how this beautiful and unique place should be managed. | Inconsistency with strategic planning framework |
| 85. | To ever it my concern.<br>the building should have a heritage listing. It is an example of the P&O design buildings form the 40.<br>Also the pine trees give refuge to hundred's of lorakeetes on most nights during the summer months.<br>The area already has large areas to shop. with a new development just off Walsh street and warriewood square. The existing building at 1 narrabeen park pde could be refurbished to return into a corner store.<br>The main reason is this is a residential area by changing the zoning you will change the beach feel of the area. There is nothing to be gained for the families of this new zoning. There is only monetary gain for the property developer | Heritage impact (building)<br><br>Removal of trees<br><br>Environmental impact<br><br>No need for commercial floor space<br><br>Out of character |
| 86. | I wish to object to the proposed development of this site. Re-zoning this site will not only jeopardise the appeal of our street but also sets a precedent for more overdevelopment in the future. I do not want another Dee Why here or god forbid a 'surfers paradise'. R2 zone is the most desirable for this area. I would also hate to see the historic grand pine trees removed. They provide habitat and protection of our beloved sea eagles and other bird life. Narrabeen has become so busy over the past decade with many multi and dual occupancy developments. Putting in buildings that are higher to allow for more residents compounds the overcrowding that many of us are feeling. With ample development happening at Warriewood and soon at Ingleside there is no need to crowd this area. | Over development<br><br>Precedent<br><br>Removal of trees<br><br>Environmental impact<br><br>Residential density<br><br>Sufficient medium density zoning |
| 87. | I object to the Development Application for 1 -3 Narrabeen Park Parade at North Narrabeen due to a number of issues:<br>1. The height of the development exceeds the allowed 8.5m taking it up to 13m which is out of character with the surrounding developments in the area and out of character for the low key area at the entrance to Nth Narrabeen pool. Approving a 13m high building would also then set a precedent for future development in the area which would totally change the nature, feel and character of this area<br>2. The removal of the 4 mature Norfolk Pines would be detrimental to the character and visual amenity | Height<br><br>Out of character<br><br>Precedent<br><br>Removal of trees |

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| | of the area. These large pine trees provide an identity to the entrance of Nth Narrabeen as well as providing shade and habitat. The removal of these trees which are located on Crown Land should not be approved<br>3. The entrance to the development is proposed to be via the public car park and through public land. The car park, during peak periods (weekends and holidays) is already congested and access is difficult. To then add additional private cars accessing their private property through the car park will add to the congestion and cause safety issues - and any overflow parking from the proposed development will impede on this already busy public car park. Again I believe this sets a dangerous precedent for the LGA if approved<br>I do not support this development and request that the Council rejects the DA in order to preserve the character of North Narrabeen entrance to the pool, beach and lake. This is important public land and access.<br>Thank you for your consideration | Heritage impact (trees)<br>Environmental impact<br>Access through public reserve<br>Safety (traffic)<br>Parking provision |
| 88. | My family built a home at 46 Narrabeen Park Parade in 1956 and my mother still lives there. I am against the proposed rezoning of 1-3 Narrabeen Park Parade. There are myriad home unit complexes in Ocean Street which started as an area of small beach homes. I do not want to see high rise encroach further north. The existing 155 bus service to/from Manly/Bayview is a sparse offering. What is the plan to manage increased people/cars in the area which is already heavily congested on weekends and public holidays. Apart from profit for the proposed builder or owner as a result of re-zoning, I have not seen any positive reason as to why this change should be endorsed by Council now. | Over development<br>Infrastructure provision<br>Traffic generation<br>Not in the public interest |
| 89. | I would like to object to the proposal to build this 4 story building at this location. On the northern side of the bridge it is out of character with the area which is currently residential houses, not home units.<br>The proposed building would be significantly higher than existing properties in the area, as well as being out of character with neighbouring properties.<br>If approved, it would set a precedent for more home units to be built nearby.<br>The increased traffic in and out of the carpark, would interfere with pedestrian traffic on the verge and roadway. The proposed carpark Basement level of FL 2.320 is significantly lower than the flood level of FL 4.720. There is a significant flood risk in the garages.<br>It appears that a number of mature Norfolk Island Pine trees would need to be removed for this development. These pine trees add significant beauty and heritage to the area, and I believe they should not be removed.<br>I object to this proposal, and would like urge the council not to approve it. | Out of character<br>Height<br>Precedent<br>Traffic generation<br>Flooding<br>Removal of trees<br>Heritage impact (trees) |

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| 90. | I wish to object to the above proposal as it is totally out of character with surrounding houses and nearby park lands.<br>The parking to these units will have to take parking space/s from the pool/beach carpark. This will also cause danger to children and adults walking through to the pool as the unit residents will have to cross the verge to enter and leave their garage.<br>A four storey unit block will also impact on the sun/shade in the nearby area.<br>The removal of the mature heritage Norfolk Island Palm Trees would be unjustified as they provide beauty to the area. | Out of character<br>Parking provision<br>Safety (traffic)<br>Over development<br>Removal of trees<br>Heritage impact (trees) |
| 91. | We object to this proposal in the strongest possible terms. It is yet another example of overdevelopment of Narrabeen while the development of infrastructure is left behind. Furthermore such a structure of 4 stories is grossly too great for such an area and as a thin end of a wedge would open up the rest of Narrabeen Lagoon to such overdevelopment. | Infrastructure provision<br>Over development<br>Precedent |
| 92. | Please do not approve this proposal. The size and prospective use of the proposed development is completely out of character with the surrounding area. Removing the old established pine trees is sacrilege. | Over development<br>Out of character<br>Removal of trees |
| 93. | I am writing to council for the first time ever because I am appauled at this submission. Narrabeen is so crowded, the roads don't cope on Saturday's with weekend traffic and during summer there is always a bottle neck in this area. The height is not in keeping with the area and it is next to a public free space area that would be unavailable due to development. It's about time the council considered residents not developers making a quick buck. The area is prone to flooding and erosion and this must not meet environmental impact statements in any way unless there is some underhanded transactions taking place. What a disgrace this is that it is even open to submission. | Over development<br>Height<br>Out of character<br>Loss of public access<br>Flooding<br>Council should not consider Planning Proposal |
| 94. | I have very opposed to this proposed development, especially the spot rezoning to allow it to be 13m instead of 8.5 (4 stories instead of the current limit of 3), and to the cutting down of 4 of the iconic 75 | Height |

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| | year old Norfolk Pine trees that provide shade, character, a home for many rainbow lorikeets, and are on CROWN land. It is council's responsibility to look after this land for future generations to enjoy, not let a developer cut down the trees and use the land for their profit.<br>There are other issues also around parking spaces and extra traffic into the carpark which is heavily used on weekends and holidays, and also during the week by many bus loads of children swimming in the pool or having science lessons on the rock ledge surrounding the pool.<br>I have lived in Narrabeen since 1983 and am a regular swimmer in the pool. Over the last couple of months I have gotten over 500 signatures of locals who are opposed to this development - esp members of the local swim clubs, nippers, surf lifesaving, neighbours,etc. There are many of us who will protest if this DA is accepted. | Removal of trees<br><br>Environmental impact<br><br>Use inconsistent with classification of Crown land<br><br>Traffic generation<br><br>Parking provision<br><br>Community opposition |
| 95. | I WHOLE HEARTEDLY OBJECT TO THIS DEVELOPMENT. This will destroy the natural beauty of the area. Beach parking will be reduced due to one garage space per two bedroom unit,therefore these cars will encroach on the local parking spaces . The height of this development is outrageous! Views across that area are spectacular...for all not just the elite few. Over development accessing beach car park will be impaired, as there are lots of pedestrians using this area from the camping area. Line of sight views will be lost..keep the heritage of the district.. save the little store. Whats next..the caravan park?? Keep developers out as there is too much over development and the infrastructure doesn't cope now..roads are clogged, schools are full. | Parking provision<br><br>Height<br><br>Out of character<br>Over development<br><br>Not in the public interest<br><br>Heritage impact (building) |
| 96. | This development would be an eyesore in Narrabeen. The removal of the trees would be to the detriment of the area. High rise developments are in an abundance and I believe the area benefits more from natural environs rather than additional buildings and developments. | Removal of trees<br><br>Sufficient medium density zoning<br><br>Not in the public interest |
| 97. | My family and I would like submit the following points to council as reasons why we are absolutely horrified about the proposed development on Narrabeen Park Parade. If this gets through council it certainly suggests corruption,backhanders and favours from influential developers and interested parties.<br>1. Remove four magnificent iconic and historic Norfolk Pines from Crown reserve, which are currently subject to a Local Heritage Listing application with Council. | Corruption<br><br>Removal of trees<br><br>Heritage impact (trees) |

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| | 2. Alienate public Crown Reserve land for private commercial use, involving open air consumption of alcohol, in dangerous proximity to families with small children, cars parking, a new adjacent driveway, and a busy narrow road.<br>3. Create a four storey commercial/ Unit complex fronting directly onto a Crown Reserve, in an area of significant and diverse cultural, environmental, aesthetic, educational and recreational elements. These include historic Norfolk Pines, Council Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club.<br>4. Create a four storey commercial/ Unit complex to a 13 m height limit. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2 : the PDS requires 1 per 150 m2 (60% more than is proposed). This far exceeds other local developments in height and density.<br>5. Create only 6 more parking spaces, to a total of 18: Council's Development Control Plan 2014 requires 31 spaces, ie 70% more than proposed. This area has high parking demands already, especially holidays and weekends.<br>6. Increase the existing RMS calculated Peak Hour Vehicle Trips (PHVT) from 15, to a maximum of 27 PHVT , nearly double.<br>7. Ignore waste removal problems with 8 units, a restaurant and a shop, at least 30 bins twice weekly. How many bins does a restaurant alone generate?<br>RECOMMENDED<br>• No removal of trees from Crown Land, and expedited approval of the current Local Heritage Listing application for the pines.<br>• Adjacent Crown Land be retained for current recreational use, and not alienated for private commercial use and profit.<br>• Any proposal strictly adhere to current building height, unit density, and parking provision requirements.<br>• Consideration of vermin and waste disposal problems.<br><br>We certainly hope our trust in the council to listen to the community is not broken and also that there are no "special" rules for the chosen few. | Use inconsistent with classification of Crown land<br><br>Outdoor dining impacts<br><br>Safety (traffic)<br><br>Over development<br><br>Environmental impact<br><br>Height<br><br>Residential density<br><br>Parking provision<br><br>Traffic generation<br><br>Waste disposal |
| 98. | This proposed development is detrimental to the area for many reasons . I am greatly saddened that this is even being considered. Surely the Council is there to act in the best interests of the majority of the residents not a single developer that has his eyes on a much loved public space in order to line his own pockets. Firstly there is not enough parking to accomodate the number of residents wanting to use | Council should not consider Planning Proposal<br><br>Not in the public interest |

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| | the iconic ocean pool or beach as it is. The Norfolk Pines are also iconic to anyone that lives in the area . I have been walking under them for nearly fifty years and I love them. They should be heritage listed are they provide character and shade to the area. Without them it would no longer be the place we have all grown up with. Why should one person get to take away something that we have all loved and enjoyed their beauty of for 70 years. It is absurd to even contemplate such an act of selfishness. Let me see, is it just possible that the trees are blocking the view of the apartments the developer plans on selling and that perhaps without them there he could line his greedy pockets with even more money? That is Public land and that must be first and foremost in the minds of the people deciding on this. It is completely absurd to be even discussing this. The developer should be told pull his head it and the fact he is trying to sell it as being a benefit to the community while completely destroying the character and charm of a much loved local icon as well as causing more parking chaos is completely and utterly insultive to residents of the Northern Beaches. I hope the Council can show us that as representatives of local residents they have our and the area's best interests at heart. Some things are more important than money and this is one of them. We live here for a reason. We love North Narrabeen and particularly North Narrabeen ocean baths and the immediate surrounding area. Please don't destroy the legacy of previous generations that helped create the unique personality of our area or take it away from future generations purely for one outrageous ,arrogant developer. Think of the majority , please. Once it is gone ,it is gone for ever. My eight year old daughter is extremely upset by this also as all ready she has grown to love it as much as we do and she cannot understand why someone would want to kill the beautiful trees. Can the Council explain it to her please? Listen to what the people want and I have not spoken to one person that is not outraged and upset at the cutting down of these beautiful Norfolk Pine trees. | Parking provision<br><br>Removal of trees<br><br>Heritage impact (trees)<br><br>Use inconsistent with classification of Crown land<br><br>Out of character<br><br>Community opposition |
| 99. | This project will sacrifice our beautiful corner of the Lakes and destroy too many Norfolk pines. Stop turning us into another built -out Gold Coast ! | Removal of trees<br><br>Over development |
| 100. | As a resident of North Narrabeen for the past 25 years, I would like to voice my concern at the proposed changes to the local planning rules (zoning) to allow a 13m high building with 8 units and 2 shops at 1-3 Narrabeen Park Parade.<br><br>Our three main objections are:<br>1) The further traffic congestion that will be caused by the coming and going of residents of the proposed 8 units and and employees of commercial spaces and the loss of public parking spaces for current rate payers and visitors to the existing Crown land public spaces.<br>- Parking, walking, exercising and utilising the current public spaces adjacent to the site will be | Traffic generation<br><br>Parking provision<br><br>Loss of public access<br><br>Use inconsistent with classification of Crown land |

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| | compromised.<br>- This development will alienate public Crown Reserve land for private commercial use, involving open air consumption of alcohol, in dangerous proximity to families with small children, cars parking, a new adjacent driveway, and a busy narrow road.<br>- The creation of a four storey commercial/ Unit complex fronting directly onto a Crown Reserve, in an area of significant and diverse cultural, environmental, aesthetic, educational and recreational elements. These include historic Norfolk Pines, Council Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club, will mean this much loved and used area will be lost as development takes over.<br>- Creating only 6 more parking spaces, to a total of 18: Council's Development Control Plan 2014 requires 31 spaces, ie 70% more than proposed. This area has high parking demands already, especially holidays and weekends.<br><br>2) The setting of a new zoning precedent that will then no doubt allow further development of Narrabeen Park Parade, and possibly eventually the caravan park opposite.<br>- Creating a four storey commercial/ Unit complex to a 13 m height limit. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2 : the PDS requires 1 per 150 m2 (60% more than is proposed). This far exceeds other local developments in height and density.<br>- Increase the existing RMS calculated Peak Hour Vehicle Trips (PHVT) from 15, to a maximum of 27 PHVT , nearly double.<br><br>3) The removal of local heritage listed Norfolk Pines. It is an absolute disgrace that council would consider removing these historic trees based on a development. Residents often have to fight with council, usually without success to have trees removed on their own properties, for valid reasons such as damp due to shade from trees, blocked drainage from roots, split concrete driveways or falling limbs etc. It is common knowledge the council has made it very difficult to remove any trees, but especially heritage listed trees of cultural significance, even for practical and safety reasons on private property. However, they would allow these trees to be removed, merely for an over-sized development that local residents reject over the keeping of such trees.<br><br>Further considerations requested:<br>- Please listen to residents rather than dollars from investors. Let the developer submit a plan that meets current planning rules, as is the case with other residents. | Outdoor dining impacts<br><br>Safety (traffic)<br><br>Over development<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Precedent<br><br>Height<br><br>Residential density<br><br>Removal of trees |

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| | • No removal of trees from Crown Land, and expedited approval of the current Local Heritage Listing application for the pines.<br>• Adjacent Crown Land be retained for current recreational use, and not alienated for private commercial use and profit.<br>• Any proposal strictly adhere to current building height, unit density, and parking provision requirements.<br>• Consideration of vermin and waste disposal problems. | |
| 101. | In the summer months, the car park at Narrabeen Park Parade is full to overflowing, and cars are often sitting waiting for a park all around the driveway. There are crowds of people with children everywhere. To add to the overcrowding of this car park would seem to be a dangerous and frustrating thing for all the existing users, let alone additional residents, who would probably be restricted from access to their designated car parks by the overcrowding.<br>Narrabeen Park Parade is also often congested, and when there are cars parked on both sides of the road one has to drive very carefully between the parked cars, and it is impossible to drive between the parked cars if there is a bus on the road. | Parking provision<br><br>Safety (traffic) |
| 102. | 70 yo Norfolk Pines should not be cut down. Soon we will look like the Gold Coast, not the quaint little village we are. This would bring more traffic into the area, this narrow road cannot cope with more traffic especially in the weekend/holiday period. Some days cars can hardly pass each other. Development has outside rooms, more noise to the area. Developers are slowly destroying our beautiful coastlines. Can't believe Council would agree to this settlement. | Removal of trees<br>Over development<br><br>Traffic generation<br><br>Outdoor dining impacts<br><br>Council should not consider Planning Proposal |
| 103. | 70yo Norfolk pines should not be cut down. Outdoor rooms more noise to our area. If allowed this area will start to look like the Gold Coast not our quaint little village. Developers are rapidly destroying our coastline & nearby areas. This narrow road can't cope with more traffic, on weekends/holidays cars parked makes it difficult for two cars to pass each other. Can't believe Council would even consider this proposal | Removal of trees<br>Over development<br><br>Traffic generation<br><br>Outdoor dining impacts<br><br>Council should not consider Planning Proposal |
| 104. | The proposed development is the start of the end. The increase in height will mean more developers will | Height |

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| | swoop in and construct tall unit blocks which will ruin the area which I live and love. If we continue to sit back and allow the council and developers to build more and more unit blocks this area will turn into Dee Why. Dee Why is grossly overpopulated. This is what we can expect in Warriewood in the next 20 years, unless we take a stand and fight proposals like these. The only reason the council wants to do it is because they get more money from rates and developers. Even if the council has to make more space for growth in the area it should not be done by high density living (i.e. unit blocks and townhouses). Do they not realise that families can't live comfortably in a 2 bedroom unit. The more densely populated the area the more problems arise. Not to mention the potential removal of the 4 very old pine trees that add so much beauty to the area. On top of this, if units and shops are put there, the car park (which so many people use to go to the beach and to go to the ocean pool) will be forever full. Even if there is an underground car park, chances are that there won't be enough spots and the residents and shop goers will park in the car park. How is that fair on the current residents and rate payers?<br><br>I think this proposal is outrageous and if it goes ahead then we will have let the council destroy a beautiful part of our home. | Over development<br><br>Residential density<br><br>Removal of trees<br><br>Parking provision |
| 105. | The proposed development is totally out of keeping with the surrounding area in fact there are no unit blocks in this area. The zoning should not be changed. Even those units south on the Narrabeen peninsula are low rise certainly not 4 storey.The building height increase should definitely not be increased. Directly across the road is the caravan park which is a leisure facility which will have its amenity impacted. The Norfolk Island pines have always been a feature of the foreshore and should not be removed.I have never written a submission against a development before but this proposal is wrong on so many counts particularly that it does not reflect the character of the surrounding area. | Out of character<br>Over development<br><br>Impacts on neighbours<br><br>Height<br><br>Removal of trees |
| 106. | Bad neighbourhoods don’t just happen. They evolve through either neglect or poor planning. Perhaps, a few years from now no-one will notice the absence of four great Norfolk pines near the North Narrabeen rock-pool, or the presence of a four-story complex obstructing a once pristine ocean view, or the congestion and commercialisation of the area. It will be as if the neighbourhood had more-or-less always been like that. But, bad neighbourhoods don’t just happen. They evolve, in this case, as a result of poor planning. | Removal of trees<br><br>Over development<br><br>Traffic generation<br><br>Not in the public interest |
| 107. | I strongly object to this planning proposal for spot rezoning for the land usage, as applied for, because; | Insufficient justification/merit |

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| | No adequate explanation or case has been made in the application as to why the spot rezoning should be approved (beyond the obvious, a commercial advantage to the applicant- unstated though that may be). No demonstration of community benefit has been advanced AND in fact significant community disadvantage would accrue from its approval.<br>Such as;<br><br>1.Overloading (and reliance upon) access to existing public parking to overcome on-site generation of traffic and parking; No calculation accompanies the application to deal with what the amount of site-generated traffic from the development will be, nor does it fully address the consequent requirement under existing council policy for adequate on-site parking generated by the development, to be provided by the development.<br><br>2. Removal of four much loved, iconic pine trees from the public reservation, by what right uncertain! -- the supporting document is in error in discounting, as it does, their aesthetic value (and in fact Pittwater Council in 2008 chose this species for multiple plantings along the street beautification of Barrrenjoey Rd through Newport Beach Shopping Centre), and ;<br><br>3. The development represents an over-intensification of urbanisation, essentially intruding into an historic beachside locale comprising a setting of holiday-making and single household per lot zoning.<br><br>4. No commercial need has been demonstrated to justify the ground floor shop units which are likely to remain empty (as elsewhere in Pittwater) and merely serve as a plinth for the real or major purpose of the rezoning app. i.e. multiple home unit type housing.<br>Variation to a LEP, if it is to succeed, should require much more supporting argument than has been advanced in this application.<br><br>5. The clearance for the development by the consultant in respect of flood considerations, based on a mere reported phone call with the Council Flood Engineer appears highly inadequate in that it does not refer to flood and storm surge impingement on the building within the 100 year lifetime of the structures (encompassed as they are by climate change and consequent increases in sea level, and with consequently increased backwater effects compounded by predicted increases in storm surge of the 1 in 100 year AEP return period).<br>Note: Storm surge during the east coast low storms in 2007 overtopped nearby Ocean Street carriageway and also the adjacent public parking lot in front of the application site. (photographs will be provided to Council next week). | Not in the public interest<br><br>Traffic generation<br><br>Parking provision<br><br>Removal of trees<br><br>Unsubstantiated claims in submitted documentation<br><br>Over development<br><br>No need for commercial floor space<br><br>Flooding<br><br>Extensive excavation<br><br>Undermines public trust in the planning system<br><br>Decision made by the Administrator<br><br>Use inconsistent with classification of Crown land<br><br>Further information required |

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| | 6.The application contains no discussion of potential downflooding (nor water infiltration) of the proposed basement originating from a 1% combined catchment and oceanic storm surge, nor how this could impinge on the basement (floor level proposed to be at RL 2.1m which is well under the existing 1 in 100 Narrabeen Lagoon Flood level which currently stands at 3.25 m AHD. Question must be raised as to how escape from the basement in a possible down-flooding incident could be achieved.<br><br>7. Spot re-zonings such as this application are not good in principle from a planning perspective and can often be opportunistic and simply for the developers benefit. In this case, no argument has been advanced to support the desires of the developer that could be evinced to stand in the public good.<br><br>For these and more reasons that could be put, I believe that Council should simply refuse this application, leaving the developer the option to seek to achieve rezoning in the normal way by variation of the Local Environmental Plan, if they so desire.<br><br>This proposal is being put forward on the basis of a vital, but unknown and as yet unknowable factor.<br><br>That important unanswered question is;<br><br>Would Council, when elected in four months time, be likely to accede to, or refuse, the proposed takeover of public land for private purposes as currently proposed by the proponent to mitigate the development footprint, currently proposed to cover the entire surface area of the Lot 1 & 3 site?<br><br>The proposed conversion of public land to private purpose includes removal of four mature Norfolk Pine, to be replaced by landscaping and the construction of structures ancillary to a possible restaurant, plus construction of an access driveway to the basement car park.<br><br>While not dealing here with the likelihood or propriety of whether in the long run, Council will agree to lease the public land for uses as proposed by the developer, we believe balance requires that before the proposal is considered any further it should be deferred and the developer be required to submit detailed drawings and design to show how the development can/will proceed in the absence of future agreement being reached with Council over the proposed private usage of public land. (outdoor seating, tables, removal of tree cover, driveway access to basement).<br><br>I believe that if a properly balanced judgement of this Proposal is to be made to correctly assist determination, then a clear presentation of those aspects should be provided of the potential outcome on the development that would be presented by subsequent refusal to lease. | |

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| | Council must require this level of detail before determination of the Planning Proposal proceeds further.<br><br>I say this because, if a rezoning as submitted were to be approved in the face of these uncertainties that could be presented in Court as de facto approval to lease. This could be construed as placing undue pressure on the Council to agree.<br><br>In these circumstances, should subsequent request to lease be refused by Council at Development Application stage, such refusal could be appealed to the Land and Environment Court, (whereas refusal of a Planning Proposal cannot be so appealed). | |
| 108. | I wish to express my objection to the scale of the proposed development for 1 and 3 Narrabeen Park Parade, Narrabeen PP0001/17. I do not wish to see any large scale development (such as this proposal) in this area. My reasons:<br>1. Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br>2. The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment.<br>3. With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br>4. Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed. | Over development<br><br>Loss of public access<br><br>Height<br><br>Precedent<br><br>Parking provision<br><br>Inconsistency with strategic planning framework |
| 109. | I am totally opposed to the removal of beautiful old pine trees from this site to make room for more development. We need to conserve the trees & don't need more cafes etc! | Removal of trees |
| 110. | We would like to register our objection to the proposed development. If the developer cannot work within the current local planning rules why do we need to change them, and thus set a precedent for the future. his proposal uses public space for private profit and removes trees also on public land, increases traffic and parking problems. The developer benefits while the local community, lake users, beach goers and environment lose. Having witnessed the unit development on the other side of the lake ie: from Narrabeen Fire Station to the bridge, we do not want to see our low density residential zoning lost to future generations | Inconsistency with strategic planning framework<br><br>Precedent<br><br>Use inconsistent with classification of Crown land |

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| | | Removal of trees<br><br>Traffic generation<br><br>Parking provision<br><br>Not in the public interest |
| 111. | The area around North Narrabeen Ocean Pool is among one of the most popular on the Northern Beaches.<br>The thought of this hideous over-development horrifies me. I have lived in the area since the early 1950's and can remember playing around those Norfolk Pine (already mature) trees and the then milk bar over 50 years ago.<br>The following things really need to be considered!<br>1,. the proposal is far too high and out of character with the area<br>2. the proposed entry to the underground residents car park should not be from the public parking area. Will cause congestion and obvious danger to holiday makers and recreational pedestrian traffic.<br>3. the road outside this area is already too narrow and need widening.<br>4. the imposing height and imposing nature and the zoning changes will set a precedence north of the bridge and ruin the character of the area.<br>5. the proposed removal of these trees will cause an outcry from the locals. They are part of the history of the area and should not be endangered. | Over development<br><br>Removal of trees<br><br>Height<br><br>Out of character<br><br>Access through public reserve<br><br>Safety (traffic)<br><br>Precedent<br><br>Heritage impact (trees) |
| 112. | 1. Objection to the oversizing of the development.<br>2 No change to the current zoning of R2. If allowed to B1 sets precedence for the entire area.<br>Other buildings in close proximity are all 8.5 metres. Tastefully built<br>3 No removal of Norfolk Pines for the development<br>4. No use of Public land by developer.<br>5 Entry should not be via a Public Car park, why should they?<br>6. Increase in transport around the area.<br>7. The transport plan attached is inaccurate and outdated shows 2006 parking.<br>8. Council has a duty of care to the Lagoon. Today the extension of the Park was announced today the entrance forms part of this. This over development of land will denigrate the area with the addiitonal flow of run off. The parking area of the development will be below lake level. No provision for extraction of water. | Over development<br><br>Precedent<br><br>Removal of trees<br><br>Use inconsistent with classification of Crown land<br><br>Access through public reserve<br><br>Traffic generation |

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| | 9. Gas cyclinders should not be part of the development.<br>10. Entry to the private development should by the Narrabeen Park Pde via the west side.<br>11 Developer will need to pay for widening of road and moving bus stop.<br>12 Developer should pay for pavement .<br><br>Most of all leave the Norfolk Pines in the current position. Icon of Narrabeen and its flora history.<br>On viewing the application there are a number discrepancies in the Plan which Council would already see.<br>Regards Liz Kelly | Conclusions based on outdated data<br><br>Extensive excavation<br><br>Gas cylinders should not be part of the development<br><br>Infrastructure upgrades should be conditioned |
| 113. | I object to the 3 storey enormity of this development. I object to the cutting down of the pines to make way for the development | Over development<br><br>Removal of trees |
| 114. | I object to the old Norfolk Island Pines - which are so old and characteristic of the Northern Beaches - being destroyed for any development.<br>I also object to the old restaurant - a building from the 1800s which is a rarity on the northern beaches - being pulled down.<br>The proposed replacement is totally out of character with the low key atmosphere and low-rise buildings around Narrabeen lagoon - a holiday and leisure spot for so many in the past and present. Four-storey buildings are not permitted in this area anyway - and should not be. We do not want to see a repeat of Queenscliff headland in the old Pittwater area.<br>The proposal also fails to recognise or respect Narrabeen's heritage - either natural or built. | Removal of trees<br><br>Heritage impact (building)<br><br>Out of character<br><br>Over development<br><br>Heritage impact (trees) |
| 115. | The general tone of the Heritage Assessment is that the building at 1 Narrabeen Park Parade (the current restaurant) has some nice architectural qualities about it but overall it is not a significant place. Any heritage value the site might have once had (as the areas first servo) has been dramatically diminished by alterations to the original building over the years. Its limited value now is that it represents North Narrabeen of old. Should it be demolished then a few photographs should be taken for historical reasons.<br><br>I submit that the site is more special than the heritage assessment sets out precisely because it is probably the last remaining shop of its kind in the area. It is not a block of aging, nondescript shops. It is a singular building, one with charm despite alterations, its location is unique; the beach, the lagoon, the approach across the Ocean Street Bridge (maybe kids are jumping off the bridge as you pass by), its location under the back of Narrabeen Head, and the tall pines set it off very nicely. Oh, I forgot to | Heritage impact (building)<br><br>Heritage impact (trees)<br><br>Removal of trees<br><br>Out of character<br><br>Insufficient justification/merit |

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| | mention its location across from the camp ground. That doesn't happen anywhere else within cooee. I couldn't help but sense the author was playing the site down. After setting out that it began life as a servo it seems that it meant nothing to anyone after that. We get some history about the Wakehurst Parkway a couple of kilometres away but the author misses entirely that if you follow the lagoon to the ocean you are at the North Narrabeen National Surfing Reserve. I'm not a surfer, but any accurate description of the area has to include surf/beach/youth culture. It was conspicuous in its absence from the report. My recollection of the site is that it was a milk bar in the 70s. Sure, a milk bar, it's not much in itself but it tells the story of summer on the northern beaches. It is very much a site that punches above its weight, its value is far greater than the sum of its parts. The heritage assessment does it an injustice.<br><br>Even the developer accepts the site is special and hopes his four storey block of units and shops will serve as a gateway to the area. He paints it as a wonder but in reality it is just average. If this proposal goes ahead the result will be a modern beach side complex that looks pretty much the same as any other. Drive down Ocean Street and you'll see what I mean. I have no problem with modern beachside chic per se but it is already well catered for at the corner of Ocean and Malcolm Streets a few hundred metres to the south and farther south at Pittwater Road and Ocean Streets.<br>If the site is truly going to be a gateway to Pittwater then leave it as it is; a unique building in a unique setting; one that continues to represent a laidback beach-centric culture. Yes, yes, my view is a romantic one but that is no crime particularly when we talk of something unique because everything else like it has already succumbed to progress.<br><br>It's interesting to note that the many of the submissions in favour of the proposal state that it would be good to have a café on the site; they don't wax lyrical about having three levels of units above, they just want a decent coffee, that's enough for them.<br><br>A few digital photos in the library's local studies area will not mitigate the disaster that approval of this proposal will bring about. | |
| 116. | Please do not under any circumstances sanction the planning proposal at no 1 Narrabeen Park Parade. the area is both charming and historic and could easily be enhanced for the greater enjoyment of all without vandalism proposed. developers are only interested in their immediate anticipated profits and ride rough shot over, environmental,scenic and historic concerns.<br>the magnificent, majestic and historically significant Norfolk pines must be preserved for us for future generations and not causally destroyed for the sole benefit of greedy profiteers. interestingly, in the 43 years we have worked and lived in the immediate area no business has enjoyed a prolonged success | Heritage impact (trees)<br><br>Heritage impact (building)<br><br>Environmental impact<br><br>Removal of trees |

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| | on this site our family bitterly opposes approval of this planning proposal, we have already been warned of significant rate rises as of august- surely we are entitled to enjoy what we appreciate and value so very much | Not in the public interest |
| 117. | I would like to object to the rezoning of 1 - 3 Narrabeen Park Pde.<br>The proposal is totally inappropriate for the area. It would be a major over-development in height, bulk and scale, and then there are the issues of safety for pedestrians and bike riders, traffic management, environmental issues, such as the removal of trees, and just plain aesthetics.<br>There are so many local children, caravan park residents, runners and walkers who cross the road here, that a development such as this would impinge on their safety.<br>No changing the classification of this area. | Over development<br>Height<br>Safety (traffic)<br>Removal of trees |
| 118. | I hereby wish to voice my concerns and my strong opposition to the proposed development of lots 1 and 3 Narrabeen Park Parade.<br>The rezoning of this land from its current residential status is an outrage, as is the fact that the height of the building under the new zoning will create an ugly eyesore in a beautiful coastal environment.<br>The removal of the Norfolk Pines on the site is wanton destruction.<br>There are numerous cafes & shops within easy walk, this development seeks to line the pockets of greedy developers and does nothing to preserve the natural beauty of the area.<br>Local people do NOT want this here.<br>For the sake of the environment please refuse these plans. | Height<br>Over development<br>Removal of trees<br>Not in the public interest |
| 119. | How much more overdevelopment of the Northern Beaches is going to take place along the beach front and re zoning without first improving the already congested roads and a total lack of public transport.<br>The Government has failed to decentralise employment opportunities in Sydney and large numbers have to sit in ever increasing traffic jams leaving the beaches each day for work. Council continues to approve more and more units with insufficient parking available for the people living.<br><br>How about the Council put more pressure on the Government to improve and redevelop the major arterial roads in and out of the beaches before more rezoning and more apartments.<br><br>In relation to this particular sight another 8 units will further contribute to a large of parking in Summer. Do we want our beaches to have a wall of units from Manly to Palm Beach along the entire strip like the Gold Coast. This is certainly the way things seem to be going. | Traffic generation<br>Infrastructure provision<br>Parking provision<br>Over development |
| 120. | Don't remove all of the nature in our suburb | Removal of trees |

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| 121. | Please leave this beautiful area as it is. An even better idea would be for the council to buy the properties and make even more open space for everyone to enjoy. | Council should purchase this land |
| 122. | REZONING: It is my understanding that the most recent Government philosophy on rezoning is to move away from spot rezonings and to consistently apply LEPs, having had community input into those LEPs and broad agreement. This philosophy allows for a planning environment where all members of a particular community (residents, businesses and potential developers) can have trust and confidence in what is acceptable and a consistent evolution of that environment.<br>Consequently, a rezoning to allow an increase from 8.5 metre building height to allow this single 4-storey structure, would seem excessive, given the heights of existing nearby premises.<br>COMMUNITY LAND & NORFOLK PINES: The Doyle Consulting Group reference to “a plan that indicates the significant embellishment of the community area directly adjacent to the subject site” would ring far truer if “embellishment” were replaced with “devastation”.<br>For more than a century, Norfolk Pines, native to the Australian territory from which they take their name, have become emblematic to the eastern Australian seaboard in general and to the Northern Beaches in particular. For a Council which has “northern beaches” in its name to even contemplate allowing extermination of four seventy-plus year old Norfolk Pines so close to the beach would be a travesty of responsibility.<br>Looking at the plans submitted, the only rationale for the removal of these four ‘arboreal elders’ would be for the view of a few (the residents of the proposed development) and certainly not for the wider community. It cannot even be supported on ‘shadows cast’ as the four trees are almost due south of the proposed premises and these pines cast diffused shadows while allowing filtered views.<br>If any redevelopment is to proceed on this site, it would be responsible to consider a $200,000 per tree surety be lodged by the developer, not to be released till 24 months after the issue of the Occupation Certificate, to assist in guarding against any unfortunate accidents which might befall any of the trees during any stage of development.<br>The most apt commentary on this proposal, as it currently stands, is the front cover graphic on the Paddock Landscape Concept document: the proposal would indeed leave a blot on the Narrabeen landscape. | Inconsistency with strategic planning framework<br><br>Undermines public trust in the planning system<br><br>Removal of trees<br><br>Heritage impact (trees)<br><br>Not in the public interest<br><br>Tree preservation measures needed during construction |
| 123. | I totally opposed to the Planning Proposal for 1 and 3 Narrabeen Park Parade, Narrabeen PP0001/17.<br>This proposal will generate more traffic and parking problems in that area and add to an already congested traffic situation at that point,especially on the weekends, at holiday periods, during the Friday markets and generally during the summer period.<br>The proposal to allow a rise in building height to 13 metres would set a precedent for the area and there | Traffic generation<br><br>Parking provision<br><br>Height |

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| | is a real risk of the whole area adjacent to the coast being built out with more higher rise developments. | Precedent |
| 124. | I am opposed to the Planning Proposal for 1 and 3 Narrabeen Park Parade, Narrabeen PP0001/17.<br>This sort of development is unnecessary for this area. It will only add to traffic congestion on Narrabeen Park Parade and, as there is a proposal to increase commercial space, will take parking spaces from people who use the the parking area to go to the pool.<br>Construction of this sort of development could also set a precedent for future such developments in this area and if approved would no doubt cause serious disruption to traffic, parking, and ability to get to and use the Narrabeen rock pool | Out of character<br><br>Traffic generation<br><br>Parking provision |
| 125. | I am totally opposed to this development proposal.<br>This kind of development is totally out of place. The road is narrow and already I find the traffic volume growing and at times very restrictive to residents trying to get in and out of driveways.<br>I had not seen any public notice about this development and certainly nothing from council about it in the mail.<br>My wife and I walk passed and through this area nearly every day and are forever blown away by the beauty of the landscape surrounding the lake.<br>Say no to this monstrous application and maintain the low density residential zoning and keep the wonderful ambience we now enjoy.<br>Any approval will open the floodgates. | Out of character<br><br>Traffic generation<br><br>Over development<br><br>Removal of trees |
| 126. | I oppose this application (PP0001/17, 1&3 Narrabeen Park Pde.) because<br>1. The unecessary removal of the four historic Norfolk Pines on the Crown reserve to benefit the views of current owners of the site is outrageous. The tress are currently subject to a Local Heritage Listing application with Council. They are part of the unique northern beaches heritage and benefit all visitors and locals with their shade and beauty.<br>2. Again, it is outrageous that the current owners want to appropriate Crown Reserve land for private commercial use. This land belongs to the community and visitors for healthy swimming and beach visit purposes. i strongly oppose this area being turned into an outdoor private pub, contrary to the usage of the majority of residents who are families with small children.<br>3. Most people moved to or reside in Pittwater to avoid the development that exists in Dee Why. To build the proposed four storey commercial/ Unit complex fronting directly onto a Crown Reserve will create a new high density precedent for the area that no residents (other than the developers) want. High density housing and large restaurant will fundamentally change the use and nature of the area from relaxed family fun and appreciation of the environment use (BBQ Picnic Area and Car Park, heritage listed Rock Pool, North Narrabeen Aquatic Reserve, North Narrabeen Surf Break National | Removal of trees<br><br>Heritage impact (trees)<br><br>Use inconsistent with classification of Crown land<br><br>Over development<br><br>Out of character<br><br>Height<br><br>Residential density<br><br>Impacts on neighbours |

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| | Surfing Reserve, North Narrabeen Surf Beach, Narrabeen Lake and Entrance, North Narrabeen Headland Reserve and Coastal Walk, Sydney Lakeside Holiday Park, Coastal Environment Centre, and North Narrabeen Surf Club).<br>4. The proposed four storey commercial/ Unit complex to a 13 m height limit again only benefits the developers of the property and is starkly in contrast with surrounding development. The area both north and south of the Lagoon has an 8.5 m. limit under Council's Principal Development Standard. This proposal has a unit density of 1 per 93 m2 : the PDS requires 1 per 150 m2 (60% more than is proposed). As a neighbour to the development, our views will be eradicated by the height, with the units looking directly into our property.<br>5. There is insufficient parking to support the proposed development and residents will lose the opportunity to park in their local car park to attend the beach. Council's Development Control Plan 2014 requires 31 spaces, ie 70% more than proposed.<br>6. The surrounding area is single standing homes with young families. The increased noise and traffic from the proposed development will prevent the use and quiet enjoyment of our property.<br>7. The odour of burnt oil and garbage already emanates from the small scale restaurant. Further, even small scale functions often go late into the night creating noise pollution and difficulties with residents sleeping. Significant waste from a larger restaurant will attract vermin and create vermin issues for surrounding residents. Therefore, given the small scale existing issues, it is clear that a larger scale restaurant and development proposed will only increase these types of problems for surrounding residents.<br><br>Therefore, I feel any development should retain the existing trees and should be limited to residential (with current building height, unit density, and parking provisions) | Parking provision<br><br>Outdoor dining impacts<br><br>Waste disposal<br><br>Noise impacts |
| 127. | I object to the development as it is currently planned. We moved to this area to raise a family in the environment as it currently exists.The proposed development is a significant departure from anything in the area.<br>I can see no reason to remove the norfolk pines. This clearly is intended to only benefit the developers by providing a view from the proposed units. The norfolk pines provide shade to all the current users of the area and have historical significance.<br>In addition I can see no reason to change the zoning to allow a 13m height. Thisis completely out of line with existing buildings and developemtns in the area. Even the recent development on the corner of Walsh Street and Pittwater road is limited to 3 stories.<br>If the development is modified to be in line with current zoning I would have no issue, however I can see no benefit to local residents by allowing such an imposing development to go ahead. | Out of character<br><br>Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Height<br><br>Not in the public interest |

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| 128. | I think this development is inappropriate for this iconic and much loved recreational area of Narrabeen which is protected and shaded and beautified by these ancient pine trees Visitors from near and far come to enjoy the peace and beauty of this outdoor area which combines so many different activities:- walking, swimming, hill climbing, fishing, canoeing, bike-riding, dog walking etc. but one of the main reasons it attracts so many people of different ages is the peace and quiet in such a small area where so much goes on. It is a continuation of the lakes, camping, surfing, rock pool and beach area not seen in many suburbs. Having apartments for the very rich and more traffic for cafes would destroy the atmosphere and the beautiful trees form a peaceful barrier between the noise and activity of the surrounding areas and the shade in summer is wonderful. Please leave our beautiful space out of the developers' hands and keep a space for ALL of us to enjoy. There are plenty of other areas to develop away from this magic little corner of our peninsula. PLEASE HELP US KEEP SOME OF OUR NATURAL ENVIRONMENT FOR EVERYONE TO ENJOY NOT JUST THE MONEY MAKERS. Thank you. | Removal of trees<br><br>Environmental impact<br>Not in the public interest |
| 129. | Regarding the proposal, the impact on the community and the carpark would be profound and monopolising, mainly by this building which is an excessive plan for that location and not aesthetically pleasing in such a picturesque location. Entrance of this proposed building should not be at the carpark, it should be on Narrabeen Park Parade in order for the public to not be further impacted. These trees are also 70 years old and are very iconic, being a large characteristic of the suburb and should not be removed by this property developer for commercial gain. | Out of character<br><br>Access through public reserve<br><br>Removal of trees<br><br>Heritage impact (trees)<br><br>Not in the public interest |
| 130. | I object to the beautiful pine trees being taken down. What a crime. They are part of the beautiful beach.<br><br>A 4 storey building will spoil the ambience of the area which is green and suburban. | Removal of trees<br><br>Out of character |
| 131. | I urge council to turn down this application.<br>I am not against development but allowing more units and a higher building will severely impact on the quiet and beautiful park that currently exists there. I live very close to this park - it is already busy with traffic and the car park is already difficult to find a spot in summer and on the weekends. Adding more units and shops will make this a disaster for parking and greatly increase traffic in the area. Please don't add more units - why are you even considering this? The only people to benefit from such a development will be the developers! There are enough shops and units in the area already and these units will certainly not be low cost housing so will not help with the housing situation either. And on top | Out of character<br><br>Traffic generation<br><br>Parking provision<br><br>Not in the public interest |

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| | of all this we, the local residents, will lose another 4 beautiful trees! PLEASE, no more rezoning of residential areas. | Won't help housing affordability<br><br>Removal of trees |
| 132. | As a local resident 70years+. I feel that if Council changes the land zoning and allows this Developer to have his way with hight limit and the removal of the beautiful Norfolk Island Pines it will make a mockery of all the rules in the building code . These rules have been put in place for every to abide by when building. The removal of the Pines from public land is a no brainer It SHOULD NOT HAPPEN. Lack of parking , This will happen in council area when residents have visitors to their units .COUNCIL SHOULD THINK TWICE BEFORE GIVING APPROVAL TO THIS DEVELOPMENT AS I FEEL IT DOSE NOTHING TO IMPROVE THE AREA. | Height<br><br>Removal of trees<br><br>Inconsistency with strategic planning framework<br><br>Parking provision<br><br>Not in the public interest |
| 133. | This proposal is out of character for the area. It is against the guidelines for this northern ward of council. Not all wards are the same. The northern ward has a unique low density character.<br>This proposal is near the beach and would be clearly visible in views. An eyesore. It is not what the residents of the former Pittwater council want.<br>Please leave our area as low density. It is not an opportunity to make ridiculous amounts of money at the expense of environment and enjoyment of the area. | Inconsistency with strategic planning framework<br><br>Out of character<br><br>View impact |
| 134. | I am a local resident (approx. 300m from the proposed development) and have grave concerns and oppose this submission for development.<br><br>This is already a very high traffic and footfall area and cannot sustain the additional traffic and parking issues that we already face today, and this would exacerbate that. The current infrastructure in the area cannot support this additional proposal and would in my opinion make this an accident hot spot. The local young children that use this area and footpath on foot and bikes on a daily basis to access the parkland and the beach to swim & surt, etc. We do not want to jeopardise the safety of our residents and children.<br><br>The development is not in keeping with the local surroundings and recreational purpose. The proposal will require the removal beautiful trees and scenery that tourists visit the area for and I enjoy on a daily basis. The removal of the majestic pines that are over 60 years old is not in keeping with council strict policy on tree removal.<br><br>Multi-Storey multi-unit developments have their place but not in this proposed location. The northern | Traffic generation<br><br>Parking provision<br><br>Infrastructure provision<br><br>Safety (traffic)<br><br>Use inconsistent with classification of Crown land<br><br>Removal of trees<br><br>Inconsistency with strategic planning framework |

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| | beaches has been too much high density buildings developed over the last 10 - 15 years and no infrastructure has been upgraded to accommodate this.<br><br>The Northern Beaches is a place of beauty. The zoning of land to remove the natural beauty of the area and replace with concrete should not be allowed. | Over development |
| 135. | Please save the four big Norfolk Island pines. They should not be destroyed to make way for the redevelopment. Please also submit the trees for heritage listing. They are a great asset to the area and of iconic status. Their size (and age) and beauty make a big statement at the bridge over the lagoon, a gateway to the area. The huge trees provide oxygen, recycle CO2, and provide wonderful shade in summer for the many holidaymakers walking from the caravan park to the pool, or to access the headland trail. There are more and more trailwalkers using the Paml Beach to Manly walkway, and these trees add to the beauty and variety of the walk. These four trees would be an asset anywhere, but are a standout in such a beautiful location. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>View impact |
| 136. | I wish to object to the proposed removal of the iconic Norfolk Island Pines at the North Narrabeen pool car park.<br><br>These tall healthy trees on the Narrabeen coast & lake inlet are a significant iconic visual feature of the area. They create familiar visual links along the coastline and northern beaches.<br><br>The northern beaches coastline is known for its critically located magnificent stands of Norfolk Island pines. We were lucky our forbears had the vision to plant these trees for our use today and into the future. We should protect this heritage.<br><br>These Norfolk Island trees are on public land. They must be kept for the benefit of the public.<br>The developer might find it convenient to remove the trees however as a potential purchaser I would find the property to be far more desirable with the existing historic, mature trees in place.<br><br>Any new development on the site should only be approved if the future health and security of the trees is assured.<br><br>I request that a professional, independent arborist report be commissioned in relation to the Development Application in order to address the protection & conservation of the trees.<br><br>I swim every week at the North Narrabeen pool. I attend Narrabeen markets. I live on the northern | Removal of trees<br><br>View impact<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Use inconsistent with classification of Crown land<br><br>Independent assessment of trees |

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| | beaches & would like to retire in the immediate area. I love the environment which these trees dominate so grandly.<br><br>Please ensure that new development is only approved if the trees are protected & conserved. | |
| 137. | I am a resident of Sydney road for 53 years and am outraged about the a developer who wants to change the local planning rules. If approved this development will not only detrimentally change the character of this side of the lake,the beach and the neighbourhood-but it will open the door for multi-story multi-unit development up Narrabeen park Parade, Sydney Road, and Peal Place that will change this area for ever. I have seen changes around this area but this is a real concern to local residents and a shock to most of us who have lived here for decades. I am also sickened that this developer wants to cut down the 4 norfolk island pines that i as a kid played around and climbed. SO PLEASE DON'T APPROVE OF THIS DEVELOPMENT,A LONG RESIDENT OF SYDNEY ROAD WARRIEWOOD. If this development does go through i will have no alternative but to leave this beautiful place that i grew up around because we dont get a say, in any of our council areas, as rate payers and voters, and move elsewhere. OUTRAGED RESIDENT | Out of character<br><br>Over development<br><br>Precedent<br><br>Removal of trees |
| 138. | I emphatically disagree with this development. I do not want to open the door to multi storey as it will change the character of our area. Our area is low density residential zoning & I wish to keep it that way. I have owned this family home since 1980 & I pay Council Land Rates accordingly. Also, I do not want the Pines on our Public Land to be destroyed! | Over development<br><br>Out of character<br><br>Removal of trees |
| 139. | The development at 1-3 Narrabeen Park Parade. This development is too high and too large for the area. It doesn't fit in with the Streetscape on either side of Ocean Road or across the bridge.<br>The view is beautiful and doesn't need a 3 storey building in it.<br>The Norfolk Island Pines are beautiful and shelter birds. They are part of our beach suburb. It would be a sin to cut them down. If the local planning rules (zoning) is changed it will open the way for other developers in the area. The corner is just not suited to something so high and large.<br>We would lose carpark space something at a premium in summer with swimmers, nippers, caravan park people and visitors to the area. Parking is at a premium on weekends when there are events on at North Narrabeen surf club, the area from it to up Walsh Street is full of cars.<br>Please leave our beach area alone we have too many residences in Warriewood and surrounds now to cope with roads and traffic. | Over development<br><br>Height<br><br>Out of character<br><br>Removal of trees<br><br>Environmental impact<br><br>Precedent<br><br>Parking provision |
| 140. | I strenuously object to this overdevelopment of this unique site.It is way out of proportion to all other beachside development ,of no benefit to the many visitors to the area especially from the caravan | Over development |

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| | park.The destruction of the trees that provide shade and greenery and the loss of public space also cannot be justified.The area is unique as it provides many families with especially those with young children both lake and seaside recreation.With all the development in the area eg warriewood valley,the proposed ingleside suburb ,we need more not less public space.The residents of Pittwater have always strived to keep the area from overdevelopment,please maintain this policy | Out of character<br><br>Removal of trees<br><br>Loss of public access<br><br>Not in the public interest |
| 141. | It would be such a shame to erect a 4 story building in this area. The last thing we want is for Narrabeen to become another Manly or a Dee-why, and this feels like the 1st step to that. This is the wrong place to construct a multi-million dollar luxury residence. It is in complete contrast to the local atmosphere and lifestyle - one we should hold on to for as long as possible. Without doubt, this would be a big step to ruining the village atmosphere that makes this area so unique. | Over development<br><br>Out of character<br><br>Precedent |
| 142. | This proposal will be detrimental to the existing public use of this carpark and the street scape will be ruined due to the removal of 4 Norfolk Pines. This area should not be open to this type of development. | Parking provision<br><br>Removal of trees<br>Over development |
| 143. | I am very disappointed in the proposal of chopping down the Norfolk pines and building units in such a beautiful area | Removal of trees |
| 144. | I believe the proposal for this site is totally inappropriate, because:<br><br>It involves the removal of four 75 year old Norfolk Island Pines from Crown land. This iconic species of tree is perhaps one of the most culturally significant in public spaces on the entire east coast of Australia. The 4 pines are also historically significant, having been planted by Arch McKinnon next to his General Store in 1942. These magnificent mature trees dominate the site, and provide shade for the carpark. Their cultural, historical, and environmental significance cannot be overstated. Plus they are on Crown land. The trees are currently subject to an application for heritage listing before Council. Their removal would also set a dangerous precedent.<br><br>Using Crown land for private commercial use will reduce the area available for public recreation. Not acceptable.<br><br>The proposed building will have a height of 13m, when all other surrounding buildings are subject to Councils existing height limit of 8.5m. Again, setting a dangerous precedent for overdevelopment. | Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Use inconsistent with classification of Crown land<br><br>Height<br><br>Precedent<br><br>Residential density<br><br>Parking provision |

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| | With a density of one unit per 86m2, the proposal far exceeds Councils existing guideline of 1 per 150m2.<br><br>Only an additional 6 more car parking spaces have been proposed, to a total of 18. Council's 2014 DCP requires 31 spaces. Car parking is fast becoming a massive issue on the northern beaches. Fail.<br><br>In short, this proposal does not meet many of Councils own guidelines, and certainly does not meet community expectations of how this beautiful and unique place should be managed.<br><br>I urge the Council to reject this proposal. | Inconsistency with strategic planning framework |
| 145. | We have reviewed the proposal at 1 and 3 Narrabeen Park Parade and we object to the removal of the beautiful trees adjacent to the property in leiu of the new development. Thank you. | Removal of trees |
| 146. | I am opposed to the rezoning proposed, and am disappointed at the little effort to advertise this proposal. Consideration from council needs to be given to traffic car parking and over developing the north side of the ocean St bridge. You will change the entire streetscape and most likely open up other opportunities for further development along Sydney rd. | Insufficient notification<br><br>Traffic generation<br><br>Parking provision<br><br>Over development<br><br>Out of character<br><br>Precedent |
| 147. | I am opposed to the rezoning of this site, to the height of the building proposed, and to the impact on the lagoon. I would hope council would make a greater effort to contact local residents with this information more formally before proceeding any further. | Height<br><br>Impact on the lagoon<br><br>Insufficient notification |
| 148. | I wish to register my strong opposition to the rezoning of this land.<br>The proposed development is totally out of character for this area which is currently zoned for low density housing. It is a beautiful area and such a development will ruin the ambience of the lagoon, beach and parkland for all current residents and visitors and future generations. There are no similar buildings in this area and allowing one will surely lead to more and more until the Northern Beaches resembles Bondi. Please do not rezone this land. | Out of character<br>Over development<br><br>Precedent |

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| 149. | These 6 Norfolk Island pines which have graced the entrance of Narrabeen Lake for nearly 80 years look completely in place with the coastal surroundings.<br>A 4 storey concrete building would not.<br>Build 4 storey unit blocks amongst other buildings, not in such a pristine location. It is overdevelopment for that position and could set a precedent for the area.<br>A 4 storey unit block would totally ruin the ambience of the entrance of Narrabeen Lake with its rushing tide, the extremely popular rock pool, surf beach, sand dunes, rock shelf, old bridge, basic camping ground, and the Norfolk Island pines.<br>The 4 trees in question should not be removed for the benefit of the occupants of 8 units. Why would Council even consider chopping down old, magnificent trees which are growing on Council land, hence for the public to enjoy?<br>In an article in the Manly Daily on 10 May, the developer quotes that these 4 trees in question will "negate" public space. How?? They haven't negated public space in the past, so why would they now?<br>The area needs to be tidied up but there is ample room around and in between these 4 trees and a wonderful landscaping job could be done in large planter boxes and plenty of seating on the public land; all under the crucially needed shade for the public as temperatures soar.<br>This natural area is enjoyed by thousands of visitors to the caravan park and camping grounds from all over Australia and overseas.<br>Keep it that way for future generations. | Removal of trees<br><br>Environmental impact<br><br>Over development<br><br>Precedent<br><br>Not in the public interest<br>Council should not consider Planning Proposal |
| 150. | I object to the proposed re-development of this site, 1 - 3 Narrabeen Park Parade, for several reasons. Of the most concern to me is the height of the proposed building and I concur with many others who have submitted their opinion to you that this height is not keeping with the area and may set a precedent for further over-development of our area. The land is zoned to a height restriction to 8.5metres and I believe that this should be maintained. My second concern is the removal of our grand Norfolk Pines. Although not native to the area, these trees have a long history and iconic status on the Northern Beaches and their removal would show a true loss to beach culture and our foreshore environment. Parking is also questionable for this development with the adjacent council parking full on most days over the warmer weather with residents and visitors enjoying the rock pool and the lagoon. I am supportive of development on this site but I believe that it should be in keeping with the area and the current zone allowance of height restriction to 8.5metres be upheld. | Height<br><br>Out of character<br><br>Precedent<br><br>Removal of trees<br><br>Heritage impact (trees)<br><br>Environmental impact<br><br>Parking provision |
| 151. | I oppose various aspects of the Planning Proposal for 1 & 3 Narrabeen Park Parade, Narrabeen.<br><br>1. The removal of the historic Norfolk Pines which I believe are currently subject to a local heritage | Removal of trees<br><br>Heritage impact (trees) |

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| | listing application? Removing these will take away the 'face' and history of Narrabeen.<br><br>2. This application is also at the start of a very busy and narrow road, this extra traffic and very little extra parking will put much stress on the local residents whom already have to deal with trying to navigate this road with beach goers and buses!<br><br>3. I oppose the proposed height of the building at 13m. The area both north and south of the lagoon has an 8.5m limit under councils principal development standard. How can this new height be permissible, it will be like driving into Dee Why with the high rise buildings as you come down that bridge, what a way to ruin Ocean St/Narrabeen Park Parade's holiday feel. This proposal should strictly adhere to current building height, unit density and parking provision requirements.<br><br>4. The adjacent crown land should be retained for current residential use and not alienated for private commercial use and profit. | Traffic generation<br><br>Parking provision<br><br>Height<br><br>Inconsistency with strategic planning framework<br><br>View impact<br><br>Use inconsistent with classification of Crown land |
| 152. | I swim regularly at Narrabeen and pass these trees often, they are a pleasant sight detracting from the ugliness of a car park. The coast line of NSW and Norfolk Pines have been a common site for many years. The trees are on public land and have nothing to do with a developer who is only interested in money gained by improving "views" from his development. Once again we have nature destroyed to make room for concrete and greedy thoughtless developers. | Removal of trees<br><br>View impact<br><br>Not in the public interest |
| 153. | I oppose the development of this type of multi residential housing, it is not necessary on this side of the bridge. We recently bought our house and think that these sorts of development should stay on the Pittwater rd. The building just needs a make over not a re-development. All too offen we are replacing beautiful buildings from the past with bigger and uglier developments. This is the last type of building that needs to be built in that area. | Over development<br><br>Heritage impact (building) |
| 154. | I am very disappointed to see the development of the Northern Beaches. Another greedy developer!. What are Councils trying to do? They have ruined Sydney with high risers and over crowding, but we are told we need more people. I don't know why. Now they are trying to overcrowd our beaches. Very sad. You re trying to send locals away and give way to overseas investors. | Over development |
| 155. | This is absurd. A 13 metre high 4 storey building in a location that permits only 8.5 metre height and 2 storey. I object most strongly and hope this is not the start of plans of the new Northern Beaches Council to bring Dee Why to Pittwater. Surely if we residents in Pittwater are to have any degree of confidence in this new Council this application must be refused. | Over development |

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| 156. | I am vehemently opposed to this proposal on the following grounds:<br>Increased traffic along an already busy rd, with increased traffic already compounded by large development at 1 Walsh St.<br>Safety concerns for those exiting the north narrabeen pool carpark, and for pedestrians. This is already a very congested area which will be exacerbated by large building blocking site and more cars entering and exiting new development which will not provide enough parking for new residents and visitors who will dominate the small public carpark. Unfair for the rest of the community.<br>Visual Amenity. It is not in keeping with surrounding development, too high, and no multi housing should be on that sensitive location so close to our precious public space.. | Traffic generation<br><br>Safety (traffic)<br><br>Parking provision<br><br>Not in the public interest<br>Over development<br><br>Height<br><br>Out of character |
| 157. | I strongly object to the proposed building and rezoning of the area. Please keep it as the beautiful natural area it is. By letting this building go ahead it could quickly lead to overdevelopment of the area. This type of building should be kept further away from the sea so it does not impact on the special coastal nature and recreational area. The proposed building would be an eyesore. The original building should be protected. | Over development<br><br>Environmental impact |
| 158. | As a resident and ratepayer nearby this proposed development I am against the 4 story development of the current subject land. A 4 story development at this location will not only be an eyesore but in order to make it possible there will be major ramifications to the current natural environment. This will also impact heavily on the beach parking that is currently there as I imagine spaces will go in order to make way for this development.<br><br>Cars that are currently parked up and down each side of Narrabeen Park Parade already make it hard to have a vehicle pass in each direction, even more so when you're competing with a bus!<br><br>The beautiful open spaces around this area and entrance to the lagoon should be left just as they are. This has the potential to set an unprecedented re-zoning of similar parcels of land to be turned into high rise dwellings that do not fit with the current landscape.<br><br>Please do not allow the development of this site. | Over development<br><br>Environmental impact<br><br>Parking provision<br><br>Precedent |
| 159. | I submit that the proposed development is an over development of the site. The height level should be restricted to the current 8.5m council restrictions.<br>This is exactly why 89% of Pittwater residents didn't want amalgamation. High rise creep from greedy | Over development<br><br>Height |

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| | developers. | |
| 160. | The desire of "personal wealth" by big operators will ruin this area for healthy family activity NO to this selfish & crazy plan. Please hold back this ugly creeping octopus for multi storey housing in a low density residential area. Please hold back congestion in this beautiful natural outdoor living area & preserve the area for everyone. | Not in the public interest<br>Over development<br><br>Traffic generation |
| 161. | Whilst I have no issue with shop-top housing in general, it appears that, at the this site, the basement car parking requirement would cause significant damage to the root systems of the mature Norfolk Island Pines located on the public reserve south of the site.<br>Given the potential impact on the health and stability of the trees, I consider that the change of zoning is not suitable for increased density, and that the site should remain low density residential with the existing use rights of the ground floor shop.<br>The Pines must be protected; they are significant features in the public domain and form part of the coastal landscape of the Northern Beaches. | Extensive excavation<br><br>Removal of trees<br><br>Environmental impact<br><br>View impact |
| 162. | I strongly oppose removal of the Norfolk Island trees. I also object to the proposed four floor building of units on this sight. The increase in traffic on this corner which is also the access path to the swimming pools would be a hazard to the public using the pools. The overall effect of the building proposed would be an eyesore and not environmentally friendly to this beautiful location. | Removal of trees<br>Over development<br><br>Traffic generation<br><br>Safety (traffic)<br><br>Out of character |
| 163. | I do not wish the area to be rezoned as I do not believe it is in keeping with the area. | Out of character |
| 164. | As long term residents of Sydney Rd and Narrabeen Park Parade we wish to strongly protest against the acceptance of this development application and the suggested removal of the Norfolk Island Pines adjacent in the car park .<br><br>We believe these iconic trees should be heritage listed and left as part of the rich history of Narrabeen Lake and North Narrabeen rock pool for residents and visitors to enjoy .<br><br>We also feel the development will not be sympathetic to the area and create an unwanted development precedent. | Removal of trees<br><br>Heritage impact (trees)<br><br>Out of character<br><br>Precedent |
| 165. | I wish to voice my opposition to this development. It is completely out of character with this particular | Out of character |

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| | location. Currently, the low level/low density building is quite nice ,especially with those beautiful pine trees that have been there for as long as I have lived in this area which is more than 53 years. The current car park is always full forcing people to park out on the street, making the street narrow and dangerous on weekends. This development will only worsen this already bad situation. I actually witnessed an accident where a car negotiating around a stopped bus was involved in an accident due to the narrow roadway because of all the parking on the street. Obviously, a multi storey development will look very poorly when walking to the public baths and beach, and completely out of character with the environment. | Removal of trees<br><br>Parking provision<br><br>Safety (traffic)<br><br>View impact |
| 166. | I wish to object to this development. It is simply inappropriate for the location. There is no space to accommodate all the people that this development will bring.<br>It will be an eyesore in a beautiful part of the beaches. The pine trees have always been there, are an integral part of the environment, and simply look beautiful. And where will all the birds go?? | Out of character<br>Over development<br><br>Environmental impact |
| 167. | I have read in the Manly Daily about the plans to cut down the Norfolk Pines in Narrabeen. They should not be cut down it's the only thing that makes that corner of Narrabeen beautiful, otherwise it's just a bunch of bricks! | Removal of trees |
| 168. | I am absolutely opposed to this application going ahead as it will destroy yet another beautiful public area on the western side of Ocean Street where Narrabeen Lake enters the Pacific Ocean. Many people outside of the area enjoy this piece of land with its beautiful 60 year of Norfolk Pines.<br>Before amalgamation it was the Pittwater Council who aesthetically redesigned the parking facility and walkway. The entrance to the rockpool and beach area through this section of land is very popular with us residents of the area and also those many holiday campers who flock to the nearby campsite all year round.<br>Pittwater Council would do well to consider how the Sydney Harbour foreshores have been reclaimed for greater community enjoyment and I, the undersigned, am against the privatisation of this development in Narrabeen Park Parade Warriewood. | Removal of trees<br><br>Not in the public interest<br><br>Use inconsistent with classification of Crown land |
| 169. | I wish to lodge my objection to this DA on the grounds that it requires changes to the acceptable height and bulk permitted on this beautiful piece of land. There are so many people who enjoy these spots around the lake foreshores and it would be a tragedy to destroy the ambience if this beautiful spot. We all used the carparks both sides of the bridge to bring our toddlers to paddle in the safe, shallow waters during the summer. To permit a large development would ruin so many people's pleasure.<br><br>Developers are continuously into identifying and pushing for larger developments which benefit only | Over development<br><br>Not in the public interest<br><br>Removal of trees |

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| | themselves (I.e. their own hip pocket). They care not a hoot about anybody else.<br><br>So long as the existing car park is retained, along with the public's uninterrupted access to the beach and that no trees whatsoever are removed I guess the development could proceed under existing height restrictions. Nobody accepts that the developer will replace the trees with new saplings. They will not grow to maturity in my lifetime. The trees must remain | |

**Matters raised objecting to the Planning Proposal and Council response**

| MATTERS | COUNCIL RESPONSE |
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| Removal of trees | Council does not support any removal of the Norfolk Island Pines. The referral comments were overwhelmingly of the view that the trees should be retained and any public domain upgrade should incorporate the trees. Council's heritage consultant recommended retention of the existing Pines, whose significance should be further investigated, if it cannot already be concluded that their retention is highly desirable in both heritage and urban design terms. |
| Council should not consider Planning Proposal | Council has a statutory obligation to assess a Planning Proposal lodged by a landowner under the Environmental Planning & Assessment Act 1979. |
| Over development | Agreed. The concept design represent an over development of this site, and the unresponsive architectural character, will adversely affect the locality and remove characteristics which presently lend it a sense of real identity and place. |
| Height | Agreed, the proposed height is considered excessive. B1 Neighbourhood Centre is the lowest order centre within the Pittwater LEP 2014 with a consistent height limit of 8.5 metres applied. The Planning Proposal seeks a 13 metre height limit, a height only applied to the Mona Vale town centre, the highest order centre contained within the Pittwater LEP 2014 and also identified as a District Centre in the Draft North District Plan. |
| Out of character | Agreed. The proposed building would introduce a form of development that is not consistent with local character, or existing buildings, or that would make any allusion to the adjacent landforms. |
| Insufficient setbacks | Agreed. Proposed residential floor plans should comply with Apartment Design Guide, especially building separation and privacy. A ground floor setback at the 'community space' frontage is recommended to allow for wider range of activities such as outdoor dining. |
| Traffic generation | Not agreed. From a traffic generation and demand perspective, it is reasonable to assume the Planning Proposal |

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| | will have a minimum impact on existing traffic flows which is unlikely to increase the anticipated peak hour traffic in the road network. No additional intersection upgrades would be required. |
| Parking provision | Agreed. Any development on site must provide sufficient parking provision. The Council North Narrabeen Rock Pool Carpark is fully occupied during the warmer months, with ample demand outside these peak periods due to its amenity and proximity near the water. Council's future intention to restrict parking on one side of the Narrabeen Park Parade in the location due to traffic volumes and road width will further exasperate the parking issue in the area. Deficiencies in the number of car parking spaces provided cannot be supported, which will impact the existing parking demands in the Council North Narrabeen Rock Pool Carpark and on street parking in Narrabeen Park Parade. |
| Flooding | Not agreed. The response to flooding contained in the Planning Proposal is considered satisfactory to progress to the Gateway process.<br><br>The State Emergency Service provides that should the Planning Proposal progress, a consideration of whether the roads surrounding or leading to the site may be inundated or impacted during a flood, to ensure the safety of the future occupants during a flood will be undertaken. |
| Safety (traffic) | Should the sites be redeveloped, Council would require vehicular access to the site from Narrabeen Park Parade. This would reduce safety risks in the public reserve and consolidate the two current vehicular access routes into one. |
| Infrastructure provision | Agreed. While it is acknowledged that the subject site is serviced by a local bus, it is not located within a centre or along a transport corridor with access to high frequency public transport, which is considered essential for any unplanned increases in dwelling densities, significantly at odds with Council's strategic planning framework. |
| Decision made by the Administrator | The Administrator can defer decisions for determination by the elected Council later in the year. However, if Council fail to make a resolution relating to the Planning Proposal within 90 days, the proponent can request a Rezoning Review. It is paramount that Council formulate a position that, in the event that the proponent requests a Rezoning Review, can be presented to the Sydney North Planning Panel for its consideration. |
| Inconsistency with strategic planning framework | Agreed, the Planning Proposal is inconsistent with the strategic planning framework. Progressing the Planning Proposal will significantly undermine Council's strategic planning framework and has the potential to create a poor planning outcome. |
| Heritage impact (trees) | Agreed. The Norfolk Island Pines are considered important longstanding landscape elements of the locality. They appear to be intentional, calculated plantings and not of the "invasive" dimension. They are an intentional part of this place, as it has come to maturity. The public submissions received indicate the regard in which the trees are held. Council's heritage consultant recommended retention of the existing Pines, whose significance should be further investigated, if it cannot already be concluded that their retention is highly desirable in both heritage and urban design terms. |
| Heritage impact (building) | The Heritage Impact Statement is insufficient in outlining the history of 1 Narrabeen Park Parade and relationship |

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| | with the locality and the Norfolk Island Pines. The combination of removing a longstanding building of local identity and a major landscape element (being two thirds of the Pine group) and replaced by a building of much greater scale, height, bulk and overall size is of great concern. The concept design represent an over-development of this site, and the unresponsive architectural character, will adversely affect the locality and remove characteristics which presently lend it a sense of real identity and place. |
| Environmental impact | The existing trees shall remain and be protected to ensure that the landscape character is the dominance of vegetation over built form. Removal of the Norfolk Island Pines will have an adverse environmental loss by eliminating the trees as the dominant visual landscape character of the area.<br><br>Consideration should be given to the possible significance of the Norfolk Island Pines for native species including the Osprey and White-bellied Sea Eagle. Records for these two threatened birds exist nearby and the trees may provide habitat. Adequate assessment should be undertaken for any relevant threatened species. This should be a requirement, should the Planning Proposal progress to a Gateway Review.<br>Other environmental impacts such a geotech, acid sulphate soils, storm water and implications associated with the water table are not considered to be impediments at the Planning Proposal stage for the site, and can be dealt with adequately at a development assessment stage. |
| Not in the public interest | Agreed. The proposal represents a private rather than a public benefit and is not considered to be in the public interest. |
| Impacts on neighbours | Agreed. The concept drawings do not appear to comply with SEPP 65. Building design can be improved to reflect better modulation and to fit into the existing lower density residential context. Upper residential plans do not comply with apartment guides on building separation distance. The balconies are only 3m from the site boundaries (balconies are usually adjacent to habitable room) and in danger of overlooking to the adjacent neighbour. Proposed residential floor plans should comply with Apartment Design Guide, especially building separation and privacy to minimise impacts on neighbours.<br><br>The visual quality of the location will be adversely impacted as the removal of the stand of trees will result in the built form of the proposed building becoming the dominant visual element within the landscape. |
| Waste disposal | Council considers that waste disposal issues can be sufficiently dealt with at the Development Application stage. |
| Outdoor dining impacts | Council considers that outdoor dining impacts can be sufficiently dealt with at the Development Application stage. |
| Residential density | Agreed. While it is acknowledged that the subject site is serviced by a local bus, it is not located within a centre or along a transport corridor with access to high frequency public transport, which is considered essential for any unplanned increases in dwelling densities, significantly at odds with Council's strategic planning framework. Clause 4.5A of the Pittwater LEP 2014 prescribes a dwelling density for Shop Top Housing in B1 Neighbourhood Centre zones of a maximum of 1 dwelling per 150 square metres of site area. The Planning Proposal seeks to achieve |

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| | approximately 1 dwelling per 86 square metres of site area. |
| Precedent | The proposal is significantly at odds with Council's strategic planning framework and does not demonstrate merit. However, it is a statutory requirement that any Planning Proposal lodged with Council be assessed in accordance with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016). If the Planning Proposal demonstrates strategic and site-specific merit, it should progress to a Gateway Determination. |
| Sufficient medium density zoning | The Planning Proposal would contribute to housing supply generally; however, the five year target of 3,400 new dwellings set out in the Draft North District Plan 2016 is based on the LGA's currently zoned land and dwelling forecast. Council does not require this Planning Proposal to meet this current target, and it should not be used as a justification to support this Planning Proposal. |
| Community opposition | Significant community opposition has been documented and included in the assessment of the Planning Proposal going before Council. |
| Loss of public access | Not agreed. A public domain upgrade would result in improved access and utilisation of the area. It is not considered uncommon or unreasonable for Council to enter into a commercial agreement for activation of public space. |
| Possibility of short term rentals | The relevant legislation for short term rentals applies to apartments as well as dwelling houses. Schedule 2 Exempt development of the Pittwater LEP 2014 allows for Short-term holiday rental accommodation which must be used for a period of less than 3 months by any individual or group. |
| Conclusions based on outdated data | Agreed. The traffic and parking assessment report is using a data set that is 10 years old and taken from a nearby carpark, not the one in question. The parking assessment needs to account for the increase in population in Sydney (as it not only local residents that use the beaches) and use data that is current (or extrapolated from the relevant parking count) and give us a peak usage scenario as well as an average scenario. |
| No affordable housing | It is acknowledged that the Planning Proposal would not contribute to Affordable Rental Housing stock. Northern Beaches Council is currently developing an Affordable Housing Strategy. Progressing the Planning Proposal will potentially prevent an opportunity to apply an Affordable Rental Housing Target as part of the orderly and economic development of land through Council's strategic planning process. |
| No need for commercial floor space | Given the existing use of 1 Narrabeen Park Parade, any increase in commercial floor space may not be significant; however, the Economic Impact Assessment does not quantify the net increase of ongoing jobs associated with the Planning Proposal. As a result, it is questionable if the gross floor area for the commercial component is too optimistic for the retail catchment, especially given there is limited potential for further population growth in the adjacent residential area north of South Creek. |
| Sufficient outdoor dining area | Council finds that the concept for public domain use within public land as represented in this planning proposal would have merit if no existing vegetation was present. |
| Use inconsistent with | The proposed landscape treatment on public land is not consistent with current classification and cannot be |

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| classification of Crown land | supported. Any landscape treatment on public land will have to incorporate the Norfolk Island Pines. |
| Access through public reserve | Agreed. The proposed access to the basement car park is via Council North Narrabeen Rock Pool Carpark. That access across a public reserve/crown land is not supported. Should the sites be redeveloped, it is an opportune time to correct past anomalies when a new development is proposed. The development should provide vehicle access to their site from Narrabeen Park Parade. |
| Insufficient justification/merit | Agreed. The Planning Proposal is insufficient in justifying the proposed changes to the Pittwater LEP 2014 and fails to demonstrate strategic and site-specific merit in accordance with NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016). |
| Extensive excavation | The proposed driveway relocation to the eastern side of the foremost eastern tree would require excavation to achieve desired levels, potentially removing tension roots on the windward side of the tree. Due to the terrain and slope and lean of this tree, removal of any tension / structural roots on the eastern side could potentially destabilise the tree.<br><br>Other environmental impacts such a geotech, acid sulphate soils, storm water and implications associated with the water table are not considered to be impediments at the Planning Proposal stage for the site, and can be dealt with adequately at a development assessment stage. |
| Burden on local residents to object | Council has a statutory obligation to assess a Planning Proposal lodged by a landowner under the Environmental Planning & Assessment Act 1979. As part of the initial assessment, Council conducts a preliminary (non-statutory) notification to allow for community input before formalising an opinion on whether or not to progress the Planning Proposal to a Gateway Determination. A statutory consultation process is part of the Gateway process. |
| Undermines public trust in the planning system | A Planning Proposal is the mechanism for amending the Pittwater LEP 2014. Council agrees that Planning Proposals that are inconsistent with Council's strategic planning framework undermines the public trust in the planning system. |
| Risk associated with commercial arrangement | It is acknowledged that commercial arrangements to be negotiated to maintain the public domain upgrade and bushfire asset protection zone in perpetuity, associated with the proposed development, could expose Council to financial risks. However, commercial arrangements of this nature are not uncommon and the risk can be reduced/mitigated should such an arrangement constitute an overall benefit to the public. |
| Unsubstantiated claims in submitted documentation | It is acknowledged that the submitted documentation make claims that are hard or impossible to substantiate. These claims have been given corresponding weight in the assessment of the Planning Proposal. In addition, the internal and external referral comments include commentary on unsubstantiated/incorrect claims where appropriate. |
| Potential variations to standards | Not agreed. It is considered relevant, in determining site-specific merit, that the proponent can demonstrate compliance with relevant clauses contained within the Pittwater LEP 2014, including variations to standards where appropriate. |

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| Invalid application of metropolitan strategic plans | Not agreed. To establish if the Planning Proposal demonstrates strategic merit, in accordance with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016), due regard needs to be given to metropolitan strategic plans. |
| Site contamination | Should the planning proposal progress, further contamination investigations, in accordance with Environment Protection Authority's requirements, will be required as part of the Gateway process to ensure the requirements of SEPP 55 is adhered to. |
| Geotechnical | Potential geotechnical issues can be sufficiently dealt with at a potential Development Assessment stage. |
| Council should purchase this land | The public reserve is Crown land under trust with Council appointed as manager of the trust on 18 December 1992. 1 & 3 Narrabeen Park Parade is privately owned land and Council's Operational Plan does not incorporate an allowance for purchasing these properties. |
| Higher development assessment fees | The NSW Government require that Council charge assessment fees that reflect the actual cost of assessing such proposals. |
| Corruption | With no owner's consent provided for the public reserve, this Council report firstly establishes Council's position on the public domain upgrade and removal of 4 of the 6 existing Norfolk Island Pines.<br><br>Secondly, due to the interrelated nature of the private and public domain components, a full assessment of the Planning Proposal (as lodged) will be undertaken in accordance with current legislative requirements. |
| Further information required | Having determined that Council does not support removal of the Norfolk Island Pines, it is agreed that Council would have required further/amended information if the proposed Pittwater LEP 2014 changes to 1 & 3 Narrabeen Park Parade had demonstrated strategic and site-specific merit. This would have been required to demonstrate how the proposed development could have occurred without impacting on the health of the Norfolk Island Pines. |
| Gas cylinders should not be part of the development | The Planning Proposal seeks to amend the Pittwater LEP 2014 and any subsequent development application would need to comply with relevant Australian Standards. |
| Infrastructure upgrades should be conditioned | The Planning Proposal seeks to amend the Pittwater LEP 2014. Conditions of consent, resulting from any subsequent development application, would include relevant infrastructure upgrades in accordance with Council's normal processes. |
| Tree preservation measures needed during construction | The Planning Proposal seeks to amend the Pittwater LEP 2014. Conditions of consent, resulting from any subsequent development application, would include relevant tree preservation measures in accordance with Council's normal processes. |
| Noise impacts | Council considers that noise issues can be sufficiently dealt with at the Development Application stage. |

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| Won't help housing affordability | Not agreed. While the impact of 8 apartments is unlikely to have a noticeable impact on housing affordability, housing supply is a central element in addressing housing affordability in Sydney. |
| View impact | The visual quality of the location will be adversely impacted as the removal of the stand of trees will result in the built form of the proposed building becoming the dominant visual element within the landscape. |
| Independent assessment of trees | The proposed removal of 4 of the 6 existing Norfolk Island Pines as part of the submitted Planning Proposal has necessitated a preliminary heritage assessment by Council's heritage consultant. Comments were also provided in relation to the tree removal from Council's Parks & Reserves Department, tree preservation officer and landscape architect. Council's heritage consultant recommended retention of the existing Pines, whose significance should be further investigated, if it cannot already be concluded that their retention is highly desirable in both heritage and urban design terms. |
| Insufficient notification | It acknowledged that delivery issues appear to have occurred with Australia Post with some local residents reporting not to have received the letters; however, the notification is considered appropriate and within Council's guidelines.<br><br>Preliminary (non-statutory) notification of the Planning Proposal was undertaken between 15 April and 12 May 2017 (28 days inclusive). 133 notification letters were sent to property owners and permanent residents in the immediate vicinity and the Planning Proposal was advertised weekly in the Manly Daily during the exhibition period. The relevant documents were made available electronically on Council's website on the 'Exhibitions' page and via the 'ePlanning' portal, and in hard copy in Customer Service Centres at Manly, Dee Why and Mona Vale. A notification sign was displayed on site for the duration of the exhibition period. |
| Impact on the lagoon | It is acknowledged that there would be visual impacts when viewed from the lagoon.<br>Council considers that other environmental impacts such a geotech, acid sulphate soils, storm water and implications associated with the water table are not impediments at the Planning Proposal stage for the site, and can be dealt with adequately at a development assessment stage. |

# Northern Beaches Council
# Compliance and Enforcement Policy

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## 1. Introduction

Northern Beaches Council is an enforcement authority and its officers are required to make decisions and use discretion about appropriate enforcement action when non-compliant issues are identified.

Council also has a responsibility under section 8 of the Local Government Act 1993 to ensure its regulatory activities are carried out in a consistent manner and without bias.

Compliance and enforcement actions should be exercised to ensure the continued health and safety of the community whilst providing protection to the natural environment.

Council supports the positive assistance of the community in reporting issues of concern and undertakes to work collaboratively with the community to promote the benefits of compliance as a way of sustaining a safer quality of life for all.

The *'Enforcement Guidelines for Councils, December 2015'* and the *'Model Compliance and Enforcement Policy, December 2015'* both issued by the NSW Ombudsman have been used in the development of this Policy.

## 2. Purpose and scope

The purpose of this Policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

**Unlawful activity** – this expression includes any activity or work that has been or is being carried out contrary to the law, as well as any state of affairs where there has been or is a failure or unpreparedness to take action so as to be compliant with the law, as more fully described below:

- a contravention, breach or non-compliance with conditions of a development consent, approval, permit or licence
- a contravention, breach or non-compliance with an Act, regulation, environmental planning instrument or other instrument that controls and regulates the activity, work or state of affairs
- a failure to obtain any required development consent, approval, permit or licence in respect of the activity, work or state of affairs
- any other actionable contravention, breach or non-compliance with the law pertaining to one or more of the matters falling within the scope and operation of this Policy.

This Policy aims to provide guidance on:

- responding to reports alleging unlawful activity
- assessing whether reports alleging unlawful activity require investigation
- deciding on whether enforcement action is warranted
- options for dealing with confirmed cases of unlawful activity
- taking legal action
- implementing shared enforcement responsibilities
- involvement with Private Accredited Certifiers, and
- the role of the elected Councillors in enforcement.

This Policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to any enforcement option Council will choose and whether to commence criminal or civil proceedings.

In certain circumstances Council will have shared enforcement responsibilities with other

regulatory authorities. This Policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of Council in building and construction compliance matters where there is a private certifier involved, and the role of the elected Councillors in enforcement.

Responsible Council staff are not limited by this Policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on merit.

## 3. Organisational approach

Council will generally use a graduated approach to enforcement action. For example, Council may decide to issue a warning letter at first instance. In the event a warning letter fails to resolve the issue, Council may then decide to issue a Penalty Infringement Notice or a statutory Notice followed by an Order. Finally, Council may be left with no other option but to initiate some form of enforcement proceedings (such as a Court action) if compliance cannot be achieved by any other method.

In some situations the gravity of the incident or other circumstances necessitates that an escalated approach is inappropriate and immediate regulatory action is required e.g. where an activity is or is likely to result in a significant public health or public safety risk, or is or likely to cause significant environmental harm, or is a serious breach or disregard for the law. Circumstances may also exist where multiple actions are taken in conjunction with each other.

Enforcement guidelines and procedures may be developed to further assist officers when determining the most appropriate enforcement actions. All guidelines will facilitate a consistent approach in applying the provisions of this Policy, subject to the exercise of administrative discretion and the need to tailor the approach to the circumstances of the particular case, the public interest, and the allocation of Council's finite financial and human resources.

Compliance and enforcement action is important for any one or more of the following reasons:

- to prevent or minimise harm to health, welfare, safety, property or the environment
- to improve the safety and amenity of residents and visitors to the area
- for the collective good, the welfare of the community or the public interest
- to promote social policies (e.g. to preserve or protect the environment)
- to manage risks
- to uphold social order
- to encourage reports about possible unlawful activity from the community
- to educate the community of their legal obligations and how to comply
- to ensure the attainment of the aims, objectives and content of Council's strategic planning

Council undertakes both proactive and reactive compliance and enforcement activities. Proactive compliance includes various scheduled and programmed inspections of land, premises and works and structures in, on or over land (e.g. swimming pools, food premises, hoardings over footpaths) where the protection and maintenance of public safety is of the utmost paramount importance. Reactive compliance may occur in response to a report in which there is alleged or documented carrying out of an unlawful or otherwise irregular activity.

## 4. Application

This Policy applies to regulatory issues within Council's area of responsibility including, but not limited to:

- development and building control
- pollution control and environmental degradation or damage
- environmental health
- public health and safety
- waste water systems
- control over companion animals
- food safety
- fire safety
- tree preservation
- residential swimming pool safety
- Council reserves, assets and infrastructure
- noxious weeds.

This Policy does not formally apply to parking control as Penalty Infringement Notices are generally issued on the spot and Council has a contractual arrangement with the State Debt Recovery Office to deal with applications for internal review under the *Fines Act 1996*. In addition, certain other activities, such as noise, including, but not limited to offensive noise, are regulated wholly or partly by specific legislation which often sets out a code-like procedure to be followed as respects the regulation of the matter in question. Nevertheless, this Policy can be expected to provide guidance to Council officers in the course of the exercise of their administrative decision-making, irrespective of whether this Policy formally applies to the particular subject-matter.

## 5. Compliance and enforcement principles

The following principles underpin Council actions relating to compliance and enforcement:

**Principle - Accountable and Transparent**
**Action:**

- acting in the best interests of public health and safety and in the best interests of the environment
- ensuring accountability for decisions to take or not take action
- acting fairly and impartially and without bias or unlawful discrimination
- providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community
- ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy
- acting on any complaints or concerns about the conduct of compliance officers in accordance with Council's complaints management Policy and procedures
- advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.

**Principle - Consistent**
**Action:**

- ensuring all compliance and enforcement action is implemented consistently
- encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.

**Principle - Proportional**
**Action:**

- ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach
- making cost-effective decisions about enforcement action

- taking action to address harm and deter future unlawful activity.

**Principle - Timely**
**Action:**

- ensuring responses to reports alleging unlawful activity and decision making in relation to those are undertaken according to risk.

## 6. Responsibility

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections.

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this Policy. Council staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

Council staff are required to:

- treat all relevant parties with courtesy and respect
- communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation
- make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions
- inform all relevant parties of reasons for decisions
- provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity
- upon request provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

All reports alleging unlawful activity are to be entered into the appropriate Council system and actioned in a timely manner by the appropriate business unit. Only Officers with appropriate delegations can undertake investigations or compliance and enforcement action in relation to this Policy.

## 7. Responding to concerns about unlawful activity

### 7.1 How reports alleging unlawful activity will be dealt with by Council

Council will record and assess every report alleging unlawful activity.

Generally speaking, Council's objectives when dealing with reports alleging unlawful activity are to:

- prevent or minimise harm to health, welfare, safety, property or the environment
- consider the broader public interest having regard to Council's priorities and its resources
- consider the report fairly and impartially.

Not all reports will warrant an investigation. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required. A priority matrix maybe developed to determine what matters are investigated.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If Council decides to investigate it will give the person who reported the alleged unlawful activity regular feedback on the progress

of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation, or is restricted under data provisions or other restrictions.

Decisions about what action should be taken are made at the Council's discretion. This means the objective is that reports alleging unlawful activity will be resolved in accordance with the objectives of this Policy and not necessarily the person raising the matter.

Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, Council may be unable to take further action. It is acknowledged that Council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If Council is unable to fully investigate or take action on a matter, the reasons will be explained to the person raising the matter.

While there are certain statutory requirements that must be met in relation to notices and orders, Council staff will ensure all explanatory communications are made in plain English and explain any technical language the law requires to be used.

### 7.2 Confidentiality of people who report allegations of unlawful activity

Generally people who report allegations of unlawful activity should expect their identities will remain confidential from the subject of their report. However, Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter
- their identity has already been disclosed to the subject of their report directly or in a publicly available document
- the individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and did not object to the disclosure
- the individual consents in writing to their identity being disclosed
- the disclosure is required to comply with principles of procedural fairness
- the matter proceeds to court.

Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit Council's ability to investigate the matter.

### 7.3 What Council expects from people who report allegations of unlawful activity

Council expects people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- providing a clear description of the problem and the resolution sought, if relevant
- giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report
- not giving any information that is intentionally misleading or wrong
- cooperating with Council's inquiries and giving timely responses to questions and requests for information
- treating Council's staff with courtesy and respect
- allowing the investigation to be completed without prematurely taking the matter to other agencies unless referred to by Council
- the customer may be required to provide a statutory declaration indicating their willingness to attend court, witness statements and record observations such as a noise diary.

If these expectations are not met, Council may need to set limits or conditions on the continuation of the investigation.

Any unreasonable conduct will be dealt with under the principles of the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Manual 2012* and any applicable Council Policy.

### 7.4 What people can expect from Council staff

People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action can expect that Council staff will:

- treat them with courtesy and respect
- advise the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances
- clearly explain decisions in plain English
- upon request, provide information about any relevant internal and external appeal processes that may be available
- carefully assess any new information provided by any person after a decision has been made and advise whether further action will be taken.

### 7.5 Complaints about Council's enforcement actions

Any complaints about Council's handling of reports alleging unlawful activity will be recorded separately and handled under Council's complaints management policies and procedures.

Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations under any relevant internal and external appeal processes.

Council staff will act on any complaints about the conduct of compliance officers under Council's complaints management policies and procedures and the Code of Conduct.

### 7.6 Anonymous reports

Anonymous reports will be recorded and assessed under the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports may not be suitable for investigation.

### 7.7 Unlawful activity outside business hours

Unlawful activity can occur outside business hours. In particular, Council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

An afterhours service is provided for those matters deemed to be a significant risk, otherwise matters are actioned the next business day.

### 7.8 Neighbour disputes

Council will at times receive reports from people involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require Council's involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report Council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as LawAccess NSW and Community Justice Centres.

It is possible one party will provide further information about a matter which changes Council's decision about whether it will become involved. In such circumstances, Council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons Council has changed its position on a matter. Council staff will not change a decision about whether or not Council should be involved purely as a response to the conduct of an individual such as persistent demands or threats.

## 8. Investigating alleged unlawful activity

Whilst there is no proactive obligation on Council under most legislation, a preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and the environment.

A triage or rating system for common non-compliance incidents maybe used to help with prioritising action.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Council may not take action where there are sufficient private remedies available to the customer to resolve a matter. Such other remedies will be advised to the customer.

### 8.1 Circumstances where no action will be taken:

Council will take no further action if, following a preliminary assessment, it is identified that:

- Council does not have jurisdiction to investigate or is not the appropriate regulatory authority to take action on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of that authority or provide information and contact details to the individual. For example Worksafe NSW for workplace safety matters, NSW Environment Protection Authority for possible environmental offences, Community Justice Centres NSW for personal disputes, and NSW Building Professionals Board for concerns about the conduct of a private accredited certifier
- The report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response)
- the allegations relate to a lawful activity (e.g. where there is an existing approval or the activity is permissible without Council approval or consent being required)
- the report is not supported with evidence or appears to have no substance
- the Executive Manager Environmental Compliance, General Counsel, General Manager Planning, Place and Community or the Chief Executive Officer determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.

### 8.2 Relevant factors guiding decisions as to whether to investigate:

When deciding whether to investigate, Council will consider a range of factors including:

- does the activity have or is likely to have a significant detrimental effect on the environment or constitute a risk to public safety
- is the report premature as it relates to some unfinished aspect of work that is still in progress
- is the activity or work permissible with or without prior permission
- are all conditions of development consent being complied with

- the time elapsed since the reported events took place
- is there a more appropriate agency to investigate and deal with the matter
- has a pattern of conduct or evidence of a possible wide spread problem occurred
- the nature of previous reports recorded against the person or organisation currently reported
- does the report raise matters of special significance in terms of Council's existing priorities
- the extent of resource implications in relation to an investigation and any subsequent enforcement action
- is it in the public interest to investigate the report.

The above are factors for Council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity is to:

- determine the cause of the incident
- determine if there has been a contravention of law, Policy or standards
- gather evidence to the required standard to support any required enforcement action
- determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

Any decision not to investigate an allegation of unlawful activity will be recorded in Council's document management system and the reasons for that decision clearly stated.

## 9. Taking enforcement action

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist Council staff in determining the most appropriate response in the public interest.

**Considerations about the alleged offence and impact:**

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the time period that has lapsed since the date of the unlawful activity.

**Considerations about the alleged offender:**

- any prior warnings, instructions, advice issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the alleged offender
- any particular circumstances of hardship affecting the person or organisation reported.

**Considerations about the impact of any enforcement action:**

- the need to deter any future unlawful activity
- whether an educative approach would be more appropriate than a coercive

approach in resolving the matter
- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether Council is prevented from taking action based on earlier advice given, i.e. whether an estoppel situation has been created.

**Considerations about the potential for remedy:**
- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning instrument on exhibition that would make the unlawful use legal.

**Considerations about the effect on public land:**
- Where the unlawful activity has taken place or is taking place on the road reserve, a public reserve or bushland or Crown Land managed by Council, comments may be sought from the relevant Business Unit (land manager) with a view to assisting Council officers in determining the most appropriate response in the public interest.

### 9.1 Requirements of Council staff considering enforcement action

Prior to taking enforcement action, Council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under Council's Code of Conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council staff are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Council staff will at all times adhere to Council's internal approval processes prior to the commencement of any enforcement action.

Council staff will take steps to ensure any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it may not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity.

### 9.2 Legal or technical issues

Where legal and/or technical issues are in question, Council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

### 9.3 Council operations

The provisions of this Policy will apply where an unlawful activity has been carried out by Council (either by permanent staff or contractors). Notwithstanding this, any such matters deemed to present a serious threat to life safety or cause serious environmental harm will be reported in writing without delay to the Chief Executive Officer and the relevant General Manager.

## 10. Options for dealing with confirmed cases of unlawful activity

Council will adopt a graduated approach to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on the merits of the matter.

### 10.1 The nature and seriousness of the unlawful activity

In assessing the level of risk, Council staff will have regard to the matters for consideration specified in this Policy including but not limited to the impact the unlawful activity is causing on amenity or harm to the environment. If action is required, Council will consider what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the unlawful activity.

### 10.2 Relevant factors

Where unlawful activity is identified, the seriousness of the unlawful activity will guide the appropriate enforcement response. The following factors are relevant to determining the significance of the unlawful activity.

**Severity** or **seriousness** of the unlawful activity, which includes:

- the degree of harm or potential harm resulting from the unlawful activity, including whether it seriously endangers human health or safety, the environment, or the economic or social fabric of the community
- whether any environmental harm caused by the unlawful activity is temporary or long lasting
- the magnitude or degree of non-compliance and whether the non-compliance is trivial or not
- whether the offence occurred on public lands and has harmed the value of those lands to the community
- the level of any unjust benefit to the alleged offender arising from the unlawful activity and whether the unlawful activity was motivated by financial gain.

**Note**. Certain legislation for example, the Protection of the Environment (Operations) Act and the Environmental Planning and Assessment Act, contain provisions setting out a hierarchy of seriousness within the framework of the statute. In such a case, the factors set out above are used to determine the significance of the unlawful activity in the context of the relevantly applicable statutory hierarchy and framework.

**Public interest**, including:

- the cost to the general community of the unlawful activity (e.g. whether the offence caused harm to public lands) and the cost of taking further action in response to the unlawful activity
- the need to deter an offender and the broader community from committing further offences of a similar nature in the future (particularly if the offence is prevalent)
- whether pursuing the unlawful activity would be of little or no utility (for example, where a change in the law is imminent which would make the activity lawful).

**Aggravating or mitigating factors** - this refers to the negative and positive circumstances surrounding the offender's commission of the offence, including:

- whether the alleged offender committed the unlawful activity deliberately or by mistake
- whether the alleged offender has shown a willingness to co-operate with Council and to comply in the future

- whether the alleged offender has a history of prior unlawful activity and, if so whether Council has taken action, whether the unlawful activity is continuing (the alleged offender has not ceased or abated the offence) and the length of time which has elapsed since the unlawful activity occurred.

The applicability of, and weight to be given to, each of the above factors will depend on the circumstances of each case. Investigating officers will make determinations on the level of significance with reference to manager support and review and legal advice where appropriate. Council officers will operate only within their delegated authority.

After the above factors have been considered, suspected unlawful activity will be classified as being of low, medium or high significance. This classification will guide the appropriate action to be taken. In all cases professional judgment will need to be exercised when making the classification.

Table 1 provides an example of a matrix which could be used in determining the significance of an unlawful activity in consideration of the factors listed above.

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**Table 1: Matrix in determining significance of unlawful activity**

| *Severity/ seriousness* | *Public interest* | *Aggravating or mitigating factors* | *Significance of unlawful activity* |
|---|---|---|---|
| Low to moderate harm | Public interest low due to minimal cost to the community and the "one-off" nature of the unlawful activity with minimal need for deterrence against further unlawful activity. | No significant aggravating factors; Offender co-operated with investigation. | LOW |
| Moderate, short-term loss of amenity; Low harm | Public interest likely to be moderate due to the need to deter the offender from further unlawful activity of this nature but little public perception of the unlawful activity. | No significant aggravating factors; Offender rectified unlawful activity quickly when notified by Council. | LOW |
| Moderate or high degree of harm | Public interest high due to the unlawful activity impacting on the amenity of several residential neighbours and the need to deter against further unlawful activity of this nature. | Significant aggravating circumstances due to offender knowingly committing the unlawful activity despite likely impacts. | HIGH |
| Large magnitude of unlawful activity; High level of unjust benefit; Low to moderate risk of harm | Public interest moderate due to the need to deter the offender against further unlawful activity of this nature, | Aggravating circumstances due to offender knowingly committing the unlawful activity for significant financial gain. | HIGH |
| High level of compliance with approval / consent | Public interest moderate due the need to deter the offender against further unlawful activity of this nature. | Minor aggravating circumstances due to offender submitting false and misleading information about the unlawful activity. | MEDIUM |
| Low level of compliance with approval / consent | Public interest high due to the high public perception of the unlawful activity and likelihood of the offender committing further unlawful activity. | No mitigating circumstances due to offender failure to acknowledge the unlawful activity and instigating measures to prevent further unlawful activity. | HIGH |

EXAMPLE

## 11. Enforcement options

When unlawful activity has been identified, it is then necessary to determine the appropriate enforcement response for the particular unlawful activity. Enforcement options include actions to restrain or remedy unlawful activity, and actions to punish an offender. The range of enforcement options available to Council in ascending order of significance include:

- **Record of breach** – Council may decide to take no further action. This would occur in the case of very minor breaches only
- **Warning or advisory letter** – The purpose of such a letter is to encourage future compliance and caution that further action may be taken if considered necessary
- **Negotiation** – Council may negotiate with the alleged offender and provide written confirmation of commitments made
- **Letter requesting undertaking** – Council may issue a letter requesting an undertaking that corrective action will be taken within a certain timeframe
- **Penalty Infringement Notice (PIN)** – Council may issue PINs for offences listed in the Fixed Penalties Handbook
- **Order** – Council is empowered to issue Orders in appropriate circumstances (in most instances, proceeded by a notice of intention to give the Order) requiring certain things to be done to achieve compliance with the law
- **Court Order** – Council can initiate proceedings seeking an Order from the Court requiring certain things to be done to achieve compliance with the law
- **Criminal prosecution** – Council can initiate criminal proceedings in the Land and Environment Court or the Local Court.

The above enforcement options are not necessarily mutually exclusive. For example in some circumstances it may be appropriate to contemporaneously issue an Order as well as issue a PIN. Further, a graduated enforcement response may not be justified in circumstances where action is sort to resolve a critical safety concern or to avoid a decline in environmental quality.

### 11.1 Choosing the appropriate enforcement response

In all cases, Council will choose an enforcement response which is proportionate to the seriousness of the offence and which:

- sets a proper precedent for future cases
- is consistent with the intent and objectives of the relevant legislation
- is an appropriate use of Council resources
- does not adopt an unreasonable or extreme interpretation of a condition of approval or consent. Council will cast itself as the “reasonable person”
- is consistent with responses previously adopted for similar incidents.

Enforcement options which may be appropriate for unlawful activities determined to be of low, medium or high significance are set out below. It is important to remember that the following is a guide only and each case must be assessed on the particular facts.

**Enforcement options for unlawful activities of *low significance*** include the following:

- take no action but record the unlawful activity (only where the degree of harm and severity of the unlawful activity are low to very low, some mitigating circumstances exist, there are no aggravating circumstances, and the public interest does not compel further action)
- send an electronic caution notice or advisory letter to the alleged offender to encourage them to comply in the future
- negotiate a corrective action with the alleged offender and confirm commitments made in writing

- send a letter identifying the unlawful activity and requesting an undertaking that corrective action will be taken within a specific timeframe
- issue a PIN.

**Enforcement options for unlawful activity of *medium significance*** include the following:

- send an electronic caution notice or advisory letter to the alleged offender to encourage them to comply in the future
- negotiate a corrective action with the alleged offender and confirm commitments made in writing
- send a letter identifying the unlawful activity and requesting an undertaking that corrective action will be taken within a specific timeframe
- issue a PIN
- issue an Order, for example to cease specified activities, comply with a development consent or project approval, and/or effect a remedy or restraint of the alleged unlawful activity.

**Enforcement options for unlawful activity of *high significance*** include the following:

- issue a PIN
- issue an Order
- commence civil proceedings in the Land and Environment Court seeking Court Orders requiring certain things to be done to achieve compliance or to remedy or restrain an alleged unlawful activity
- commence criminal prosecution proceedings in the Land and Environment Court or in a Local Court.

It may be appropriate to use more than one enforcement option in some cases. If initial enforcement action does not achieve a satisfactory outcome, it may be necessary to proceed to a higher level of enforcement response. For example, if a warning letter does not achieve the desired response, it may be appropriate to give an Order or to seek an Order from the Court, or if an Order is not complied with it may be appropriate to bring enforcement or prosecution proceedings.

### 11.2 Penalty Infringement Notices (PIN)

PINs are a way of imposing a fine on a person who an authorised officer believes is guilty of an offence without Council commencing court proceedings against the individual.

Officers who issue PINs under the *Fines Act* 1996 must have regard to the guidelines issued by the Attorney General under section 19A(3) of the *Fines Act* 1996 entitled *Caution Guidelines* under the *Fines Act* 1996 in deciding whether to give a person a caution for an offence.

All representations by persons to whom a PIN has been issued, should be made to the State Debt Recovery Office (SDRO). Where the SDRO does not have the authority to determine the matter, the representations will be referred to Council's internal Adjudication Panel for review and recommendation back to the SDRO. Any representations directly received by Council will be forwarded to the SDRO and the person who made the representation informed of this action.

An internal Adjudication Panel will be convened in order to ensure :

- openness and transparency in the decision making process with regard to appeals and representations to a PIN
- a balanced assessment is made against each representation to a PIN and the State Guidelines and Council Policies are consistently and fairly considered and applied
- consistent outcomes on PIN matters.

### 11.3 Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or Orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. Council may continue to monitor a matter to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

## 12. Taking legal action

The Council and its delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following.

### 12.1 Whether there is sufficient evidence to establish a case to the required standard of proof

Council considers the decision to take legal action a serious matter and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

### 12.2 Whether there is a reasonable prospect of success before a court

Council will consider if there is a reasonable prospect of success before a court. In making this assessment, Council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences and any other factors which could affect the likelihood of a successful outcome.

### 12.3 Whether the public interest requires legal action be pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply. The following considerations relate more specifically to the decision to commence legal proceedings and will assist Council and its delegated staff in making this determination:

- the availability of any alternatives to legal action
- whether an urgent resolution is required (court proceedings may take some time)
- the possible length and expense of court proceedings
- any possible counter-productive outcomes of prosecution
- what the effective sentencing options are available to the court in the event of conviction
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive
- the seriousness of the matter
- the need to provide a deterrent

### 12.4 Time within which to commence proceedings

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

## 13. Shared enforcement responsibilities

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities including the Environment Protection Authority, the NSW Police Force, the Office of Liquor, Gaming and Racing, NSW Fair Trading, NSW Food Authority, Crown Lands, NSW Planning and the Building Professionals Board.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. Where there are shared legislative responsibilities, Council staff will liaise with relevant authorities to establish:

- which authority will take the leading role on any joint investigation

- which activities each authority will carry out
- responsibilities for updating an individual where relevant
- protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

**14. Role of Council where there is a private accredited certifier**

A private accredited certifier may be appointed by a property owner to act as the Principal Certifying Authority (PCA) for a development or to undertake an inspection of a swimming pool barrier under the provisions of the Swimming Pools Act.

Council retains its regulatory role and enforcement powers where a private accredited certifier has been appointed, however, it is primarily the responsibility of the private accredited certifier to ensure building and construction compliance for a development.

Private accredited certifiers have limited enforcement powers under relevant legislation. They have the power to issue a notice to the owner to comply with the conditions of consent or rectify any non-compliance with a swimming pool barrier as the case maybe. A copy of any notice issued by a private accredited certifier must be provided to Council for assessment as to whether Council will enforce the notice by subsequently issuing an Order or direction.

Council will work together with private accredited certifiers to resolve any issues when they arise to achieve compliance. Private accredited certifiers are regulated by NSW Building Professionals Board who is also responsible for the investigation of complaints concerning their conduct.

**15. Role of Councillors in enforcement**

Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised Council staff or the Council itself.

Individual elected Councillors do not have the right to direct Council staff in their day-to-day activities. Councillors can help individuals who raise concerns with them by satisfying themselves that Council's policies are being carried out correctly, however they cannot ignore or alter a Policy in order to satisfy the demands of individuals or special groups.

The Chief Executive Officer may present certain decisions to be ratified by the elected Council if this is necessary or desirable, and the Councillors may also have the right to call for a report about particular issues to a Council Meeting.

**16. Delegations**

Council staff delegations for taking action under this Policy are included in Council's Delegation Register.

**17. Approval**

This Policy was adopted at the Council Meeting on [enter date of Council meeting when the Policy was approved].

**18. Review**

This Policy will be reviewed every three years.

## 19. Other resources

The NSW Ombudsman website has the following helpful resources at www.ombo.nsw.gov.au:

- Managing unreasonable complainant conduct – a model Policy and procedure
- *Managing Unreasonable Complainant Conduct Manual* 2012
- *The Rights Stuff – Tips for making complaints and solving problems*
- *Effective complaint handling guidelines* – 2nd edition
- Managing information arising out of an investigation – Balancing openness and confidentiality
- *Reporting of progress and results of investigations*
- *Good Conduct and Administrative Practice*
- Options for Redress
- *Investigating Complaints – A manual for investigators*
- *Enforcement guidelines for Councils*
- *Better Service and Communication for Council.*

See also:

- Commonwealth Director of Public Prosecutions (2014), *Prosecution Policy of the Commonwealth: Guidelines for the making of decisions in the prosecution process*
- NSW Planning (2010), *Prosecution Guidelines.*

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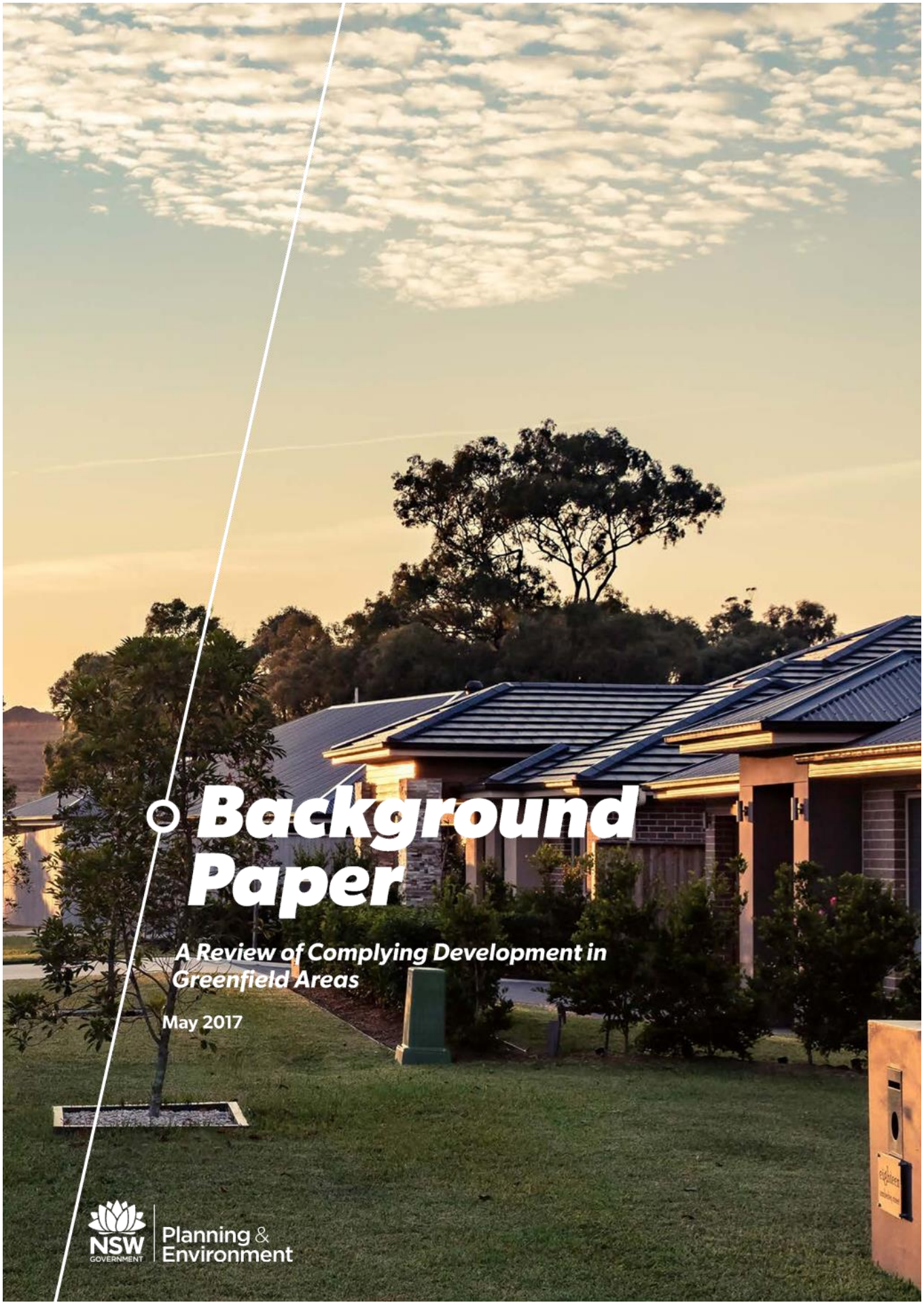
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A Review of Complying Development in Greenfield Areas
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# Chapter 1 – Introduction

## 1.1 The Need for a Simpler Planning System

The NSW Government is committed to an efficient planning system that provides certainty by simplifying the assessment process for new homes, saving time and money for industry and homeowners.

This forms part of the Department of Planning and Environment's ongoing work to meet the Premier's Priority Target for Faster Housing Approvals, which is to achieve 90% of housing approvals within 40 days by 2019. It also goes to meeting the State Priority for increasing housing supply across NSW by delivering more than 50,000 approvals every year.

*The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* allows the development of one and two storey dwelling houses and alterations and additions to dwelling houses to be carried out under a fast track approval process called complying development.

Complying development is a cheaper, fast-tracked approval pathway. Provided the proposed development complies with pre-determined development standards, approval in the form of a complying development certificate (CDC) can be issued within 20 days. The development standards were developed in consultation with stakeholders and are intended to promote good amenity and design, whilst minimising impacts on neighbouring properties through minimum setback and landscaping requirements, and maximum height standards.

There are significant cost savings when carrying out complying development compared to a DA – a cost benefit analysis undertaken for the Department by The Centre for International Economics (CIE) in 2015 found that there are savings of up to $15,000 for single dwellings if approved under a CDC instead of a DA. For other residential development, such as extensions and alterations, there are estimated savings of up to $2,600 per application.

***There are significant benefits associated with increasing the uptake of complying development in greenfield areas - reduced approval times, reduced development costs and greater certainty - all of which will be explored further in this Paper.***

***Figure 1:*** *The Hermitage, Gledswood Hills (source: Sekisui House)*

The Department of Planning and Environment produces an annual Local Development Performance Monitoring Report (LDPM) which details average assessment times for each council in NSW. The 2014/15 report showed that:

- CDCs now account for 32% of development approvals, up from 29% in 2013-14;
- $5.24 billion worth of CDCs were approved under the NSW local development assessment system in 2014-15, up from $4.43 billion in 2013-14, representing an increase of 18%;
- 29, 075 CDCs were approved by council or private certifiers, representing a 17.4% increase from 24, 770 in 2013-14; and
- CDCs took an average 22 days to determine in 2014-15, an increase of 25% from 18 days in 2013-14 compared to 71 days for a Development Application (DA).

Complying developments have significantly shorter approval times than DAs. The Department is examining opportunities to increase the uptake of residential complying development in greenfield areas by simplifying the development standards and tailoring them to suit these new growth areas.

In addition to simplifying complying development, the NSW Government recognises that it is critical that new release areas (greenfield areas) are well-designed to create distinct and attractive places for people which are environmentally, economically and socially sustainable.

**This Background Paper identifies 3 key initiatives to encourage the uptake of complying development in greenfield areas whilst ensuring good design outcomes:**

**1. Removing identified barriers to the take-up of complying development;**
**2. Providing guidance on well-designed subdivisions for greenfield areas at a strategic, precinct and neighbourhood level; and**
**3.Simplifying and tailoring the development standards for complying development in greenfield areas in a proposed Greenfield Housing Code.**

Further information on the proposed Greenfield Housing Code is contained in the Explanation of Intended Effect (EIE) which is exhibited with this Paper.

## 1.2 A Plan for Growing Sydney

*A Plan for Growing Sydney*, released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and livability – including the delivery of housing, employment, infrastructure and open space. A draft amendment to *A Plan for Growing Sydney,* titled *Towards Our Greater Sydney 2036*, was released in November 2016 to update the original plan released in 2014.

Sydney and NSW are sought after locations as a place to call home. It is therefore not surprising that our population is growing, with NSW projected to grow by more than 100,000 people each year.

By the year 2036, we will need to provide homes for an additional 2.2 million residents. Sydney alone will require an additional 725,000 new homes over the next 20 years just to keep pace with this demand. Many of these homes will be built in new land release areas, or greenfield sites, in the South West and North West growth areas of Sydney.

The proposed Greenfield Housing Code is designed to meet the overarching objectives of *A Plan for Growing Sydney* and meet the housing challenges associated with a growing population.

## 1.3 Housing Approvals in New Release Areas

Housing in greenfield areas has historically contributed between 20 to 30 per cent of new homes in Sydney, while other growth areas in NSW such as the Hunter Valley, Illawarra and North Coast have also seen a significant number of homes being built in greenfield areas.

Improving the approvals processes for homes in new release areas provides the opportunity to make significant reductions in the average time taken to approve new houses. Faster housing approval timeframes in new release areas can be achieved by allowing houses to be approved under the fast track complying development assessment pathway. Enabling houses to be approved as complying development in greenfield areas is appropriate, given the nature of new release areas, and has the added benefit of enabling local councils to dedicate limited resources to more complex applications that require rigorous merit assessment. In 2014/15, complying development certificates (CDCs) were issued in an average of 22 days, compared to 71 days for a development application (DA).

Given the unique nature of new release areas, housing approval timeframes should be quicker than processing applications in well-established suburbs. The constraints that sometimes complicate infill development (new homes in established areas) are less of an issue in new release areas where whole new communities are taking shape. It is reasonable to expect new homes to be constructed on neighbouring vacant blocks in new release areas.

Complying development is an attractive and viable option for facilitating faster approvals in greenfield areas. Appropriate development standards under this development pathway, which preserve amenity allow well-designed homes to be developed from the resulting building envelopes.

The majority of homes in new release areas comprise standard house designs developed and marketed by house building companies. This type of housing, while largely standardised, has been specifically designed to suit the typical lot and streetscape outcomes planned for new subdivisions.

Standardised development controls for new homes in new release areas would be well suited to the home building industry where a combination of faster approvals and efficiencies from standardised designs can deliver time and construction cost savings. Recent studies undertaken indicate that lot sizes within greenfield areas are reducing in size, with the average lot sold is now only 454sq m, down from 524sq m in 2010. [1]

There is an opportunity to improve and strengthen the relationship between the subdivision stage and the house design stage which will assist faster approval timeframes and ensure a good design outcome for new neighbourhoods. This Paper will explore these opportunities.

## 1.4 Input from Key Stakeholders

The Department has received feedback from the development industry on barriers to the use of the complying development approval pathway in new release areas and other delays in obtaining approvals quickly and easily. The recommendations in this Paper builds on initial input from key stakeholders from the housing industry, home builders, growth area councils, and private certifiers, and incorporates research and external advice. The Department has also conducted workshops with key stakeholders to actively seek input on the barriers to the use of

1 Source: State of the Land Report 2016, Urban Development Institute of Australia (UDIA)

complying development in greenfield areas, how these barriers can be overcome whilst achieving good design outcomes.

**Appendix 2** provides a detailed list of the key stakeholder issues raised during stakeholder workshop sessions held in 2016.

**Chapter 2** of this Paper provides a detailed overview of the barriers raised by stakeholders and the Department's proposed approach on how to address them.

The Department welcomes further input during the public exhibition period to inform the next stages of this project.

***Figure 2:*** *Brighton Lakes, Moorebank (source: Mirvac)*

2

# Chapter 2 - Overcoming barriers to housing approvals

## 2.1 Overview

Stakeholder consultation carried out by the Department identified a range of factors within the NSW planning system that impede the take-up of complying development and act as barriers to faster housing approvals in greenfield areas.

This Paper discusses proposed changes which could assist with improving the delivery of housing in greenfield areas, not only in terms of cost and efficiency savings for homeowners and industry, but also achieving good design outcomes at the subdivision stage.

**Table 1** on the following pages summarises the key barriers and suggested approaches to overcome them.

***Figure 3:*** *Brighton Lakes, Moorebank (source: Mirvac)*

**Table 1 – Summary of identified barriers and proposed approach**

| Barrier | Issue | Proposed Approach |
|---|---|---|
| Complying development cannot be carried out on unregistered lots [1] | Currently, a DA approval can be granted subject to a condition requiring the lot to be legally created before the dwelling is built. This has the benefit of the approval and registration of the lot being done consecutively, resulting in potential time savings.<br><br>However, under a CDC, a certifier cannot issue an approval before a lot is legally created, which results in delays for a CDC applicant, as the proposal cannot be assessed concurrently while the lot is being registered. | Legislative amendment to allow:<br>• An amendment of the EP&A Act to allow a "deferred commencement condition" to be issued such as that currently exhibited in the Environmental Planning and Assessment Amendment Bill 2017;<br>• An amendment to the *Environmental Planning and Assessment Regulation 2000* to allow a CDC to be issued for a new dwelling house to be constructed on an unregistered lot[2];<br>• An amendment to development standards set out in the General Housing Code (and Rural Housing Code) in the Codes SEPP so that the standards y can be applied to an unregistered lot.[3] |
| Easements and other instruments under the Conveyancing Act | In new release areas that have small lot sizes and narrow lot widths, it is increasingly common for walls to be built along the side boundaries (zero lot boundary walls).<br><br>Easements can limit the ability to do complying development in greenfield areas. | • The Department is considering this issue and welcomes feedback to inform the proposed approach. There may be scope to amend Clause 3.4 of the Codes SEPP to allow complying development despite a registered easement in certain circumstances. |

*1. An unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision, where that subdivision has been approved under a DA*
*2. In this context, an unregistered lot refers to a proposed lot in a subdivision that has been approved under a CDC subject to a condition that the approved work cannot commence until the person having the benefit of the CDC has satisfied the certifier that the lot has been registered and that the dwelling house the subject of the CDC continues to meet the requirements of the Code.*
*3. In this context, an unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision where the subdivision is authorised to be carried out by an approved CDC.*

| | | |
|---|---|---|
| Road Act Approvals (driveways and connections to public roads) are required prior to the issue of a CDC | This causes delays in CDC approvals, as they cannot be granted until final consent of the driveway has been granted. | • The possibility of streamlining approvals to allow driveways to be approved in principle early on at the subdivision or masterplan stage, and the final written consent under the Roads Act not required until prior to construction, rather than prior to the issue of the CDC.<br>• Encouraging council to adopt a fast-track approval process under the Roads Act based on standard construction requirements. |
| Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system) | This causes delays to the CDC approvals, as they cannot be granted until a Section 68 approval of the Local Government Act is provided (clause 1.18 (1)(d) Codes SEPP). | • The Department may issue guidance on the way in which clause 1.18(1)(d) (General Requirements for Complying Development) of the Codes SEPP is intended to operate.<br>• Alternatively, the Codes SEPP could be amended to make it clear that CDCs can be issued on vacant lots and/or consideration given to amending the Local Government Act to make it clear that section 68 approvals can be issued on vacant lots. This requires liaison with the Office of Local Government.<br>• Another option is to give consideration to prescribing a time period in which a consent authority must determine a Section 68 application . This requires liaison with the Office of Local Government. |
| Complying development standards are difficult to use/ interpret and are not tailored for greenfield areas | Difficulties in interpretation of the complying development standards results in home-owners opting for a DA pathway. | • The Greenfield Housing Code will contain simplified, tailored development standards for greenfield areas to promote the take-up of complying development in these areas.<br>• Given that lots in new release areas are typically smaller and narrower, the Greenfield Housing Code controls will be set out based on lot widths.<br>• The Greenfield Housing Code will be written in plain English, with explanatory diagrams to assist applicants to understand the provisions.<br>• Development standards will be simplified and structured in accordance with three overarching principles (Built Form, Landscape and Amenity).<br>• The number of development standards have been reduced, for example, gross floor area has been removed. Setback and landscape controls and an upper level site coverage control replace this.<br>• A detailed explanation and summary of the proposed development standards for the Greenfield Housing Code is set out in the Explanation of Intended Effect. |

## 2.2 Identified Barrier: the inability to build dwelling houses on unregistered lots[1]

Currently, a DA approval can be granted subject to a condition requiring the lot to be legally created before the dwelling is built. This has the benefit of the approval and registration of the lot being done consecutively, resulting in potential time savings. However, under a CDC, a certifier cannot issue an approval before a lot is legally created, which could result in delays for a CDC applicant, making a DA a more attractive approval pathway. Initiatives currently progressed under the Environmental Planning and Assessment Amendment Bill 2017 could allow a CDC to be issued subject to a condition that the lot is legally created.

### Existing requirements for Complying Development on Registered Lots

The Codes SEPP allows a dwelling house to be built as complying development on a lot only if, at the completion of the development, there will be one dwelling house on the lot[2]. Other development standards for dwelling houses set out in the Code (such as height, setback and landscaping requirements) are framed with reference to the area or boundaries of the "lot" (that is, an existing lot) on which they are to be built.

If a developer wishes to build houses on land that is proposed to be subdivided, the developer could not obtain a CDC to enable that development to be carried out as complying development before the registration of a plan of subdivision. This is because, at the time of issuing the CDC, the certifier would not be in a position to determine that the proposed house complied with development standards of the kind referred to above in respect of the "lot" on which it is to be built. Even though development consent may have been granted for the proposed subdivision, a CDC could not be issued.

If the lots have not been formally created, this presents a barrier to the take-up of complying development, particularly in greenfield areas. In such circumstances, the DA pathway is a more attractive option.

***Option – Legislative amendment: allowing CDCs to be issued before registration of a plan of subdivision***

Where development consent has been granted to the subdivision of land, there may be scope to provide for a CDC to be issued for a new dwelling house to be built on any of the proposed lots in the subdivision even though a plan of subdivision has not yet been registered. Under this proposal, the CDC could be issued on the condition, that construction of the house on the proposed lot is not to commence until the plan of subdivision has been registered that creates the lot.

A deferred commencement consent is a consent that is granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority as to any matter specified in the condition (section 80 (3) of the Environmental Planning and Assessment Act 1979 (EP&A Act)). However, a CDC cannot currently be granted subject to such a condition (as section 80 (3) of the EP&A Act does not apply to complying development).

The Environmental Planning and Assessment Amendment Bill 2017, which was released in January 2017 for public consultation, includes an amendment to the Act that would allow CDCs to be issued subject to a deferred commencement condition (see Schedule 4.1 [8]), by inserting

1 *Lots prior to their creation by the registration of a plan of subdivision.*
2 *See clause 3.8 (1) (a) and clause 3A.9 of the Rural Housing Code in similar terms.*

proposed section 85A (9A)). A CDC, under the amendment, could be issued subject to a condition that it does not operate until the applicant satisfies the certifier that the lot is legally created[3] . This should ensure that the house is built on a lot that meets the minimum dimensions and size requirements and that is positioned on the lot so that it complies with the minimum setback requirements and all subdivision requirements have been satisfied.

Amendments to allow a CDC to be issued for a new dwelling house on a proposed lot would potentially involve amendments to the EP&A Act, the regulations under the Act and the Codes SEPP as follows:

- An amendment of the EP&A Act to allow a "deferred commencement condition" to be issued such as that currently exhibited in the *Environmental Planning and Assessment Amendment Bill 2017*;
- An amendment to the *Environmental Planning and Assessment Regulation 2000* to allow a CDC to be issued for a new dwelling house to be constructed on an unregistered lot [4]
- An amendment to development standards set out in the General Housing Code (and Rural Housing Code) in the Codes SEPP so that the standards can be applied to an unregistered lot.[5]

## 2.3 Identified Barrier: Easements and other instruments under the Conveyancing Act

In new release areas that have small lot sizes and narrow lot widths, it is increasingly common for walls to be built along the side boundaries (zero lot boundary walls). The draft Housing Code, and the proposed Greenfield Housing Code, allow new dwelling houses to be built to either one or both side boundaries depending on the lot size or width.

When considering a subdivision application at DA stage, many councils will require subdivision plans to indicate where zero lot boundary walls will potentially be constructed. In most circumstances, councils will usually impose a condition on the subdivision approvals requiring a section 88B instrument (under the Conveyancing Act) to create an easement to establish a right of access for maintenance (a maintenance easement). The lot that adjoins the zero lot boundary wall is then 'burdened' by the easement.

Stakeholder feedback indicates that a maintenance easement can limit the ability to do complying development (that would otherwise meet the development standards). Clause 3.4(b) of the General Housing Code states that a new dwelling house cannot be carried out as complying development if it is located on a registered easement.

***Option: Review of Clause 3.4 of the Codes SEPP***

Applying a restriction on the use of an adjoining lot as part of the subdivision approval process, without any certainty that a dwelling will actually be built to the boundary, may restrict the ability of the adjoining lot to use complying development. There is scope to amend Clause 3.4 to allow complying development despite a registered easement, in certain circumstances. The Department is currently exploring these issues.

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3 *That is, the plan of subdivision that will create the lot on which the dwelling house is to be erected is registered, being a subdivision that is the subject of a development consent that is in force.*

4 *In this context, an unregistered lot refers to a proposed lot in a subdivision that is the subject of a development consent subject to a condition that it does not operate until the person having the benefit of the CDC has satisfied the certifier that the lot has been registered and that the dwelling house the subject of the CDC continues to meet the requirements of the Code.*

5 *In this context, an unregistered lot refers to a proposed lot that will be created by registration of a plan of subdivision where the subdivision is authorised to be carried out by a development consent that is in force.*

## 2.4 Identified Barrier: Roads Act Approvals

Currently, clause 1.18(1)(e) states that before a CDC is issued, written consent from the relevant roads authority (if required under section 138 of the *Roads Act 1993* (Roads Act) for the building of any kerb, crossover or driveway must be obtained. Section 138(1) of the Roads Act states that a person must not carry out road works and structures, such as driveways, other than with the consent of the appropriate roads authority. Further, driveways can be undertaken as either exempt or complying development under the State Policy, subject to meeting the relevant development standards - one of these standards requires a Roads Act approval from the roads authority. Councils are generally the relevant approving authority under the Roads Act, as most driveway connections are to local streets.

Some developers and home builder have indicated that the requirement to obtain Roads Act approvals can slow down the process of issuing a CDC, particularly in greenfield areas.

***Option: Streamlining approvals***

A proposed option could be to allow a two-stage process for driveway approvals. This would allow an *'in principle'* concept approval of the driveway location, under the Roads Act for driveways and crossings as part of the subdivision development consent process. Under this proposal, as described in the previous section, to allow a single CDC for all building envelopes at the masterplan and subdivision stage, the proposed locations of the driveways would be approved. The final written consent by the roads authority for the driveway could then be issued once the CDC for individual houses is obtained.

This approach would have the benefit of capturing an approval *in principle* for the location of the majority of the driveways. This is beneficial to developers who will undertake building the entire masterplan including the houses, then to be sold to home-owners. It also will benefit the approach whereby a masterplan will be built substantially by one developer, and subsequent house-builders are responsible for building individual dwellings on single lots. With both these approaches, there is the added benefit of ensuring a coordinated and integrated response to site and infrastructure design of the estate at the subdivision or masterplan stage. Street layouts, building locations, driveway and access locations would all be designed in parallel and approved together.

With an *in principle* approval for the driveways already obtained under the masterplan and subdivision stage, individual home-owners who then construct a dwelling on a lot, with a pre-identified building envelope and driveway, could obtain the CDC approval for the dwelling, with a condition that the driveway can be approved under the Roads Act prior to construction starting, rather than the issue of the CDC. This would be subject to meeting the standard conditions, such as standard construction requirements, under the Act.

In situations where the driveway location or design changes because a different house design is used after the subdivision approval (including the concept driveway approval), another Roads Act approval would be needed prior to obtaining a CDC. Any such requests to make an amendment to driveway locations from the approved masterplan and subdivisions plan (including the driveway locations and building envelopes) would be required to meet the over-arching masterplan objectives.

The ability to obtain an in principle Roads Act approval at the subdivision stage could be an incentive for developers due to efficiency savings in obtaining CDC approvals.

Camden Council has implemented a "fast-track" approval process under the Roads Act, based on standard construction requirements. Council staff advise that this practice significantly reduces the time taken to issue Roads Act approvals.

Encouraging other councils to adopt a similar approach to simplify and streamline approvals processes could be pursued.

## 2.5 Local Government Act Approvals (on-site effluent disposal systems or an on-site stormwater drainage system)

Currently, clause 1.18(1)(d) of the State Policy requires that before a CDC is issued, the development must have an approval, (if required by the Local Government Act 1993), for an on-site effluent disposal system if the development is undertaken on unsewered land, and an on-site stormwater drainage system. Section 68 of the Local Government Act requires council approval for water supply, sewerage and stormwater drainage work.

Some councils don't issue section 68 approvals on vacant land. In these circumstances, council requests that a DA be submitted for a dwelling, and the section 68 request be submitted for the ancillary disposal system. This represents a significant hurdle for increasing uptake of complying development in areas where dwellings are being built on vacant lots.

***Option: Clarification on the operation of clause 1.18(1)(d) and section 68 LG Act***

The Department may consider issuing policy guidance on the operation of clause 1.18(1)(d). It is not intended that clause 1.18(1)(d) precludes complying development from being carried out on vacant land. Section 68 of the LGA does not require works to be carried out on land with an established use or any use or any type of use.

Alternatively, the Codes SEPP could be amended to clarify that CDCs can be issued in greenfield areas and that consideration also be given to amending the legislation to make it clear that section 68 approvals can be issued on vacant lots. Any changes to the Local Government Act will require consultation and liaison with the Office of Local Government.

Another option is to give consideration to imposing a prescribed time period in which a consent authority must determine a Section 68 application.

## 2.6 Identified Barrier: Interpretation of Development Standards

Feedback from stakeholder consultation on the development standards within the Codes SEPP has identified that the complying development standards are difficult to interpret and are not tailored to the unique circumstances of greenfield areas. In addition, the Department has received feedback that the current standards both within the Codes SEPP and the Growth Centres SEPP do not reflect particular design features which are preferable in greenfield areas, such as the provision for garages to primary roads and landscape elements.

***Option: Develop a new Greenfield Housing Code with simplified standards***

The development standards proposed for the draft Greenfield Housing Code have been formed in a way which will assist in ease of use and interpretation.

Further information on the draft Greenfield Housing Code is in **Part 4** of this Paper. A detailed explanation of the proposed development standards is in the Explanation of Intended Effect, exhibited alongside this Background Paper.

***Figure 4:*** *Brighton Lakes, Moorebank (source: Mirvac)*

3

# Chapter 3 – Subdivision and Masterplan Guidelines

## 3.1 Overview

As new release (greenfield) areas generally result in the development of whole neighbourhoods through a staged approach, the design of these developments at a precinct, neighbourhood and block level are equally important as the individual lot and its subsequent dwelling. Currently there is no statewide guidance on well-designed subdivision design. Within Growth Areas, wider masterplan design responds to specific requirements within the Growth Centres DCP. These provide guidance on aspects such as block and lot layout, incorporating subdivision design, movement network and corner lots.

To ensure good design at a wider neighbourhood level, this Background Paper explores opportunities to provide wider holistic guidelines which ensure good built form, landscape and amenity within new master planned neighbourhoods in greenfield areas.

It is intended that the Guidelines would assist:

- Councils in establishing development controls for greenfield areas and assist in assessing applications for new subdivisions;
- Developers in establishing a holistic masterplan for their subdivision. The Guidelines may help inform the development of a developer's own set of guidelines for their site which would be used to assist homeowners when purchasing new dwellings for lots. This will enable greater value to be inherently designed into the masterplan.

The Guidelines would have the overall purpose of informing residential-led masterplans to create attractive, sustainable communities, with a distinct character and high levels of residential amenity. A well-designed masterplan brings together all the disciplines which work together to create places, including urban planning, engineering, sustainable drainage, landscape design, architecture, and urban design. This approach to development of greenfield areas creates unique places that have greater attraction to potential home buyers. This, along with the introduction of initiatives described in **Part 2**, would have the potential to create strong demand for new housing within these areas under a CDC approval pathway.

Broad controls which respond to this include appreciation of the existing natural assets and character, movement framework, built form, open space network and residential amenity. This ensures an integrated approach to creating a new neighbourhood with good level of amenity at the subdivision stage.

In areas of western Sydney where the majority of the greenfield areas have been identified, particular conditions and issues are prevalent, including accessibility to services, amenities and other centres, and environmental conditions such as hotter temperatures and existing landscape and tree cover. These issues, if not addressed in future masterplanning in greenfield areas, could lead to social issues including health and well-being, environmental issues related to urban heat islands, and loss of biodiversity; and economic issues related to land values and market demand.

The following section describes a potential structure for Subdivision Guidelines to provide a holistic approach to greenfield subdivisions to address these issues and create sustainable attractive neighbourhoods for our communities.

***Figure 5:*** *Shawood at the Hermitage (source: Sekisui House)*

## 3.2 The benefits of Subdivision and Masterplan guidelines

The introduction of Subdivision and Masterplan guidelines will bring the following benefits to homeowners, council and developers, responding to economic viability, social equity and environmental issues and include:

### 1. Create places for people

- New neighbourhoods where people want to live with a high quality built and natural environment;
- Character and local distinctiveness is strengthened and enhanced;
- Places developed with a long-term strategic vision plan contribute to people's desire to live in the place and the subsequent creation of strong, long-term communities; and
- Market demand increases through the creation of unique and attractive neighbourhoods.

### 2. Preserve and enrich the existing environment and landscape

- Retains natural assets including landscape and waterways;
- Reduced flooding risk;
- Improved air and water quality;
- Cooler urban environment;
- Enhances biodiversity;
- Strengthens local distinctiveness; and
- Visual outlook and beauty are enhanced.

***Figure 6:*** *The Hermitage at Gledswood Hills (source: Sekisui House)*

### 3. Improve health and well-being

- A clear framework of interconnected streets and laneways, along with a range of activities (local shops, open spaces) increases opportunities to walk and cycle which improves lifestyle and wellbeing;
- Improved air quality achieved by the preservation and enhancement of the natural landscape helps health issues and reduced car dependency; and
- The retention and addition of natural landscapes assists in improving general emotional well-being through the cooling of temperatures, visual appearance and biodiversity.

### 4. Accessible to all

- A well-designed, accessible street network is inclusive for all, regardless of age or ability;
- A clear hierarchy of streets, laneways, shared surfaces/mews-style and footpaths which cater for those on foot, in vehicles, wheelchairs and bicycles; and
- Streets and neighbourhoods which encourage walk-ability contribute to improving air quality.

### 5. Allow for diversity and activity

- An attractive combination of housing and local amenity such as local shops/services and open spaces within a new neighbourhood providing residents with improved lifestyles.

### 6. Create sustained value

- Land values are sustained through the creation of a robust, sustainable and attractive neighbourhood; and
- Allows greater market demand through the development of a sought-after well-designed place.

### 7. Streamline the process

- Guidelines to assist in a holistic masterplan and subdivision approach allow for a more streamlined approach to the development of a housing estate. This ensures the primary framework (streets, building envelopes, open space) and secondary framework elements (driveways and access points, services, street trees) are dealt with in an integrated manner, contributing to efficiency savings.

***Figure 7:*** *New streetscape (source: Sekisui House)*

## 3.3 Subdivision layout and approvals – current context

Urban form and streetscape are primarily established in greenfield areas at the subdivision stage, through lot layout and dimensions, the design of the street network, and requirements for street verges, footpaths and public domain landscaping. Basic development parameters that control building envelopes, landscaped areas and façade treatments are the key provisions that influence how the final built form can contribute positively to the streetscape.

These development parameters respond to the Growth Centres Development Control Plans (Growth Centres DCPs). These include objectives such as ensuring that 'a sense of neighbourhood' is achieved, walkability is promoted, land is utilised efficiently, natural features are reinforced and public open space is integrated.

The development and home building industries will respond to these controls with a range of home designs. Considerations like materials and finishes, while making some contribution to streetscape, are generally discretionary and will change with market preferences and trends.

In greenfield areas, the relationship between subdivision approvals and the subsequent construction of homes is important to the efficient delivery of new homes. Generally, the mix of lot sizes, lot dimensions, orientation and streetscape elements are established at the subdivision stage. The pattern of subdivision is usually established considering the likely housing product, particularly given that the majority of house designs address standard setbacks, height controls and private open space requirements.

There is an opportunity to develop more detailed and holistic subdivision guidelines which respond to the issues experienced in western Sydney related to climate and environmental issues.

***Figure 8:*** *Existing subdivision at Oran Park (source: Six Maps)*

## 3.4 Proposed greenfield subdivision and master plan guidelines

Well-designed subdivision plans form part of a holistic masterplan with the framework to deliver the best possible future urban environments. The Department proposes the development of a set of master planning and subdivision guidelines for greenfield areas which would respond to the broader strategic objectives of A Plan for Growing Sydney.

These Guidelines would be developed to ensure that masterplanning of new greenfield developments and the subsequent subdivision are designed to create sustainable places for new communities.

The broad structure of the Guidelines could follow a format of established publications such as the UK publication, *The Urban Design Compendium*[1], which has become an internationally recognised within urban design practice. A suggested structure, based on the compendium structure is detailed below:

**1.Identifying the Context** – including aspects of community, place, natural resources (water, biodiversity and green cover), connections and vision

**2.Shaping the Natural and Urban Structure** – the movement framework (including street hierarchy), efficient land use, density, facilities and form, energy and resource efficiency (water management), landscape, open spaces, landmarks, vistas and focal points, blocks and parcels and plots, building size and scale

**3. Creating Connections** – walking, cycling, public transport, streets, parking and utilities

**4. Providing Amenity** – solar access, natural daylight, ventilation, public open space

**5. Detailing the Place** – good public domain, positive outdoor space, active interfaces, building articulation

*1 Urban Design Compendium, English Partnerships, 2000*

***Figure 9:*** *Hunterford masterplan at Oatlands (source: Integrated Design Group Architects)*

## 3.5 How the Guidelines would be used

The Guidelines are intended to provide consistent planning and design standards for masterplanning sites within greenfield areas across NSW, as a way of ensuring good design outcomes for new release areas on greenfield sites. The proposed Guidelines would function at a wider precinct level, a neighbourhood level and a block level, and would guide:

- Councils in establishing new, or adjusting existing, development controls for greenfield areas and assessing applications for new subdivisions. By adopting the guidelines, it will assist councils in achieving better design outcomes for large masterplanned sites; and

- Developers in establishing a holistic masterplan for their site which considers overall frameworks for open space, movement, built form and amenity. The Guidelines may help inform the development of a developer's own set of guidelines for their site, to assist homeowners when purchasing new dwellings for lots. This will enable greater value to be inherently designed into the masterplan.

To aid with the masterplanning of large greenfield sites, the masterplan and subdivision guidelines will provide detailed guidance on best practice approach to developing a new masterplanned community and the approach to design and construction.

There are generally two approaches to developing masterplanned communities at present in NSW - either solely by a developer who will masterplan the entire site, including the design and construction and subsequent houses; or a masterplanned site by a developer, including streets and open spaces with broad concepts for the dwelling types, which are then designed and constructed by housesbuilders on individually sold lots. **Figure 10** below illustrates the two approaches. Design guidelines are beneficial to both approaches, and in particular the first, whereby dwellings built under the CDC approach by individual housebuilders may not adhere to the overall vision for masterplanned estate created by the developer.

Both these approaches are illustrated in two case studies at the end of this section.

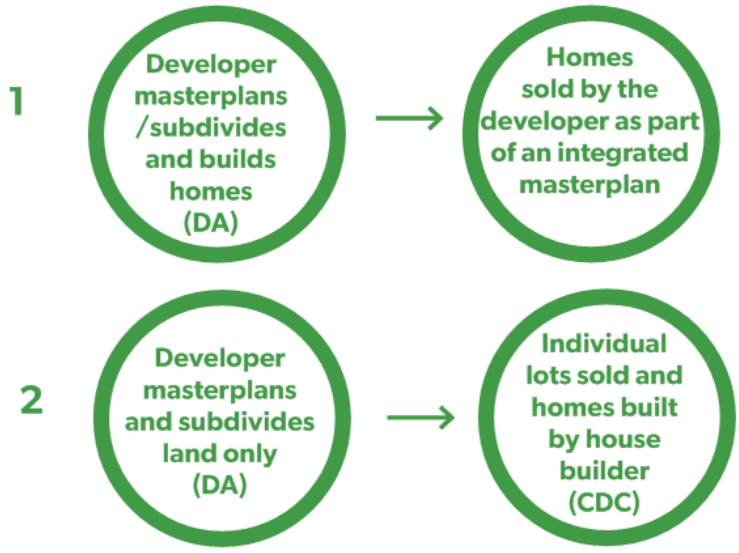


***Figure 10:*** *Two approaches to developing masterplanned communities*

## 3.6 Broader strategic planning context

*A Plan for Growing Sydney* is the plan which provides the strategic planning framework for Sydney as its growth continues over the new decades. Alongside this,the Greater Sydney Commission has prepared Draft Precinct Plans which identify three great cities for Sydney, to deliver maximum benefits for existing and new residents. They are the:

- Eastern Harbour City
- Central Parramatta River City
- Western Sydney Parklands City.

This identifies a unique opportunity for urban planning in Western Sydney as it sits on the cusp of major change including infrastructure development and population growth. The Greater Sydney Commission has the three following focus areas which include:

- **Productivity** – a city with more jobs in centres, with more people being able to access their jobs within 30 minute commutes of where they live;
- **Livability** – a livable city that helps maintain and improve our quality of life. A city with many different places experiences and greater housing choice.
- **Sustainability** – a city that uses its natural landscape as an asset, builds Greater Sydney's resistance and enhances its waterways and biodiversity.

*Towards Our Greater Sydney* is the document which outlines a draft amendment to *A Plan for Growing Sydney* and aligns with the vision established in the draft District Plans. The creation of new communities in urban release areas is one of three focus areas to accelerate housing opportunities over the next 20 years.

The introduction of masterplan and subdivision guidelines, to provide design guidelines alongsdide a new Greenfield Housing Code will support the objectives of the 20 year plans for Sydney.

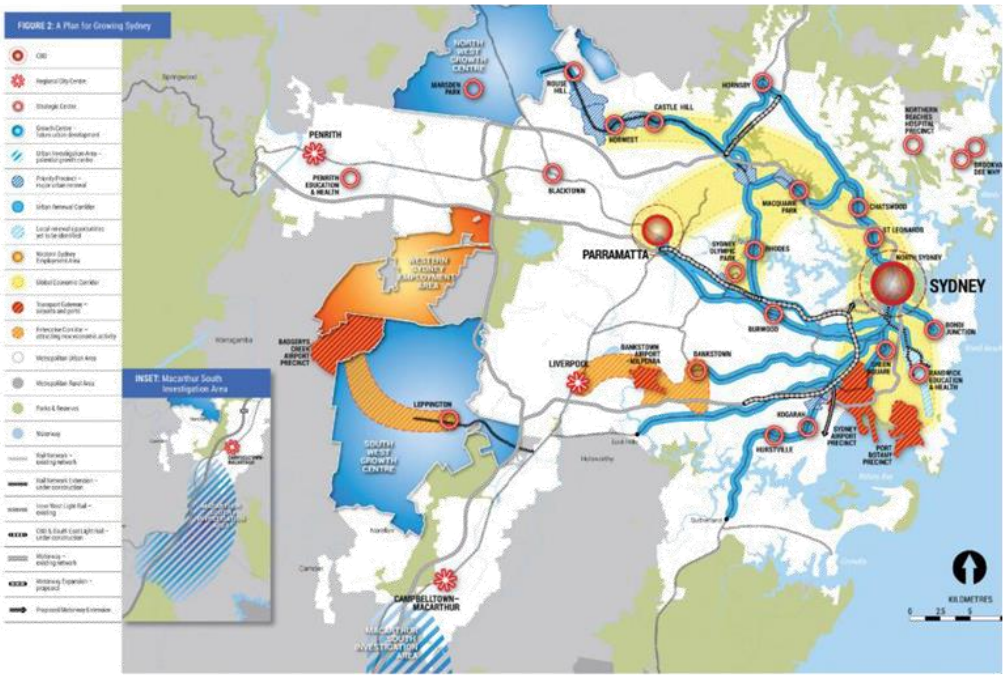


***Figure 11:*** *A Plan for Growing Sydney (source: Department of Planning and Environment)*

One of the key initiatives of the Greater Sydney Commission is to create Greater Sydney's Green Grid to deliver an interconnected network of open spaces. This will include open spaces, parks, bushland, natural areas, waterway corridors and tree-lined streetscapes in a network that connects our homes to centres, public transport, jobs and recreation. It promotes healthier urban environments, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve the resilience of Greater Sydney.

Analysing the open space and environmental values of Western Sydney identifies the Green Grid as an opportunity to develop a vision for infrastructure delivery that sees transport, utilities, development and green infrastructure as interdependent and equally important component for an equitable, livable and resilient metropolis.

There is a significant opportunity at this point of change within Western Sydney, for new release areas, which are predominantly located in the regions around the Central Parramatta River City and the Western Sydney Parklands City to develop new communities with these values in mind.

The draft District Plans reinforces the following objectives for the Green Grid:

- preserve and conserve the natural environment;
- increase access to open space;
- encourage sustainable transport connections;
- promote active living;
- create a high quality public realm; and
- adapt to climate extremes by increasing urban greening and improving air quality.

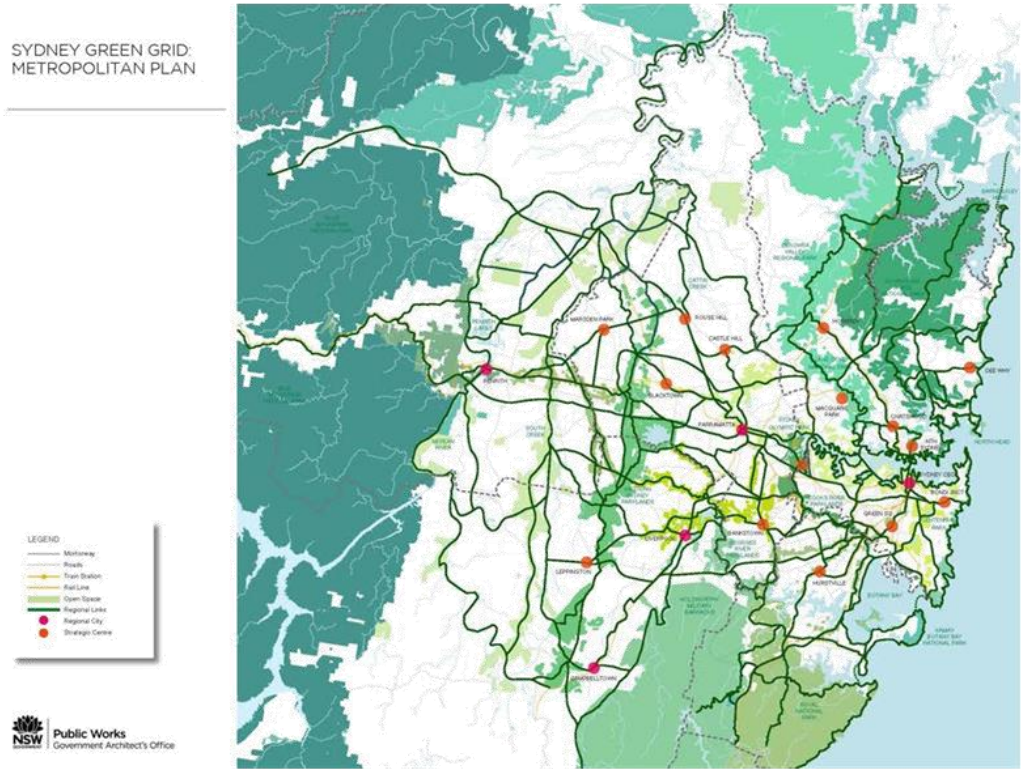


***Figure 12:*** *Sydney Green Grid Metropolitan Plan (source: Government Architect's Office)*

These objectives can be reflected in the proposed greenfield subdivision guidelines and the development standards for the proposed Greenfield Housing Code. This will enable the best possible environmental outcomes for greenfield developments.

**The Environmental Value of the Green Grid**

Careful design of future urban development and in particular in greenfield areas, will assist in reducing the impacts to the environment and climate. Urban heat islands are one such impact which are seen though the replacement of natural land surfaces and vegetation with hard nonporous and non reflective surfaces (e.g. dark roofs, car parks, paved areas and bitumen roads) which absorb and trap heat much more than vegetation.

Urban heat can impact communities through:

- health problems dehydration, heat stress, heat stroke, respiratory problems and mortality; and
- increased greenhouse gas emissions from energy used to cool households.

Trees and vegetation provide a cooling effect through evapotranspiration and shading on hard surfaces that would otherwise absorb heat from direct sunlight. The degree of cooling differs across tree species, with greater leaf cover and water content in the soil and vegetation providing the greatest cooling impact.

Trees will importantly also help to retain and preserve existing biodiversity and wildlife in existing wildlife corridors.

**The Social Value of the Green Grid**

A number of benefits from the integration of the Green Grid and its effect on the design of individual places includes:

- **Physical and psychological health and wellbeing** – the design of urban landscapes and green infrastructure has been shown to have an impact on health and wellbeing. For example, it may increase opportunities and reduce barriers for activity, social interaction, affect travel behaviour (e.g. cycling paths and walking paths may encourage active transport) and increase opportunities for recreational activity.[2] This may result in people feeling better, and may have an external impact on society in reducing the prevalence of non-communicable disease.

The estimates above account for this in so far as they are reflected in the values people place on using the facilities. In the following sections we discuss and quantify the additional value not captured in user valuations.

- **Landscape and neighbourhood amenity** – green infrastructure are likely to improve the attractiveness of the area making it a more pleasant place to be.

Some types of green infrastructure, such as bicycle paths and footpaths may result in improved accessibility and provided opportunities for active transport. The value in using this infrastructure depends on connectivity to other parts of the green network and other activities. Connected routes may result in increased active transport and reduced generalised travel costs (either due to faster travel times, a more pleasant journey and other saved costs), but also gains for the broader transport network (i.e. if individuals switch from road transport to active transport there may a reduction in congestion for other road users).

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*2 Symons, J., Jones, R., Young, C. and Rasmussen, B. 2015, Assessing the Economic Value of Green Infrastructure: Literature Review. Climate Change Working Paper No 23. Victoria Institute of Strategic Economic Studies, Victoria University, Melbourne.*

## 3.7 Liveable and sustainable neighbourhoods

Establishing a holistic vision for the site and the potential place that can be created is a fundamental starting point for any possible development within a greenfield area. This vision, supported by an overall clear urban design framework forms the masterplan, which functions to create attractive and sustainable neighbourhoods.

Master planning establishes the parameters for the site including the street network, open space, connection to existing natural elements, landscape, and built form, all which respond to the vision for the area and a defined set of design principles.

**1. Identifying the Context**

An appreciation of the existing constraints and opportunities of the site and surrounding area.

*Place*
Understanding the existing qualities of place are important, including the regional identity, connections to surroundings, the local character, morphology of the place, natural features. It also includes an understanding of the socio-economic profile of the area.

*Natural Resources and Assets*
Identifying landscape assets to prepare and structure of the landscape.

*Connections*
Understand existing access and linkages and observe the quality of movement.

*Vision*
Creating a strong vision for developing a place is crucial to the success of a good masterplan. Value can be created through the design of a place which integrates a network of attractive streets and open spaces and well-designed houses. Constraints that might exist on the site can be overcome. And the site's context has a strong part to play in adding value and creating place.

***2.Shaping the Natural and Urban Structure***

The natural and urban structure is important in creating integration, functional efficiency, environmental harmony, a sense of place and commercial viability.

*Movement framework*
This includes understanding the existing movement assessment, designing a walkable neighbourhood, developing a clear street network of primary streets, secondary streets, laneways and mews and footpaths. The street grid is of importance in establishing a clear and legible structure for

***Figure 13:*** *Brighton Lake, Moorebank (source: Mirvac)*

movement through the neighbourhood. Ensuring street trees are incorporated as part of the street network.

Green movement infrastructure is important. Well-designed bicycle paths and footpaths assist accessibility and provided opportunities for active transport, connecting to other activities. Connected routes may result in increased active transport and reduced generalised travel costs (as a result of faster travel times, a more pleasant journey and other saved costs), but also gains for the broader transport network.

*Mixing Uses*

The important in creating any new place are the integration of uses which help to establish the neighbourhood unit. Different uses within a master planned community provide amenity within close proximity and add interest and character to new precincts. This can include a small village centre which may incorporate a small amount of mixed uses, recreational areas. Areas of different housing (detached houses or terraces) and varied landscape also assists in creating character.

*Density, facilities and form*

The link between density and facilities, form and interior space is important when developing a successful built form outcome. Considerations of desired outcomes for streetscapes are important including arrangement of dwellings such as detached or pairing to allow appropriate spaces between. This needs to be balanced with dwelling layouts and room functions.

*Energy efficiency*

Energy efficiency includes solar orientation – (turn houses towards the north), daylight access; water – collect, store and recycle rainwater, integrated water management; wind – work with the wind; waste – do more with less.

*Landscape*

Landscape considerations include open space and landscape design; public access to open space networks, wildlife and biodiversity, topography, microclimate, biodiversity and green cover, good street trees, including a street tree canopy to improve streetscape and walkability; trees to rear gardens to establish a contiguous tree canopy across rear back gardens.

***Figure 14:*** *Shawood at the Hermitage (source: Sekisui House)*

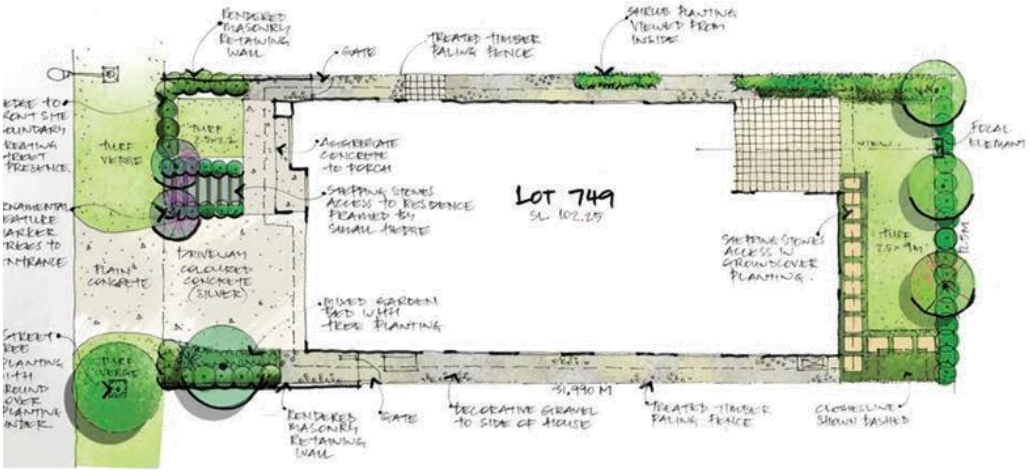



***Figure 15:*** *Landscape Plan at the Hermitage (source: Ground Ink Landscape Architects)*

*Landmarks, Vistas and Focal Points*

Landmarks, vistas and focal points are important in creating distinctiveness and assist with wayfinding. Landmarks includes aspects such as making it easy to find your way around, show the way and emphasise the hierarchy of place. Vistas include a clear network of routes or paths and facilitate easily usable connections between places and focal points form places to gather.

*Block design*

Good design of perimeter blocks ensures that all lots face the street, respect neighbour's privacy, line the perimeter, and encourage continuity of street frontage. Block size should be kept to a minimum, and shape should allow for functionality and access, and facilitate sunlight and daylight into rear gardens and habitable rooms.

Laneways, shared surfaces or mews should be integrated into the block design to allow car access and servicing from the rear, reduce block size, and assist density, and restrict the number of driveways along the primary access road, which impacts the quality of streetscape by limitations in street planting and increasing garages and driveway hardstandings.

*Lots and subdivision*

Good subdivision design ensures that the key variables of aspect, size, shape and density in combination with site characteristics such as topography and slope to achieve a range of lot sizes and energy efficiencies. This promotes and facilitates good pedestrian activity, bicycle use.

A solar-efficient subdivision will ensure that the overall development is significantly more energy efficient than conventional development because once the lots are correctly aligned and proportioned, individual houses in general will perform better with comparatively less effort. Lots should be designed so that one axis is within 30 degrees east and 20 degrees west off true solar north.

Good lot design will maximise and protect solar access for each dwelling house. This is achieved by defining appropriate lot size, shape and orientation. The building envelope incorporating the setbacks and height take ensure that solar access is preserved. **Figure 17** below illustrates this.

***Figure 16:*** *Rear lane, Brighton Lakes (source: Mirvac)*

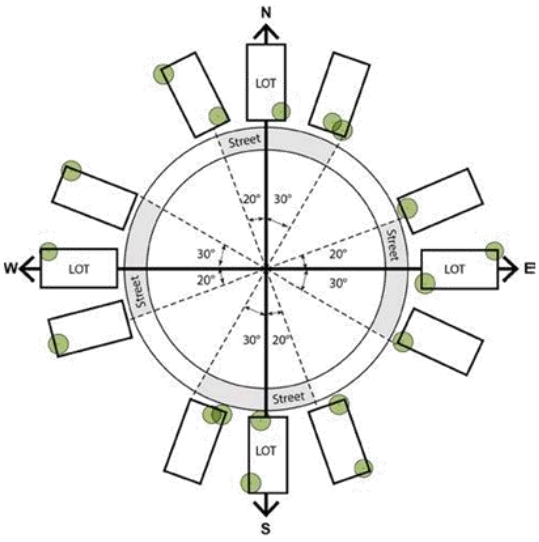



***Figure 17:*** *Optimum orientation for lots*

**3. Creating Connections**

Connections are important in terms of linking up, movement choices, forming a clear street hierarchy, creating a sense of place, safer routes for all, providing better parking management and improving parking issues.

*Walking*

Allow the development of pedestrian and cycle friendly streets and walkable safe neighbourhoods.

*Cycling*

Design for convenient cycling from home to activities.

*Servicing*

Service from streets and laneways, making services subservient to layout.

*Streets and Traffic*

Consideration of hierarchy of street types, main routes, streets as social places, functionality, traffic calming and pedestrian crossings, parking and servicing, parking standards and location of parking are all important. Equally important is the ability for streets and traffic to be designed in a manner to incorporate street trees.

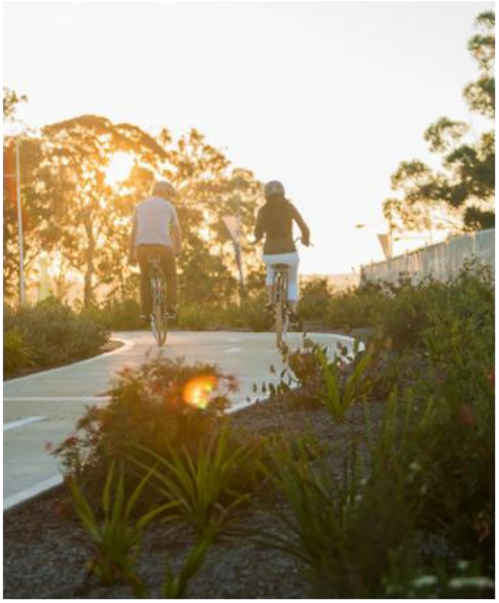


***Figure 18:*** *Cycleways at the Hermitage (source:Sekisui House)*

**4. Detailing the Place**

*Positive Outdoor Space*

Creation of meaningful and attractive public open space.

Building Lines and Setbacks and creating a sense of enclosure through built edges.

*Animating the Edge*

Active frontages allow for activity, richness and beauty. They allow engagement with the public realm and good passive surveillance. Dwelling layouts that incorporate key habitable rooms such as living rooms or studies that overlook the street. Studios over garages can activate rear laneway areas.

*Building Size and Scale*

The development standards for the building envelope ensure that the setbacks,building depths, widths and heights provide the appropriate scale and massing to the streetscape and preserve amenity considerations such as solar access.

Consideration of a different built form to mark corners is important. Internal dwelling layout is an important consideration to ensure good amenity both internally and within the streetscape. Examples are illustrated in **Appendix 3**.

*A Thriving Public Realm*

This includes the creation of social spaces and distinctive places, such as the incorporation of footpaths, well-designed street furniture, signage and lighting.

*Private and public space*

Clearly defined delineation and transition between the public domain and private open spaces to ensure privacy.

The two case studies in the following section illustrate two new masterplanned communities in new growth areas in north-western Sydney. which have incorporated clear design principles into the masterplan to achieve good design outcomes.

**Case Study 1: The Hermitage, Gledswood Hills (Sekisui House)**

The Hermitage at Gledswood Hills is an example of a masterplanned community, created by a lead developer under phased development in conjunction with other housebuilders. It has considered good design guidance in relation to subdivision and dwelling design in order to respond to a clear vision of the new community and place to be created.

Design Guidelines prepared by the lead developer are incorporated within all sales contracts to ensure that the vision for the site is maintained. This includes helping to create a community with attractive streetscapes and residential settings, and ensure that the standard of dwelling design is of the highest quality to meet current and future occupants's needs. A development such as this, designed with clear design criteria, ensures that values in all terms, are sustained.

The Guidelines supplement the Council DCP , providing specific details for the site to ensure complementary design requirements for the site. Some examples of the requirements under the guidelines include:

- requiring two trees to be planted in the front garden and one to the rear;
- criteria including front facades, including building articulation, facade diversity and iconic lots;
- garages;
- colours, materials and finishes;
- driveway locations; and
- fencing types to front and side fences on corner lots.

***Figure 19:*** *The Hermitage, Gledswood Hills (source: Sekisui House)*

**Case Study 2: Brighton Lakes, Moorebank (Mirvac)**

Brighton Lakes near Liverpool, a new masterplanned community of approximately 300 homes, has been designed to provide a way of life that is both healthy and safe, with high levels of pedestrian and bicycle access, integrated open spaces and parklands, and a connection with the Georges River.

The development has been designed and developed by one developer, from the open spaces, streets types through to the individual dwellings. This has allowed an element of control over the design outcome and to ensure that the dwellings are designed to support objectives for different character precincts within the development. It allows a range of housetypes to be incorporated within the masterplan, increasing diversity, which is appealing from an urban design perspective and also from a buyer perspective.

Key elements of the masterplan include:

- varied street types - primary streets, local neighbourhood streets and laneways all designed with street trees or landscape incorporated;
- varied housetypes which allow diversity in the streetscape
- all dwellings are within close proximity of public open spaces.

***Figure 20:*** *Brighton Lake, Moorebank (source: Mirvac)*

# Chapter 4 – The Greenfield Houisng Code

## 4.1 The Greenfield Housing Code

In response to stakeholder feedback that the development standards for complying development in the General Housing Code are difficult to apply and are not tailored to greenfield sites, where lot sizes are typically smaller and narrower, the Department has prepared a draft Greenfield Housing Code.

The Code contains tailored development standards in plain English, with explanatory diagrams to assist with interpretation and navigation of the Code. A detailed explanation of the proposed development standards in the Greenfield Housing Code is set out in the Explanation of Intended Effect, which is exhibited alongside this Background Paper.

A new Greenfield Housing Code would provide a clear and consistent set of development standards to enable fast tracked housing approvals for new release areas across NSW. Consistent with the simplified Housing Code, the new Greenfield Housing Code will be written in easy to understand, plain English, and based on a simple system of controls that apply to lots in four different lot bandwidths.

The standards will be tailored to suit conditions of greenfield sites by incorporating:

- setback controls which align to current market conditions;
- landscape controls which allow a good level of deep soil landscaping to encourage planting to rear gardens; and
- a tree to the front and rear gardens to provides tree cover where it previously may not have existed on the site.

**Transition Period**

The Department is aware that home builders and developers have designed new housing developments based on the current development standards in the General Housing Code and relevant council LEPs and DCPs.

The Department proposes to allow a transition period of three years between the application of the existing policies for residential complying development (General Housing Code, soon to be replaced with the new Housing Code) and the introduction of the new Greenfield Housing Code for new release areas.

This would allow home builders and developers to deliver on their existing products and give them enough time to design new dwellings to complying with the development standards in the Greenfield Housing Code.

**Issues raised by stakeholders**

The consultation undertaken with stakeholders has raised a number of issues in relation to the take-up of complying development in greenfield areas. These issues range from the simplicity of the standards through to certain elements of the approval process. A detailed list of these issues is contained within **Appendix 2**.

These concerns have been taken into account in developing the standards for the new Greenfield Housing Code.

## 4.2 Where the Greenfield Housing Code would apply

The Greenfield Housing Code is proposed to apply to land defined as a residential release area under clause 136AB of the EP&A Regulation, and any other greenfield release areas nominated by councils. Clause 136AB includes land within:

- an urban release area identified within a local environmental plan that adopts the applicable mandatory provisions of the Standard Instrument;
- a land release area identified under the Eurobodalla Local Environmental Plan 2012;
- any land subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- any area included in Parts 6, 26, 27, 28 and 29 of Schedule 3 to State Environmental Planning Policy (Major Development) 2005 (now referred to as SEPP (State Significant Precincts) 2005).

There are also a number of greenfield areas across the State that have been released by councils for residential urban development that could benefit from the simplified controls in the proposed new Greenfield Housing Code.

The Department invites feedback from councils, landowners and industry on any other areas where the new Code should apply.

**Neighbour notification requirements for new Code**

Current neighbour notification requirements under Clause 130AB (pre-approval notification) and Clause 136AB (pre-construction notification) of the Regulations will continue to apply to development carried out under the proposed Greenfield Housing Code.

***Figure 21:*** *New park at Rouse Hill (source: Oculus)*

## 4.3 Simplified Development Standards

The approach to the development standards for the proposed Greenfield Housing Code has been simplified by categorising them in three over-arching design quality principles – development standards pertaining to Built Form, developing standards pertaining to Landscape and development standards pertaining to Amenity.

Ensuring good design is critical to delivering development that minimises adverse impacts on surrounding properties.

All standards are proposed to fall under three over-arching design quality principles of **Built Form, Landscape and Amenity**.

These principles have been derived from the nine design quality principles which form *State Environmental Planning Policy 65* (SEPP 65) Design Quality Principles.

**Built form** incorporates context and neighbourhood character, density and visual appearance.
**Landscape** incorporates the principle of sustainability;
**Amenity** incorporates other related principles of safety and housing diversity and social interaction.

**Figure 22** below illustrates the nine quality principles and the approach to simplify to three key principles for use within the Code structure.

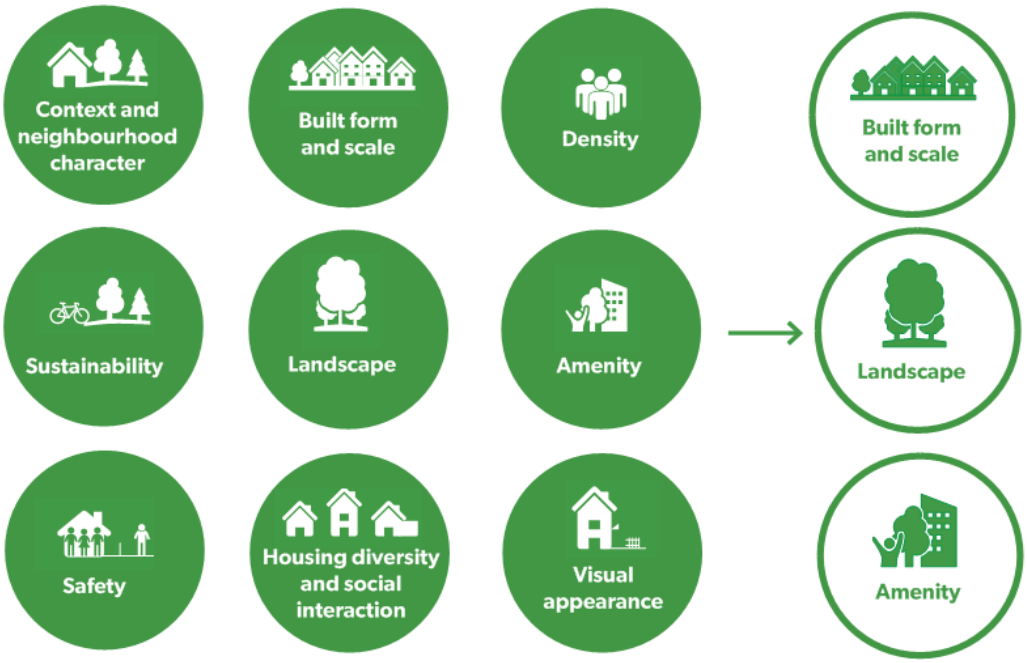



***Figure 22:*** *Nine design quality principles as identified under SEPP 65 simplified to three main principles for the Code*

**Built Form Development Standards**

These encompass principles of future context and neighbourhood character, built form and scale and visual appearance. These principles respond to the natural and future built surrounds of an area and to deliver an appropriate built form outcome to respond to an area's desired future character. Well-designed buildings respond to and enhance the qualities an area including the adjacent sites, streetscape and neighbourhood.

A well-designed built form has good proportions and a balanced composition. Good design has a variety of material, colours and textures, integrated in a sympathetic manner.

The visual appearance of a well-designed dwelling responds to the future local context, particularly desirable elements. The built form development standards also allow for a well-defined private domain which interfaces positively with the public domain providing good safety, through opportunities to optimise passive surveillance of public and communal areas.

**Landscape Development Standards**

These standards ensure that the landscape and house operate as an integrated and sustainable system resulting in attractive houses with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the dwelling's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design enhances usability, privacy and opportunities for social interaction, equitable access, respect for neighbours amenity, provides for practical establishment and long term management.

These standards promote elements of sustainability including areas of deep soil to encourage planting and trees to front gardens to provide shade and ameliorate effects of increased hotter weather events and urban heat islands.

**Amenity Development Standards**

Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, and ease of access for all age groups and levels of mobility. These standards promote elements of sustainability through good levels of solar access and natural ventilation and access to private outdoor space.

**Applying the Development Standards to the principles**

For simplicity of use within the Code structure the standards have been grouped and identified under one of the three over-arching principles.

**Figure 23** on the following page illustrates how the standards relate to the principles.

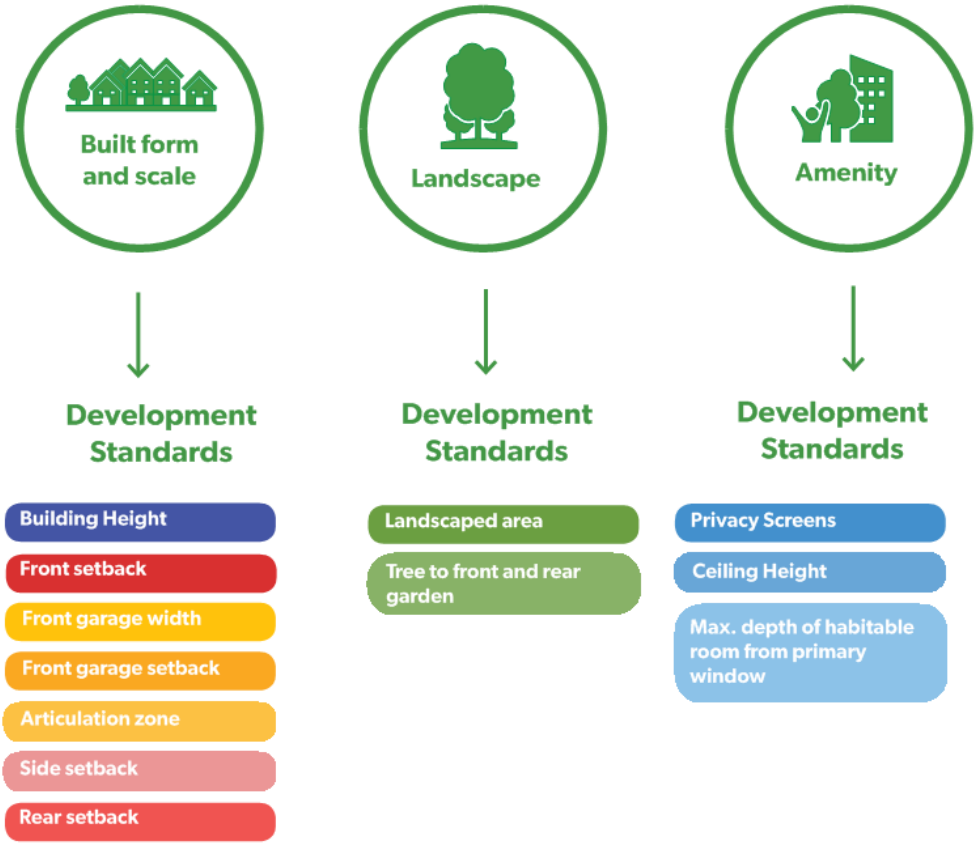



***Figure 23:*** *Development standards applicable to the principles*

**Simplified Structure of the New Code based on Three Principles**

The structure of the new Code will be simplified, with relevant development standards based on the three principles. Development standards will also be reduced, and the new Code written in plain English with explanatory diagrams to ensure that it is easy to read, understand and use.

**Figure 24** on the following page, demonstrates how the new Code has been simplified and the number of controls reduced, compared to the draft Housing Code and the Growth Centres SEPP and DCPs. This includes 'grouping' of key standards such as setbacks or standards related to articulation so they are located under the one main heading.

***Figure 24:*** *Comparison of the Standards*

## 4.4 Comparisons with the draft Housing Code

Key differences between the draft Housing Code and the site and envelope standards proposed in the Greenfield Housing Code include:

- The controls are based on lot width only rather than lot area to cater to the standard lot types typically found in greenfield subdivisions;

- The controls for front setbacks are a numerical standard. The standard to average the setbacks with neighbours has not been incorporated, as in many cases within new greenfield areas, two adjoining neighbours do not exist. There is also typically less apprehension about a neighbour's development including relationship to setback, as new dwellings are expected in new release areas. This is in contrast to typical development undertaken through the Housing Code, where the neighbour average is still appropriate to minimise impacts on existing and/or established neighbourhoods;

- The proposed front setback controls are consistent for all lot width types, which creates the opportunity to maximise usable private open space in the backyard and increase building separation at the rear;

- Minimum rear boundary setbacks are the same for all lot widths for both single and double storey houses to ensure appropriate building separation and to ensure landscaped area and rear yard space can be integrated;

- The approach to second storey side setbacks is to remove the formula as appears in the Housing Code and incorporate a single numerical control. This follows the approach of the Growth Centres DCP;

A new control to limit the maximum depth of habitable rooms is intended to assist solar access and daylight amenity into new dwellings in greenfield areas.

**Appendix 1** provides a detailed comparison with the Simplified Housing Code and the Growth Centres DCP.

***Figure 25:*** *Brighton Lakes (source: Mirvac)*

# Appendices

## Appendix 1 - Comparison of the Standards

| Control | Draft Housing Code | Blacktown GC DCP/SEPP | Draft Greenfield Code |
|---|---|---|---|
| ***Max Building height*** | 8.5m | 8.5m/9m | 8.5m |
| ***Max Site Coverage*** | No controls | Lots <7m wide: 40% (upper level only)<br>Lots 7-9m wide: 50% (upper level only)<br>Lots 9-15m wide:<br>60% (ground floor)<br>40% (upper floor <375m2 lots)<br>35% (upper floor >375m lots)<br>Lots >15m wide:<br>50% ground floor<br>30% upper floor | Lots 6-7m wide: 50% (upper level only);<br>Lots >7-10m wide:<br>40%<br>Lots >10-15m wide:<br>35% (upper floor <375m2 lots)<br>Lots >15m wide:<br>30% upper floor |
| ***Max gross floor area*** | 200-300m$^2$: 75% of lot area<br><300m$^2$: 25% of lot area + 150m$^2$ to a max. 450m$^2$ | No controls | No controls |
| ***Minimum landscaped area*** | 200 -300m$^2$: 15%<br><300m$^2$ : 50% of lot area minus 100m$^2$ | Lots <9m wide: 15% of site area<br>Lots 9-15m wide: 25% of site area<br>Lots >15m wide: 30% of site area | 200 -300m$^2$: 15%<br><300m$^2$ : 50% of lot area minus 100m$^2$ |
| ***Front setbacks*** | 200-300m$^2$ : 3m | 3m (<7m wide) | 6-<7m wide: 4.5 metres (to front building façade); 3m to articulation zone |
| | 300-900m$^2$ : 4.5m | 3.5m (fronting open space) | >7-10m wide: 4.5 metres (to front building façade); 3m to articulation zone |
| | 900-1500m$^2$ : 6.5m | 4.5m | >10-15m wide: 4.5 metres (to front building façade); 3m to articulation zone<br>15m+: 4.5 metres (to front building façade); 3m to articulation zone |

| Control | Draft Housing Code | Blacktown GC DCP | Draft Greenfield Code |
|---|---|---|---|
| ***Articulation zone*** | 1.5m (inside front setbacks above) | 1.5m (inside front setbacks above) | 1.5m |
| ***Corner lots side setback*** | 2m | 1m | <7m wide: 1m<br>>7m wide: 2m |
| ***Side setbacks*** | 0m both sides (6-8m wide) | 0m both sides (<9m wide) | Lower (6-7m)<br>Side A:0m<br>Side B:0m<br>Upper<br>Side A:1.5m<br>Side B:0m |
| | 0m/0.9m (8-12.5m wide) | 0m/0.9m (9-15m wide)<br>1.5m (second storey) | Lower (7-9m)<br>Side A:0m<br>Side B:0.9m<br>Upper<br>Side A:1.5m<br>Side B:0.9m |
| | 0.9m (<10m wide) | 0.9m (single storey)<br>1.2m (double storey)<br>(Lots <9m wide) | Lower (>10 -15m)<br>Side A:0m<br>Side B:0.9m<br>Upper<br>Side A:1.5m<br>Side B:0.9m |
| | 0.9m + 25% of building height above 5.5m (<10m wide) | | Lower (over 15m)<br>Side A:0.9m<br>Side B:0.9m<br>Upper<br>Side A:1.5m<br>Side B:0.9m |
| | 0.9m + 25% of building height above 4.5m (10-18m wide) | | |
| ***Rear setbacks*** | 3m (up to 4.5m high) | 4m (ground floor) | Single storey: 3m |
| | 8m (above 4.5m) (300-900m2 lots) | 6m (upper floors) | Two storey: 6m |
| | 10m (<300m2) | No minimum dwelling setback for lots <7m wide | |
| | 0m for 50% of boundary with a rear lane | | 0m |
| ***Rear garage setback*** | 0m (<300m2) for up to 50% of lot width<br>0.9m up to 3.3m high (300-900m2) or<br>0m for 50% of boundary length | 0.5m | |

## Appendix 2 – Stakeholder Issues

As discussed in this Paper, the Department has undertaken this work as a result of stakeholder concerns about the barriers for use of complying development in greenfield areas:

- Developers or home builders will often choose a DA process, because the process of determining whether the house fits the criteria for complying development can be complex.
- In many cases, particularly for two-storey homes, complying development standards are not aligned with contemporary house designs or the preferences of homebuyers in new release areas.
- Some of the development standards in the General Housing Code and the proposed draft Housing Code are too restrictive for greenfield housing types, such as the current side, rear and front setback requirements, and restrictions on double garages for lots below 12.5m wide.
- Development standards in some cases are difficult to interpret (both under the General Housing Code and under other instruments and DCPs) and this is adding to assessment timeframes.
- The lot size bands in the General Housing Code do not allow for an equitable range of dwelling sizes across the different lot sizes. Councils also generally allow larger homes to be built in new release areas than are permitted under the current State Policy.
- Controls and approvals processes under a range of different local controls and in the North West and South West Priority Growth Areas differ, and these differences make it difficult to standardise home designs.
- The controls under the Growth Centres SEPP and DCPs are better aligned with contemporary house design for greenfield areas and enable homeowners to build the home that they prefer.
- Some developers/home builders will lodge bulk development applications where they are marketing house and land packages, and will sometimes lodge DAs prior to registration of the lots through the subdivision process.
- Timeframes for approvals vary, but councils in growth areas generally have a "fast-tracked" or priority approval stream, meaning faster approvals for new homes in new areas compared to established areas.
- Related approvals (like approvals under the Roads Act for driveways and s68 of the Local Government Act for on-site sewer and storm water disposal systems) that are in some cases required prior to release of a CDC, but which are normally provided concurrently with the assessment of a DA, add complexity and time to the approval process, meaning it is often simpler to lodge a development application.
- Private certifiers appear to issue CDCs in less time than councils, however, it is unclear to what extent delays (like requests for further information) are counted in these approval timeframes.
- There is a lack of awareness among home buyers of the complying development option.

Stakeholder feedback indicates there is a case for simplification of the controls that apply to new dwelling houses, and for standardisation of controls across different jurisdictions and planning instruments. There are also issues relating to approvals processes and the relationship between subdivision approvals and the subsequent construction of new homes.

## Appendix 3 - Example Housetype Plans

The housetype plans on the following pages illustrate some of the possible outcomes for housing layouts within greenfield areas. **Figure 26** illustrates a dwelling type with double garage to the front and a small living area by the front door. Integration of some habitable space at the front of the dwelling is preferable as it provides natural surveillance to the street, and also assists to activate the streetscape. **Figure 27** illustrates an alternative garage arrangement located to the rear (either from secondary road or rear laneway), which increases the frontage of habitable rooms to the street, and also improve the streetscape by reducing driveways which limit street tree potential.

| | |
|---|---|
| Total House Area | 242.0m² |
| Lot area | 500m² |

**Legend**

1. Entry
2. Lounge
3. Living
4. Dining
5. Kitchen
6. Laundry
7. Garage
8. WC
9. Study
10. Family
11. Principal Bedroom
12. Ensuite
13. Bedroom
14. Bedroom 3
15. Bedroom 4
16. Main bathroom

***Figure 26:*** *Housetype 1 - garage to the front (source: Sekisui House)*

| | |
|---|---|
| Total House Area | 264.0m2 |
| Lot area | 527m2 |

**Legend**

1. Entry
2. Lounge
3. Living
4. Dining
5. Kitchen
6. Laundry
7. Garage
8. WC
9. Study
10. Principal Bedroom
11. Ensuite
12. Bedroom 2
13. Bedroom 3
14. Bedroom 4
15. Main bathroom

***Figure 27:*** *Housetype 2 - garage to the rear (source: Sekisui House)*

## Have Your Say

The NSW Government is committed to delivering housing to meet the needs of a growing population in NSW. The State Policy provides a fast-tracked approval pathway for delivering new housing as complying development.

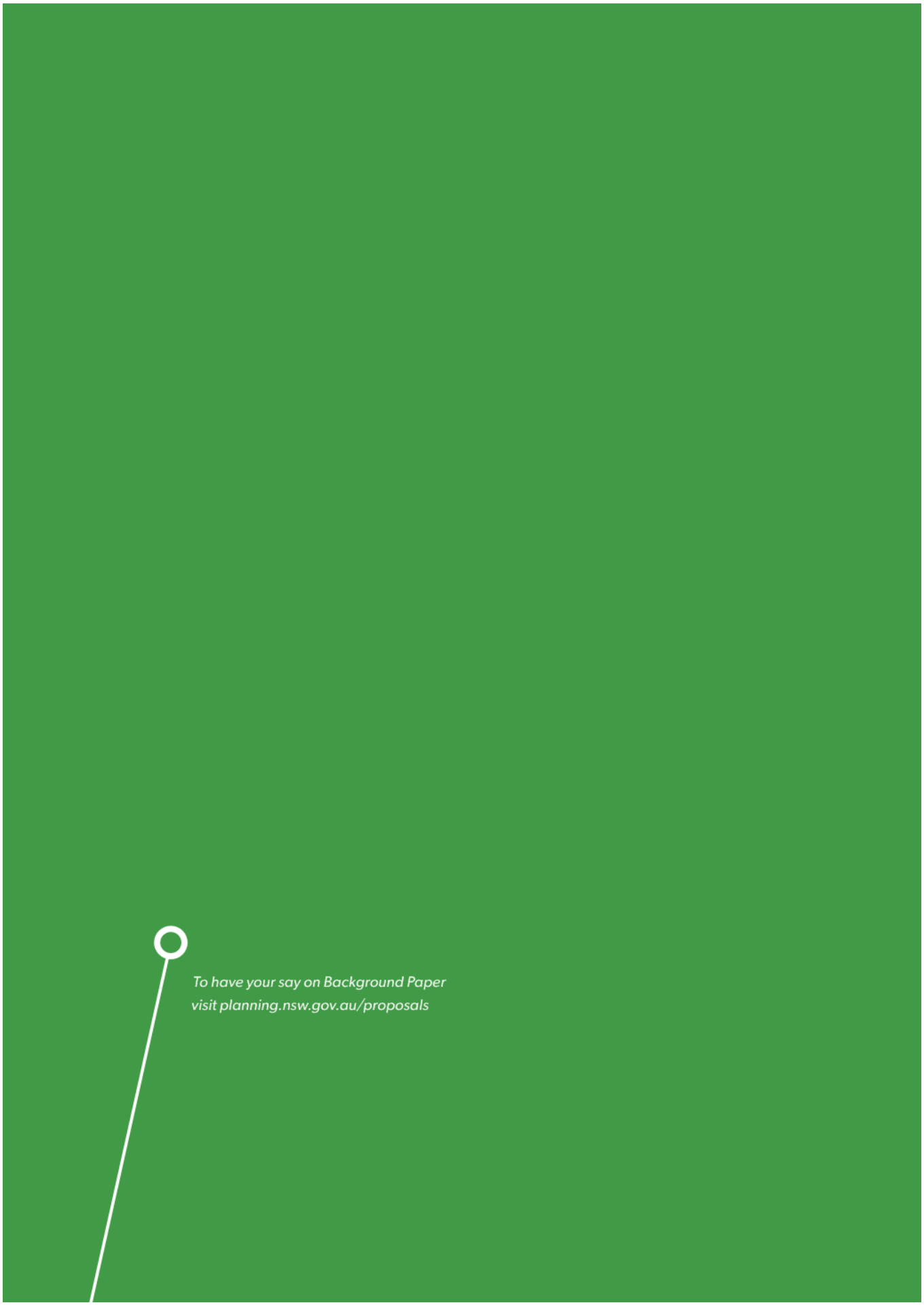
Feedback and discussion is encouraged to further explore the Department's proposed options in respect to overcoming barriers to the take-up of complying development in greenfield areas.

All feedback and submissions will be reviewed and the results will be used to inform any changes to the State Policy or other legislation.

Further information on the Policy can be found on the Department's website
**www.planning.nsw.gov.au**
and the Department's NSW Planning Portal at
**www.planningportal.nsw.gov.au**
or by calling **1300 305 695**.

If you cannot make a submission online, you can write to us via:

Email: **codes@planning.nsw.gov.au**
Mail: Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001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Explanation of Intended Effect
Proposed Greenfield Housing Code
May 2017
NSW GOVERNMENT
Planning & Environment

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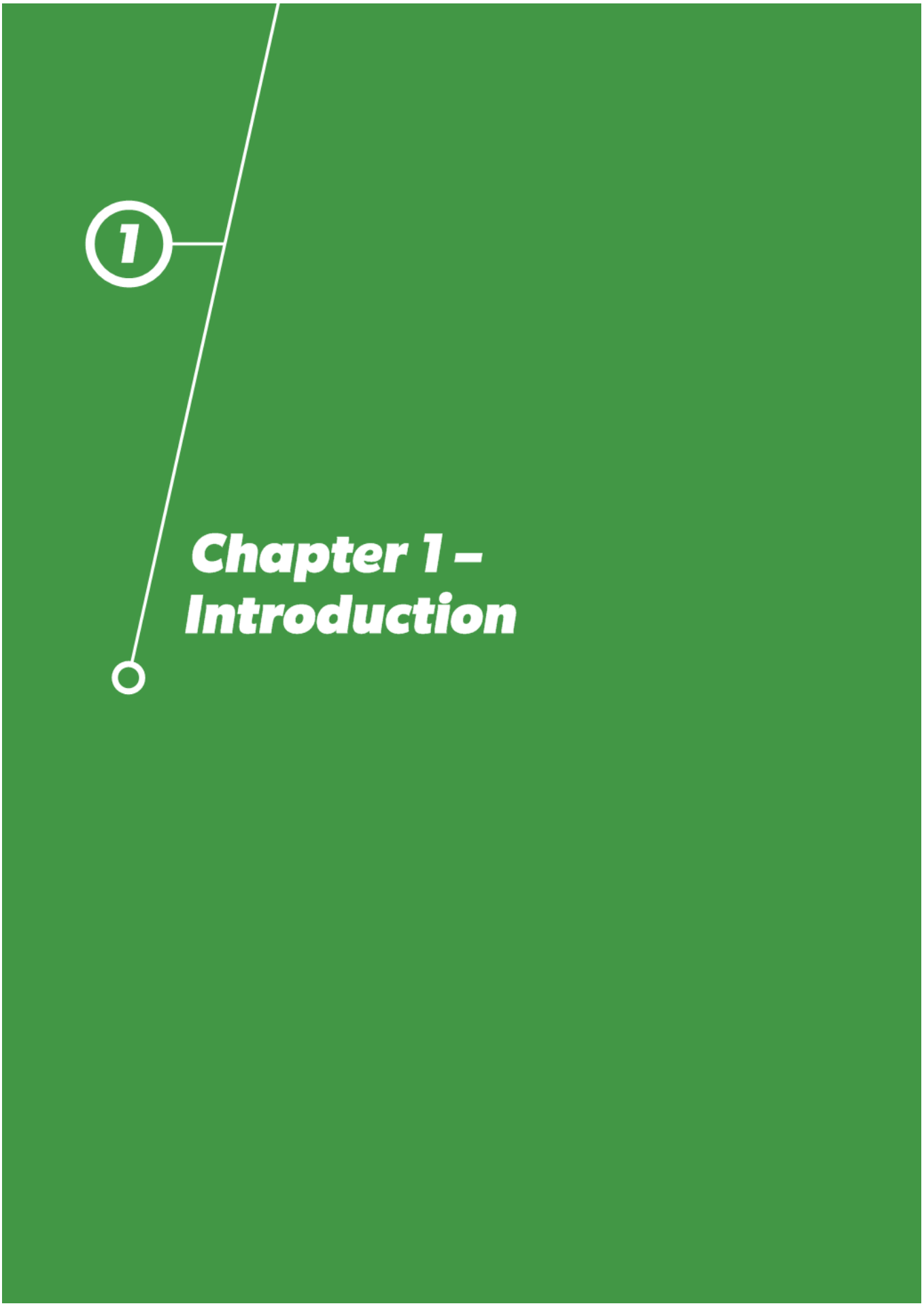
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Chapter 1 –
Introduction

## 1.1 What is an Explanation of Intended Effect?

Section 38 of the *Environmental Planning and Assessment Act 1979* (the Act) requires the Minister, before recommending the making of an environmental planning instrument by the Governor, to take such steps, if any, as the Minister considers appropriate or necessary to publicise an Explanation of the Intended Effect (EIE) of the proposed instrument and to seek and consider submissions from the public on the matter.

This EIE has been prepared for the purposes of section 38 and forms an explanation of the intended effect of the proposed amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP).

The proposed amendments will introduce a new 'Greenfield Housing Code' into the Codes SEPP.

This EIE accompanies a Background Paper – *A Review of Complying Development in Greenfield Areas*, which discusses barriers to the take-up of complying development and identifies options to facilitate faster housing approvals and ensure good design outcomes in greenfield areas.

***The introduction of a new Greenfield Housing Code supports the ongoing work to meet the Premier's Priority Target for Faster Housing Approvals, which is to achieve 90% of housing approvals within 40 days by 2019 and the State Priority to increase housing supply across NSW by delivering more than 50,000 approvals every year.***

***Figure 1:*** *Brighton Lakes, Moorebank (source: Mirvac)*

## 1.2 Context

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) allows for the development of 1-2 storey dwelling houses, attached and detached development and alterations and additions to be carried out under a fast track approval process called complying development.

Provided the proposed development complies with pre-determined development standards, approval in the form of a complying development certificate (CDC) can be issued on average within 20 days, compared to 71 days on average for a development application (DA). The development standards were developed in consultation with stakeholders and are designed to preserve neighbourhood amenity through setbacks, landscaping and height controls to reinforce the principles of good design. Complying development is an effective and low cost way to streamline the approvals process and improve housing affordability.

There are significant benefits associated with increasing the uptake of complying development in greenfield areas - such as reduced approval times, reduced development costs and greater certainty - all of which are explained in detail within the Background Paper.

Complying developments can be approved significantly faster than DAs. Accordingly, the Department of Planning and Environment (the Department) is examining opportunities to increase the uptake of residential complying development in greenfield areas by simplifying the development standards and tailoring them to suit these new growth areas.

There are also significant cost savings when carrying out complying development compared to a DA – a cost benefit analysis undertaken for the Department by The Centre for International Economics (CIE) in 2015 found that there are savings of up to $15,000 for single dwellings if approved under a CDC instead of a DA.

The 2014/15 Local Development Performance Monitor report showed that:

- CDCs now account for 32% of development approvals, up from 29% in 2013-14;
- $5.24 billion worth of CDCs were approved under the NSW local development assessment system in 2014-15, up from $4.43 billion in 2013-14, representing an increase of 18%;
- 29 075 CDCs were approved by council or private certifiers, representing a 17.4% increase from 24 770 in 2013-14;
- CDCs took an average 22 days to determine in 2014-15, an increase of 25% from 18 days in 2013-14.

Current barriers to the uptake of complying development have been identified, such as driveway approvals, complex development standards, and the ability to obtain a CDC prior to lot registration. These issues are explored in more detail in the Background Paper.

In addition to simplifying complying development, the NSW Government recognises that it is critical that new developments in greenfield areas are well designed to create distinct and attractive places for people which are environmentally, economically and socially sustainable.

## 1.3 Objectives and Intended Outcomes

The draft Greenfield Housing Code is intended to fit within the existing Codes SEPP and will be subject to the existing land based exclusions and general requirements that applies to the existing General Housing Code. The definitions contained within the Codes SEPP will also apply to the Greenfield Housing Code.

Consistent with the Departments's review of the General Housing Code, it is proposed that the draft Greenfield Housing Code will also be written using plain English and structured in an easier to use format with explanatory diagrams to assist with interpretation.

The new Code will provide simplified, tailored development standards with a focus on good design outcomes to promote more residential housing in new release areas to be carried out under the fast-tracked complying development approval pathway.

## 1.4 Summary of the Key Elements

The key elements of the Greenfield Housing Code are:

- consistency of rear setbacks with those permitted under Growth Centres DCPs and the Codes SEPP;
- consistent front setbacks for all lot widths and removal of the front setback averaging rule currently required under the General Housing Code of the Codes SEPP;
- simplification of side setbacks to ground and upper levels;
- allowance of a double garage on lots that are 10m wide and over (permissible to two storey houses only on 10m wide lots); and
- criteria for determining different development standards is to be based on lot width rather than lot area, which is more relevant to greenfield areas.

The Department also proposes to include development standards in the new Code, which will contribute to improving streetscape, building design quality and amenity outcomes. These include:

- a maximum depth of 6m for any habitable room from a window; and
- the requirement to plant a tree in the front and rear setbacks of the lot.

**Transitional Period**

The Department is aware that home builders and developers have designed new housing developments based on current development standards in the General Housing Code and the relevant council LEPs and DCPs.

The Department proposes to allow a transition period of three years between the application of the existing policies for residential complying development (General Housing Code, soon to be replaced with the Simplified Housing Code) and the introduction of the new Greenfield Housing Code for new release areas. This would allow home builders and developers to deliver on their existing products and give them enough time to design new dwellings to comply with the development standards in the Greenfield Housing Code. The DA pathway will continue to be available.

***Figure 2:*** *Shawood atThe Hermitage, Gledswood Hills (source: Sekisui House)*

2

# Chapter 2 – The Greenfield Housing Code

## 2.1 Where the Greenfield Housing Code would apply

The Greenfield Housing Code is proposed to apply to land defined as a residential release area under clause 136AB of the *Environmental Planning and Assessment Regulation1979* (EP&A Regulation), and any other greenfield release areas nominated by councils and identified in a schedule to the Code. Clause 136AB includes land within:

- an urban release area identified within a local environmental plan that adopts the applicable mandatory provisions of the Standard Instrument;
- a land release area identified under the Eurobodalla Local Environmental Plan 2012;
- any land subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- any area included in Parts 6, 26, 27, 28 and 29 of Schedule 3 of the *State Environmental Planning Policy (Major Development) 2005* (now referred to as SEPP (State Significant Precincts) 2005).

There are also a number of greenfield areas across the State that have been released by councils for residential urban development that could benefit from the simplified controls in the proposed new Greenfield Housing Code. The Department invites feedback from councils, landowners and industry on any other areas where the new Code should apply.

The Code would apply to new dwelling houses in defined residential release areas on land which follows all of the criteria listed below:

- in a residential zone – R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, and RU5 Village;
- has been granted subdivision consent;
- a minimum of 6 metres wide measured at the building line (as defined by the State Policy);
- a minimum of 25 metres lot depth from the frontage to a primary road to the rear lot boundary;
- a minimum lot size of 200 m$^2$.

All of the above requirements need to be met in order to use the Greenfield Housing Code. They are illustrated in the following **Figures 4, 5 and 6**.

***Figure 3:*** *Brighton Lakes, Moorebank (source: Mirvac)*

**Figure 4** below illustrates the minimum dimensions for a lot to be applicable under the Greenfield Housing Code.

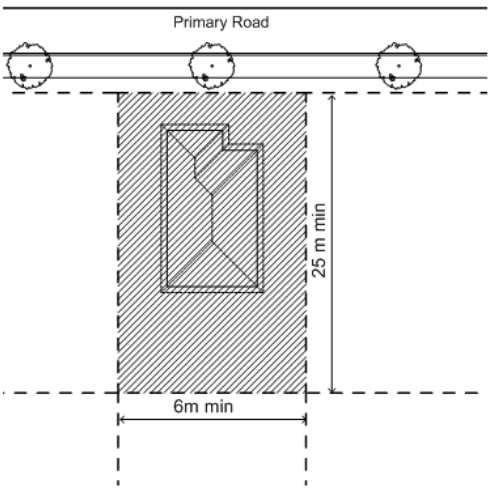



***Figure 4:*** *Minimum dimensions for applicable lots*

The Greenfield Housing Code would apply to standard lots, corner lots, parallel lots and battle-axe lots as currently defined under the draft Housing Code. These are illustrated in **Figure 5** adjacent and are listed as follows:

- standard lots - with one frontage to a primary road;
- corner lots - with one frontage to a primary road and a second frontage to a secondary road;
- parallel road lots - with one frontage to a primary road and a second frontage to a parallel road; and
- battle-axe lots - with driveway access only to a primary road.

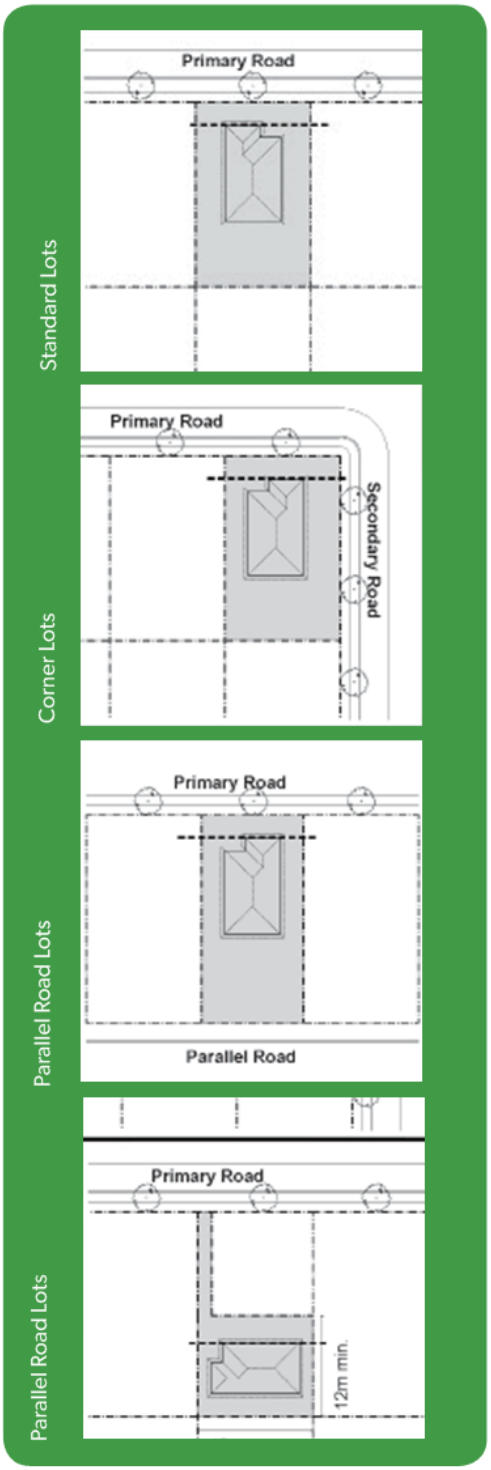



***Figure 5:*** *Four different lot conditions*

While battle-axe lots are not common in new release areas, they are proposed to be included in the Greenfield Housing Code. There are some circumstances where battle-axe lots occur in new release areas, including lots which directly front public land such as a park and irregular shaped land parcels.

The same controls are proposed to apply to battle-axe lots. Determining the orientation of setbacks is the key difference as there is usually no frontage to a primary road. The primary lot boundary (the boundary where the front setback controls apply) is defined for battle-axe lots as:

- the boundary that adjoins a public road (excepting the boundary of a battle-axe access handle) or land reserved or otherwise identified for public recreation, or public infrastructure; and
- where there is no frontage as described above, the boundary closest to the primary street from which the property gains vehicular access (excluding the boundary of any part of the lot that is an access handle).

**Figure 6** below illustrates the required minimum dimensions for a battle-axe lot.

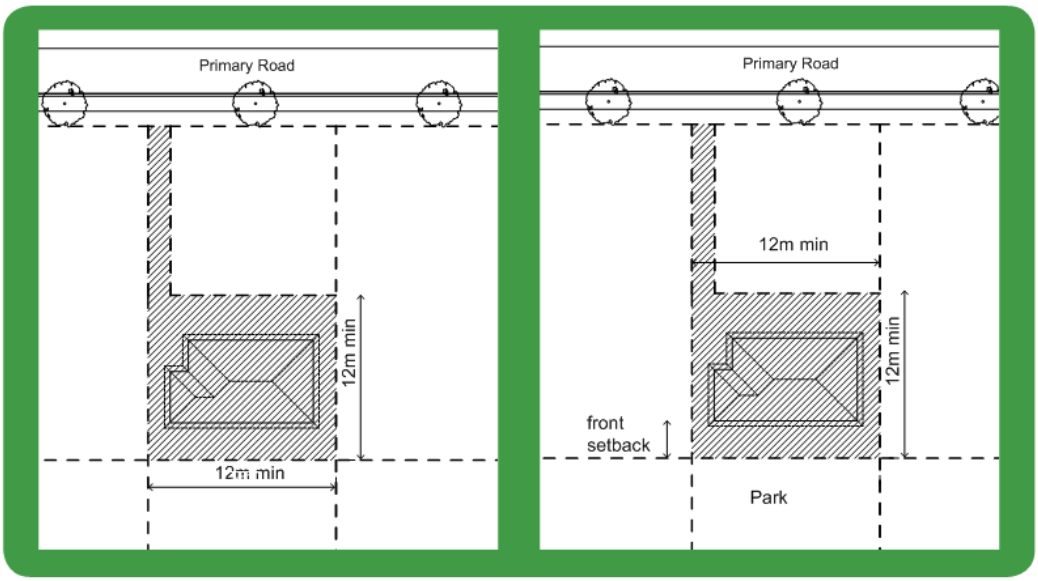



***Figure 6:*** *Minimum dimensions for battle-axe blocks*

### Alterations and additions

The Code would also apply to alterations and additions, allowing changes to houses in new release areas to be carried out as complying development. To remove any future uncertainty, it is important that the same development standards apply to any alterations or additions to houses that are constructed in accordance with the Code.

### Secondary dwellings

Secondary dwellings in greenfield areas are intended to be carried out in greenfield areas under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (Affordable Housing SEPP). These secondary dwelling controls are currently proposed to be transferred to the Codes SEPP.

### Bushfire and flood prone land

The same conditions and requirements for development on bushfire prone land and flood control lots under the draft Housing Code would apply to complying development under the Greenfield Housing Code. These clauses provide additional requirements for siting and construction of development for lots that are bushfire prone or identified as a flood control lot by the local council.

***Figure 7:*** *Brighton Lakes, Moorebank (source: Mirvac)*

## 2.2 Proposed Structure of the Greenfield Housing Code

To address stakeholder concerns that the Codes SEPP is complex to use and understand, the Department will simplify the structure, language and standards that apply to greenfield areas and align these standards with the development controls of the Growth Centres SEPP and DCPs.

The controls are proposed to be presented based on lot widths. There are 4 proposed categories of lot widths. All primary controls would be set out in a table format with accompanying diagrams that illustrate how the controls apply to lots with different configurations.

This structure is different to how the controls are presented in the draft Housing Code, which is intentional given the unique nature of greenfield areas, where lot width and depth are more relevant to housetype designs. The Code will be simpler to use in greenfield areas if controls are based on lot dimensions, rather than lot area.

The development standards for the Greenfield Housing Code are intended to be divided into the following lot width bands:

- lots that are from 6 metres wide to 7 metres wide;
- lots that are greater than 7 metres wide to 10 metres wide;
- lots that are wider than 10 metres to 15 metres wide; and
- lots that are wider than 15 metres.

The general structure for the Greenfield Housing Code aligns with the proposed divisions as in the draft Housing Code.

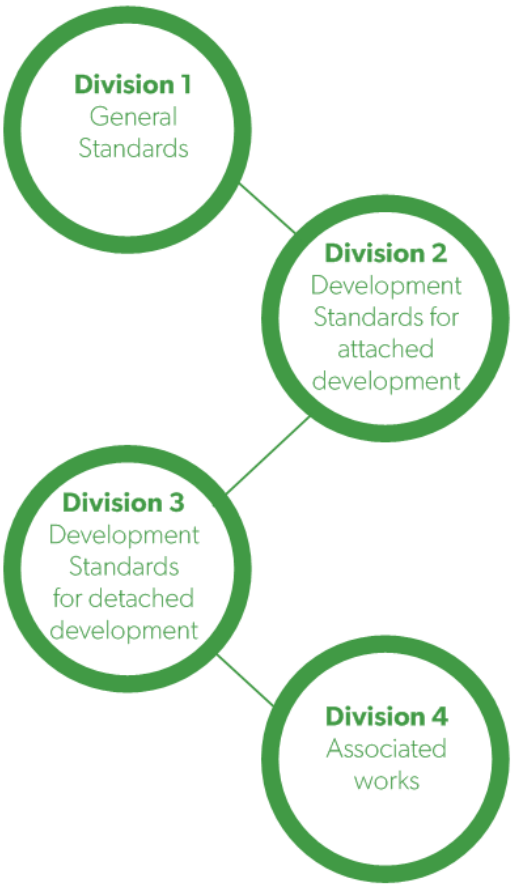
The structure of the proposed Greenfield Housing Code is listed as follows:

**Division 1** - sets requirements for Complying Development under this Code.

**Division 2**- sets out development standards for new dwelling houses and attached development (such as balconies and attached garages).

**Division 3** - sets out development standards for detached development (such as detached garages and carports).

**Division 4** - contains similar development standards for associated works and standard conditions for complying development in Greenfield Housing Code.



## 2.3 The intent of the proposed development standards

The development standards in the proposed Greenfield Code are divided under the three design quality principles of Built Form, Landscape and Amenity. Standards under these three principles establish a complying building envelope which ensures good levels of amenity are achieved.

Controls are proposed to be set based primarily on the width of the lot at the front building line (the front setback). Standards such as landscape area and upper level site coverage, which control the amount of development on the lot, are based on the lot area.

The development standards have been formed based on the standards contained within both the Simplified Housing Code and the Growth Centres DCP. The aim is to simplify the standards so that they are easier to use. This simplification includes both the number of the standards to be incorporated and the way in which they will be presented in the Code.

**Built Form Development Standards**

The proposed built form standards (refer to Tables 1, 2 and 3) include:

- maximum building height;
- maximum upper level site coverage;
- minimum front setback (including minimum front garage setback);
- minimum side setback (single and double storey and corner lots);
- minimum rear setback (single and double storey)
- maximum rear garage height;
- minimum rear garage setbacks;
- maximum rear garage width;
- maximum garage door width;and
- maximum driveway width.

The combination of building height, setbacks and articulation zones are the most effective way to establish good streetscape outcomes and ensure appropriate built form, amenity, privacy and environmental outcomes within lots and dwellings.

Front and rear setbacks ensure good relationships to street and neighbouring properties. Side setbacks contribute further to amenity in terms of privacy and solar access and are intended to ensure a good built form outcome. Upper level setbacks and an upper level site coverage ensure the bulk and scale of the dwelling is appropriate and allow for good solar access to rear gardens and habitable rooms.

**Landscape Development Standards**

Environmental benefits provided by increased landscaped areas include climate change mitigation, carbon storage and sequestration, air and water pollution mitigation, better drainage and soil protection.

Increased vegetation on a block by block basis will also contribute to soil formation, biodiversity habitats for species as well as oxygen production, with very clear benefits in relation to visual amenity, landscape and sense of place.

The proposed landscape standards (refer to Table 4) include:

- minimum landscape area (including minimum requirements within front setback); and
- provision of a tree to the front and rear garden

Landscape development standards control the amount of landscape area that is required on a lot. This ensures that there is adequate area for deep soil planting and facilitates tree planting within front and rear gardens. This improves the conditions discussed within the Background Paper of hotter temperatures (particularly experienced in Western Sydney) by providing shade.

This standard, along with the setback standards (Built Form) limit the building footprint on the site and the overall site coverage.

In addition to this, the requirement of a tree to the front and rear garden benefits the urban environment, in relation to air quality, climate and biodiversity. They also contribute to the streetscape and improve the experience of pedestrians.

**Amenity Development Standards**

The proposed amenity development standards (refer Table 5) include:

- no windows and doors to be located within a wall that is less than 900mm from a boundary;
- minimum ceiling height; and
- maximum depth of habitable room from a window.

Amenity development standards ensure adequate levels of amenity to both the proposed dwelling and its relationship with adjoining dwellings including solar access, daylight access and privacy. These in turn help to facilitate good dwelling layouts.

The following section (section 2.4) illustrates the proposed standards, and how they differ from the Housing Code and the Growth Centres DCP. It also illustrates how are to be presented in a simpler form, with standards grouped under key headings.

***Figure 8:*** *Brighton Lakes, Moorebank (source: Mirvac)*

## 2.4 Comparison of the Standards

***Figure 9:*** *Comparison of the Standards*

## 2.5 The Proposed Development Standards

**Table 1 – Summary of proposed Built form standards**

| Control | Lot width (measured at front setback line) | | | |
|---|---|---|---|---|
| | *6m to 7m wide* | *>7m to 10m* | *>10m to 15m* | *More than 15m* |
| ***Maximum Building Height (dwelling)*** | 8.5m | 8.5m | 8.5m | 8.5m |
| ***Site coverage*** | Upper level - no more than 50% of lot area | Upper level - no more than 40% of lot area | Upper level - no more than 35% of lot area | Upper level - no more than 30% of lot area |
| ***Minimum front setback*** | 4.5 metres (to front building façade); 3m to articulation zone; | 4.5m (to front building façade); 3m to articulation zone; | 4.5 m (to front building façade); 3m to articulation zone; | 4.5 m (to front building façade); 3m to articulation zone; |
| ***Minimum front garage setback*** | N/A (rear garages only) | 5.5 m | 5.5 m | 5.5 m |
| ***Minimum side setback (ground level)*** | Side A:0m<br>Side B:0m | Side A:0m<br>Side B:0.9m | Side A:0m<br>Side B:0.9m | Side A:0.9m<br>Side B:0.9m |
| ***Minimum side setback (upper level)*** | Side A:1.5m<br>Side B:0m | Side A:1.5m<br>Side B:0.9m | Side A:1.5m<br>Side B:0.9m | Side A:1.5m<br>Side B:0.9m |
| ***Maximum built to boundary wall for all development on site*** | 20m or 50% of lot depth (which ever is the lessor). The remainder setback along the boundary is 0.9m | 15m or 50% of lot depth (which ever is the lessor) | 11m or 50% of lot depth (which ever is the lessor) | n/a |
| ***Minimum rear setback (single storey)*** | 3m | 3m | 3m | 3m |
| ***Minimum rear setback (double storey)*** | 6m | 6m | 6m | 6m |
| ***Corner lots - Minimum secondary street side setback*** | 1m | 2m | 2m | 2m |

*Side boundary A and side boundary B are nominated by the applicant or nominated on the plan of subdivision / precinct plan. Where the boundaries are nominated by the applicant the following criteria must be applied:*

*a) where the adjoining development is built to the boundary this boundary is to be nominated as Side A,*
*b) where the adjoining development is setback less than 1.5m from the boundary but not built to the boundary, this boundary is to be nominated is Side B,*
*c) where there is adjoining development only on one side, the other side is to be nominated the alternate*
*d) a corner lot has two side boundaries and no rear boundary*

**Table 2 – Additional controls for rear garages**

| | Lot width (measured at front setback line) | | | |
|---|---|---|---|---|
| **Control** | *6m to 7m wide* | *>7m to 10m* | *>10m to 15m* | *More than 15m* |
| ***Maximum Building Height (dwelling)*** | 3.3m | 3.3m | 3.3m | 3.3m |
| ***Minimum side setback*** | 0m on both sides for a max. length of 6.5m | 0m on one side for a max. length of 6.5m 0.9m on one side | 0m on one side for a max. length of 6.5m | 0m on one side for a max. length of 6.5m |
| ***Minimum rear garage setback (to lane)*** | 0m | 0m | 0m for a maximum length along rear boundary of 6.5m | 0m for a maximum length along rear boundary of 9 metres |

**Table 3 – Additional controls for front garages**

| | Lot width (measured at front setback line) | | | |
|---|---|---|---|---|
| **Control** | *6m to 7m wide* | *>7m to 10m* | *>10m to 15m* | *More than 15m* |
| ***Maximum garage door width (at the front of the property)*** | N/A (rear loaded garages only) | 7-9m: Single 3.2m 10m: Double 6m (to 2 storey dwellings only) | Double - 6m | 50% of the façade width to a maxiumum of 7.2m |
| ***Maximum driveway width (at the front property boundary)*** | N/A (rear loaded garages only) | 3.0m | 4.8m (double) 3.0m (single) | 4.8m |
| ***Maximum garage door width (access from secondary road only)*** | 7.2m max | 7.2m max | 7.2m max | 7.2m max |

**Table 4 – Landscape Controls**

| | Lot width (measured at front setback line) | | | |
|---|---|---|---|---|
| **Control** | *6m to 7m wide* | *>7m to 10m* | *>10m to 15m* | *More than 15m* |
| ***Landscaped area (min. 1.5m wide)*** | Lot area 200-300m$^2$:15% of lot area >300m$^2$:50% of lot area minus 100m$^2$ | Lot area 200-300m$^2$:15% of lot area >300m$^2$:50% of lot area minus 100m$^2$ | Lot area 200-300m$^2$:15% of lot area >300m$^2$:50% of lot area minus 100m$^2$ | Lot area 200-300m$^2$:15% of lot area >300m$^2$:50% of lot area minus 100m$^2$ |
| ***Landscaped area (min. 1.5m wide) within front setback*** | 75% of area of the front setback (excluding articulation elements) | 75% of area of the front setback (excluding articulation elements) | 50% of area of the front setback (excluding articulation elements) | 50% of area of the front setback (excluding articulation elements) |
| ***Provision of tree*** | Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height) | Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height) | Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height) | Tree to front garden (min. 3-5m mature height) Tree to rear garden (min. 8-10m mature height) |

**Table 5 – Amenity Controls**

| | Lot width (measured at front setback line) | | | |
|---|---|---|---|---|
| **Control** | *6m to 7m wide* | *>7m to 10m* | *>10m to 15m* | *More than 15m* |
| ***Windows, doors and other openings*** | No windows, doors or other openings in any wall that is less than 900mm from a boundary | No windows, doors or other openings in any wall that is less than 900mm from a boundary | No windows, doors or other openings in any wall that is less than 900mm from a boundary | No windows, doors or other openings in any wall that is less than 900mm from a boundary |
| ***Minimum ceiling heights**** | Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room | Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room | Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room | Living rooms - 2.7m Habitable attics - 2.4m for at least two-thirds of the floor area of the room |
| ***Maximum depth of habitable room from primary window*** | 6m | 6m | 6m | 6m |

**When calculating the area of a room in an attic, any part where the ceiling height is less than 1.8m is not counted. For alterations and additions, existing ceiling heights can be retained.*

**Figures 10 and 11** on the following pages illustrate the indicative intent of the standards.

***Figure 10:*** *Indicative proposed standards*

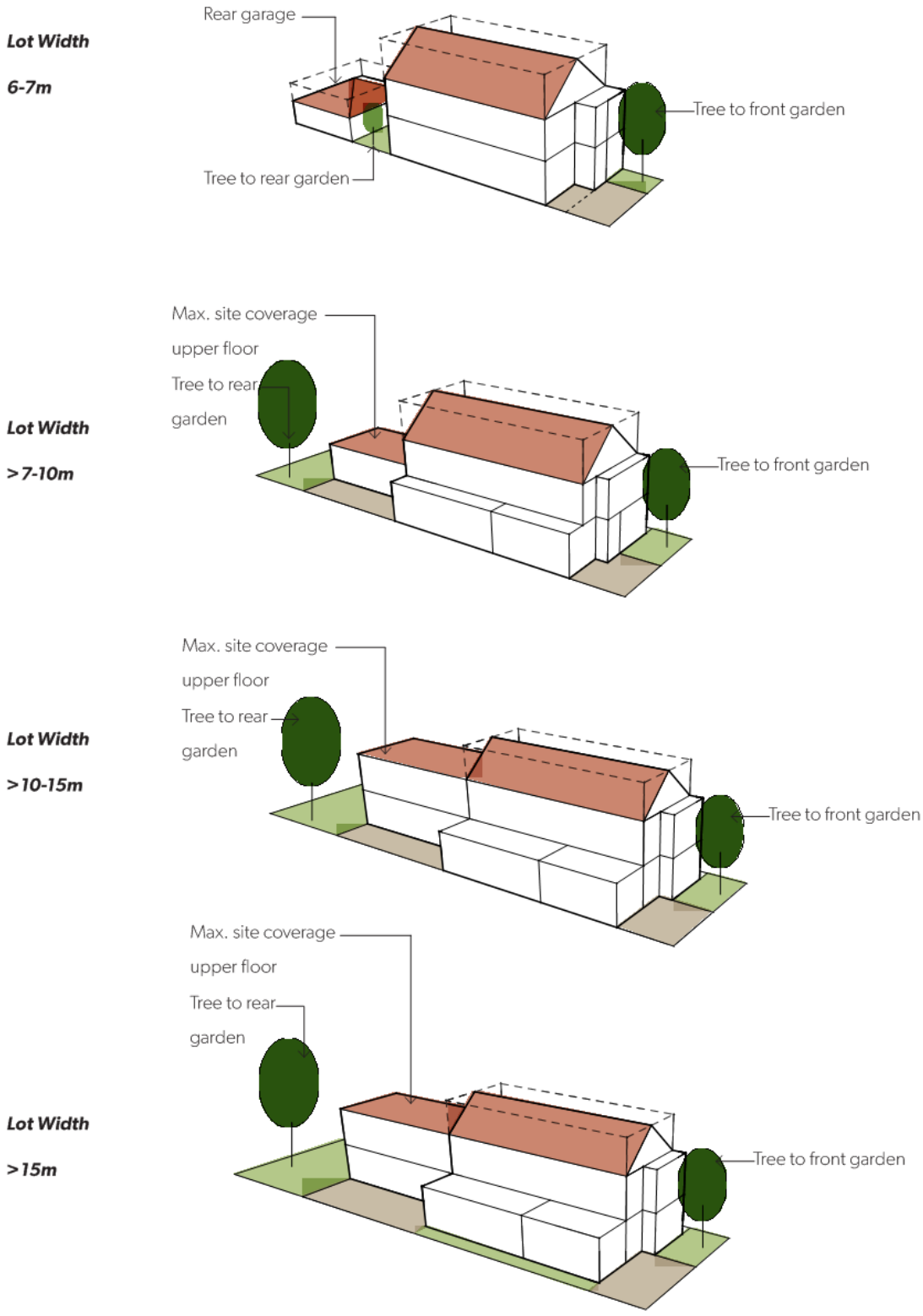



***Figure 11:*** *3D indicative views*

## 2.6 Other Development Standards

Other development standards contained in the draft Simplified Housing Code that address ancillary issues are proposed to be included in the Greenfield Housing Code. Some of these standards, such as requirements for storm water drainage collection and disposal, and requirements for protection of adjoining walls, could be standard conditions for complying development.

Requirements for setbacks from protected trees are typically not an issue when a house is first constructed in a new subdivision, as trees that are retained are normally located on public land. However, this provision is to be included in the Greenfield Housing Code to capture any situations where there are protected trees adjacent to a lot on which complying development is proposed.

## 2.7 Standard conditions of approval

It is proposed that the standard conditions of approval for complying development under the Greenfield Housing Code will include those current standard conditions of approval under the draft Housing Code and additional conditions specific to greenfield areas. The following is a summary of some of the proposed conditions of approval.

**Construction Waste**

The Department has received feedback that in certain greenfield areas of Sydney, councils are regularly required to clean up construction waste materials that have been illegally dumped. It has been estimated by one council that the cost to dispose of illegally dumped construction materials was over $200,000 in the 2015 financial year. This figure covered the cost of disposal and not any staff time to investigate the illegal dumping.

To address this issue, the Department proposes a condition requiring the preparation of a waste management plan before construction starts and evidence of tipping receipts from a waste facility for all construction waste associated with that CDC issued under the Greenfield Code.

Currently the Industrial and Commercial Code in the State Policy includes conditions of consent requiring that a waste management plan and tipping receipts are presented to the certifier for industrial and commercial developments approved as complying development. However, this requirement does not apply to residential developments.

***Figure 12:*** *Brighton Lakes, Moorebank (source: Mirvac)*

In addition, the following requirements are proposed for the management of construction waste for residential complying developments approved under the new Greenfield Housing Code:

- a garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. It must have a tight fitting lid and be suitable for the reception of food scraps and papers;
- identify potential reuse/recycling opportunities of excess construction materials;
- retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities;
- any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads;
- all vehicles entering or leaving the site must have their loads covered;
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads;
- at the completion of the works, the work site must be left clear of waste and debris.

**Deferred Commencement**

The Background Paper *Review of Complying Development in Greenfield Areas* is exhibited alongside this EIE, and discusses in detail barriers to the take-up of complying development in greenfield areas with recommended options on how to overcome these barriers.

One identified barrier is the inability to obtain a CDC prior to lot registration – unlike a DA which can be granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority as to any matter specified in that condition (for example, lot registration). An applicant wishing to build a house in a new release area under the DA pathway could obtain consent prior to lot registration – unlike a CDC.

A way to overcome this barrier is to allow CDCs to be issued for a new dwelling on the condition that the lot is legally created prior to the completion of the development. A deferred commencement condition is where the consent does not operate until the applicant satisfies the consent authority that the lot has been registered. A CDC can be issued with a deferred commencement condition, specifying that construction of the dwelling cannot commence until the lot (as identified on the approved plan of subdivision) is registered.

Further detail on this proposal is set out in the Background Paper, which is exhibited alongside this EIE.

## Have Your Say

The NSW Government is committed to delivering housing to meet the needs of a growing population in NSW. The State Policy provides a fast-tracked approval pathway for delivering new housing as complying development.

Feedback and discussion is encouraged to further explore the Department's proposed options in respect to overcoming barriers to the take-up of complying development in greenfield areas.

All feedback and submissions will be reviewed and the results will be used to inform any changes to the State Policy or other legislation.

Further information on the Policy can be found on the Department's website
**www.planning.nsw.gov.au**
and the Department's NSW Planning Portal at
**www.planningportal.nsw.gov.au**
or by calling **1300 305 695**.

If you cannot make a submission online, you can write to us via:

Email: **codes@planning.nsw.gov.au**
Mail: Director, Codes and Approval Pathways
Department of Planning and Environment
GPO Box 39 Sydney NSW 2001

*To have your say on Explanation of Intended Effect*
*visit planning.nsw.gov.au/proposals*

NORTHERN BEACHES
COUNCIL

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# SUBMISSION BY NORTHERN BEACHES COUNCIL

# TO THE EXHIBITION OF

# THE REVIEW OF COMPLYING DEVELOPMENT IN GREENFIELD AREAS

# AND

# EXPLANATION OF INTENDED EFFECT – PROPOSED GREENFIELD HOUSING CODE

**JUNE 2017**

**Summary**

Northern Beaches Council supports the NSW State Government in facilitating quicker approval pathways to deliver more housing as a means of meeting the housing needs of the residents of NSW.

However concerns are raised that proposed amendments to the NSW Housing Codes State Policy for Greenfield areas have the potential to result in poor environmental and built outcomes and hinder innovation and sustainability in house design.

The basic premise of the proposed Greenfield Housing Code is that the Complying development pathway will be achievable for dwelling houses on newly created allotments as small as 200m$^2$ and 6m wide. This is flawed; there are existing development provisions for subdivision proposals that require an 'integrated housing' approach wherein development consent is concurrently required for the subdivision and dwelling house on proposed lots less than 225 m$^2$ and with a width of 9m or less (see point 1 below).

Council is also concerned that no definition of landscaped area is provided, the area apparently required for landscaping is limited, and requirements for the planting of canopy trees in the rear yards of properties will result in poor environmental amenity for inhabitants of dwellings, particularly from overshadowing.

The landscaped area requirements are also insufficient to achieve water cycle management objectives in Warriewood Valley, potentially resulting in increased flooding, degradation of riparian corridors, and decimation of environmentally sensitive sites.

The expansion of private certification of small lot housing is also questioned given previous issues with this process especially related to on-site monitoring, the complexity of this type of development, and the environmental constraints in areas such as Warriewood Valley and the proposed Ingleside Precinct.

The proposition for a standard 'all-in' approach towards housing in Greenfield areas is attractive and the proposal to develop a Greenfield Subdivision And Master-Planning Guideline is commendable, however the background paper is Western Sydney-centric in its current approach/philosophy.

Not all land in release areas is controlled by landowners who have an express desire to develop the land. There has been no consideration of those land release areas with highly fragmented landownerships that, in turn, make master-planning sites extremely difficult. Both of Council's release areas are highly fragmented. Council would be pleased to meet with the Department of Planning and Environment (the Department) to discuss its experiences with the masterplanning of Warriewood Valley and Ingleside Precinct.

**Where the Code will apply in the Northern Beaches LGA**

The Code would apply to the following areas in the Northern Beaches:

- Warriewood Valley Release Area (already identified as an urban release area under the Pittwater LEP 2014).
- Ingleside Precinct – identified as a Priority Growth Area under recently exhibited Explanation of Intended Effect – Proposed amendment to SEPP Growth Centres 2006.
- Potentially, Northern Beaches Hospital Precinct however this will depend on whether this precinct is expressly listed under the stated criteria.

**Specific concerns identified with the exhibited documents**

1. *'Integrated Housing' approach is required for small lot housing*

Housing on lots 225m$^2$ or less in area or with a width of 9m or less is typically known as 'small lot housing'. Such housing is normally subject to more detailed development controls to ensure residential amenity is not compromised e.g. due to shadowing and overlooking, reduced access for maintenance and the like. To ensure this does not occur, such considerations are often made at the subdivision proposal stage.

This 'integrated housing' approach is required via existing Development Control Plans used for the Growth Centres and already developing release areas such as Warriewood Valley. The integrated housing approach requires a dwelling footprint/design to be prepared for each lot that is 225m$^2$ or less in lot area or where the lot width is 9m or less. The development consent issued by Council approves the subdivision and house design(s)/footprints on the corresponding allotments with such lots typically registered with an 88B Instrument that contains the approved building footprint/design and easements to be registered for maintenance and access.

In the event that certifiers are allowed to issue CDC's for a dwelling house on an unregistered lot, the criteria must state that the design of dwelling must be within the approved building footprint for the lot in accordance with the development consent issued for the subdivision via the integrated housing approach.

Clause 3.4 of the Codes SEPP, regarding easements and other instruments under the Conveyancing Act, specifically affords some security for small lot housing by ensuring that the initial considerations of the subdivision are secured for these small lots in terms of access for maintenance and the building footprint, ensuring that a dwelling can be accommodated on the lot with sufficient distance to afford the future residents' amenity. Council does not support any change to Clause 3.4 of the Codes SEPP.

2. *Ambiguity of Landscaped Area definition and impact of controls on utility of spaces*

Landscaping for small lot housing is critical in terms of its utility and setting as well as its impact on residential amenity and enjoyment. Additionally, there remains an ambiguity in how the landscaped area is calculated.

(a) *Utility of the landscape area*

(i) The landscaped area is prescribed as a percentage of the lot area and having a minimum width of 1.5m. The proposed numeric standards will not afford utility of the landscaped area, especially in the rear yard (as the private open space area). The utility of the rear yard is also compromised by the planting of an 8-10 metre high tree (required).

A rear yard of potentially 18m$^2$ in area (for a 6m wide lot with a 3m rear building setback) does not have sufficient area/cubic volume of soil for an 8m-10m tree to successfully thrive; any canopy tree will accommodate the majority of the rear yard resulting in little or no private open space area. Additionally, a tree of this size may result in future impacts on the structural integrity of the dwelling itself from the tree ball/root system or the limbs/canopy, or impact on neighbouring houses.

Minimum dimensions should be established for the private open space area for the dwelling. Any tree canopy in the rear yard should not be sited wholly within the minimum dimensions for the private open space area.

The rear building setbacks should be increased to enable sufficient clearance between the canopy tree (planted in this setback area) and the dwelling.

(ii) The landscape area is also critical in managing water detention and water quality, particularly in the Warriewood Valley release area and the Ingleside Precinct.

For Warriewood Valley, the integrated water cycle management scheme for subdivision proposals is based on an imperviousness fraction of 50% of the development site, and that BASIX-compliant rainwater tanks for each dwelling within that subdivision are independent of the onsite detention volume requirements for the integrated water cycle. The 50% imperviousness fraction is based on the suite of water management studies and the Integrated Water Cycle Management Strategy developed and implemented for this release area.

The required imperviousness fraction of the development site dictates that each created lot already has a defined area that could be built upon as well as the landscape area. Setting aside 15% of the lot area for landscaping area is insufficient and would result in failure of the approved water cycle management for the overall subdivision. Such failure has environmental consequences, including flooding of adjacent and downstream properties and degradation of the riparian corridors recently rehabilitated as part of the subdivision, and water quality impacts on environmentally sensitive sites such as Warriewood Wetlands and Narrabeen Lagoon.

Ingleside Precinct, recently listed as a Priority Growth Centre, is a precinct planning investigation being led by NSW Planning in partnership with Northern Beaches Council and UrbanGrowth NSW. The Precinct is located at/adjacent to the Escarpment and has specific environmental conditions that require a strict balance with the water cycle management to ensure that:

- flooding does not occur on established residential areas below the escarpment when Ingleside develops as a release area, e.g. Mona Vale, Warriewood and the Warriewood Valley release area, and
- adverse impact does not occur on the riparian corridors within the Precinct and downstream, and on groundwater dependent ecosystems/ environmentally sensitive areas such as Warriewood Wetlands and Narrabeen Lagoon.

The percentage of landscaped area proposed by the draft Code is significantly lower than the percentage crucial in balancing the water cycle (environmental flows, groundwater, water quantity and quality). The cumulative effect of higher impervious (or built upon) areas at Ingleside results in significant flood impact on established residential areas below the escarpment (Mona Vale, Warriewood and Warriewood Valley) and deterioration of ecological communities and habitats such as the riparian corridors within the Precinct and downstream as well as the Pittwater Estuary, Warriewood Wetlands and Narrabeen Lagoon.

For this reason, Council and its precinct project partners including the Department are seeking to mandate the following elements to achieve the higher water target under the BASIX SEPP for all dwellings in the Ingleside Precinct:

- the size/capacity of the rainwater tank,
- the use of roof water for internal flushing, and
- site coverage in terms of the landscaped area for each lot.

*(b) Ambiguity in calculating landscaped area*

Neither the existing Codes SEPP nor the draft amendments include a definition of 'landscaped area'. Some statutory documents include hard surfaces such as paved areas

in the definition of landscaped area. This ambiguity is likely to result in significant problems in Warriewood Valley and Ingleside, where flooding and water management are of paramount importance in ensuring the amenity, as well as the safety, of the community.

Council's preferred definition, consistent with the Standard Instrument LEP, does not permit the inclusion of any hard surfaces and reads as follows:

"***landscaped area*** *means a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area*"

3. *Amenity Controls do not afford sufficient residential amenity*

The amenity controls do not address private open space requirements, or visual and acoustic privacy that, in turn, impacts on the future amenity of residents.

(a) *Private open space is insufficient*

As discussed in 1(a) above, the proposed controls will result in insufficient private open space areas, exacerbated by the required planting of a tree, resulting in limited utility for the residents. The rear building setbacks should be increased to enable sufficient clearance between the canopy tree (planted in this setback area) and the dwelling.

(b) *Visual, acoustic, shadowing and privacy impacts*

The proposed Code will invariably result in a 6m wide 'landscape' strip between dwellings aligned parallel to each other (in the case of allotments back to back), with this 6m strip able to be varied due to house design and/or lot width. The building setbacks at the rear and side boundaries create visual, acoustic, shadowing and privacy implications for which no detailed impact assessment is proposed. This is unreasonable given the opportunity available to address potential concerns from the outset in a Greenfield area.

More detailed provisions for offsetting of windows and/or use of fixed highlight windows in side walls, greater rear setbacks etc. should be included in the Code.

4. *Non-compliance matters due to private certification*

The draft Code enables private certifiers to issue complying development certificates for housing development in greenfield areas, and in some locations where the subdivision has been approved, may have unintended consequences due to the less stringent development standards.

Concerns with the existing private building certification system in NSW are widely acknowledged. Proposals to expand complying development without effective improvements to the certification system are therefore not supported.

The onus on a private certifier to ensure that the approved dwelling is not constructed/occupied until the registration of the lot upon which the dwelling will sit, must be approached with caution. Additionally, expanding complying development to include more challenging developments such as those in Warriewood Valley and Ingleside Precinct, which are subject to multifaceted environmental constraints (e.g. biodiversity, bushfire, and flooding) could result in potential increases in flood occurrences/impacts on downstream properties and potential degradation of the creekline corridors due to flooding).

Recent reforms to the private certification system are acknowledged, however more work is needed to upskill private certifiers and increase their understanding of the specific criteria and the

implications of failing to enforce those criteria. Additionally, improved audit and disciplinary measures must be implemented for private certifiers.

**Recommendations to the Department**

Northern Beaches Council would be pleased to meet with the Department to discuss its experiences with Warriewood Valley in the master-planning sites ahead of the Department developing a Greenfield Subdivision And Master-Planning Guideline. In addition, Council provides the following the recommendations to the Department for its consideration:

A. Council requests that, as a matter of priority, the Warriewood Valley release area be exempt from the Greenfield Housing Code. Alternatively, if Council's request is not agreed to, that the landscaped area percentage for all lots in the Warriewood Valley release area be 50% of the lot area.

B. The Ingleside Precinct is exempt from the Greenfield Housing Code. In the event that Council's request is not agreed to, that Council's request to increase the BASIX Water target for Ingleside should be progressed by the Department to ensure that the water cycle balance will not be mismanaged and result in adverse flood occurrences to areas downstream of the Ingleside Precinct.

C. Landscaped area is expressly defined, either within the generic definitions section of the Codes SEPP or in the Greenfield Housing Code section; and its definition is consistent with that found in the Standard Instrument LEP, to read as:

   "***landscaped area*** *means a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area*"

D. Council does not support any change to Clause 3.4 of the Codes SEPP as this may undermine the considerations already made by the Council, as the consent authority, in its initial consideration of the subdivision and integrated housing proposal.

E. Council is permitted to set its own principal standards for complying development to cater to local conditions.

F. Alternatively, if Council is not permitted to set its own principal standards then the following standards should replace those exhibited standards:

   (i) In the event that certifiers will be allowed to issue CDC's for a dwelling house on an unregistered lot, the criteria must state that the design of the dwelling must be within the approved building footprint for the lot in accordance with the development consent issued for the subdivision via the integrated housing approach.

   (ii) A minimum 3m x 3m of private open space area is to be established for a dwelling under the Greenfield Housing Code. Any tree canopy in the rear yard should not be sited wholly within the minimum dimensions for the private open space area.

   (iii) The rear building setbacks should be increased to enable sufficient clearance between the canopy tree (planted in this setback area) and the dwelling.

   (iv) More detailed provisions for offsetting of windows and/or use of fixed highlight windows in side walls, and greater rear setbacks, should be included in the Code.

NORTHERN BEACHES COUNCIL

# NORTHERN BEACHES COUNCIL

# FUNDING AGREEMENT

THIS AGREEMENT is made on the _____day of _____2017.

BETWEEN **NORTHERN BEACHES COUNCIL** (ABN 57 284 295 193) of 1 Belgrave Street, Manly, in the State of New South Wales ('Council')

AND **MANLY COMMUNITY CENTRE & SERVICES INC.** (ABN 77 721 844 221) of 12 Wentworth Street, Manly, in the State of New South Wales ('Community Centre')

## PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to continue the long-standing relationship between Council and the Community Centre; and, secondly, to establish the parameters for the payment of an annual operational subsidy that will assist the Community Centre in the provision of community services within the Northern Beaches Local Government Area.

## THE PARTIES AGREE AS FOLLOWS:

### 1. WARRANTY BY THE COMMUNITY CENTRE

The Community Centre acknowledges Council subsidy will assist it in the provision of community services and warrants:

1. That its Constitution as a not for profit organisation facilitates provision of community services.
2. It will not during the Term of this Agreement markedly amend its Constitution or published objectives without prior consultation.
3. It will continue to provide community services consistent with these objectives throughout the Term of this Agreement.

### 2. REGULAR MEETINGS

2.1 The Executive Manager of the Community, Arts & Culture Unit will meet quarterly with the Manager and President of the Community Centre to discuss operational issues of relevance to both parties. Meeting to be organised by the Community Centre.

### 3. SERVICE FUNDING

3.1 Council will provide the Community Centre in 2017/18 with an operational subsidy of $90,349. Each subsequent year this amount will be increased to reflect CPI

(Sydney - All Groups Index) increases.

3.2 The annual operational subsidy from Council must be used in its entirety each financial year otherwise Council reserves the right to request a re-imbursement of any surplus Council funds over the amount of $500.00 held by the Community Centre. If the surplus is less than $500.00 then it may be retained by the Community Centre.

3.3 The Community Centre is required to invoice Northern Beaches Council by 15 November each year for the annual operating subsidy.

## 4. TERM OF AGREEMENT

4.1 The term of this Agreement is 3 years commencing on **1 July 2017** ending on **30 June 2020**, subject to the Community Centre's compliance with its warranty and the set terms and conditions of this Agreement. If it does not the Council may terminate this Agreement following notice to the Community Centre in accordance with Clause 10.

4.2 A full review of the terms of the Agreement will occur not less than three months before the conclusion of the 3 year term.

## 5. SERVICE PLANNING

5.1 Council will be invited to participate in any relevant planning workshops convened by the Community Centre for the purpose of assessing the changing needs of the Northern Beaches community and the identification of gaps in current service provision.

## 6. SERVICE BUDGET

6.1 The Community Centre will be responsible for financing any budget deficits that may occur from time to time.

## 7. RESOURCES AND ASSETS

7.1 Resources and assets acquired with Council's monetary contribution, on or after signing of this service Agreement, will remain the property of the Community Centre.

## 8. ACCOUNTABILITY

8.1 The Community Centre will provide Council staff with a report to the organisation's outcome measures as stated in Attachment 1 by 30 September each year.

8.2 The Community Centre will submit a copy of their annual report to Council within two weeks of their AGM.

8.3 If requested by Council, the Management Committee of the Community Centre provide Council with such information regarding the use of Council's financial contribution.

## 9. DISPUTE RESOLUTION

9.1 In the event that a dispute arises that impacts on the capacity of the Community

Centre and Council to work cooperatively, all endeavours will be made to resolve the matter in a spirit of cooperation.

9.2 In the event that endeavours to resolve the matter do not achieve Agreement between the parties within twenty (20) business days of the first meeting regarding the dispute, an external mediator will be sought to assist parties to resolve the matter.

9.3 Agreement on the mediator will be finalised in writing by the parties to the dispute with the cost of mediation to be borne by both parties equally.

## 10. BREACH OF AGREEMENT

10.1 The Community Centre will be deemed to be in breach of this Agreement if any part of the funding received from Council is not applied in accordance with the terms and conditions of this Agreement.

10.2 Council will give the Community Centre sixty (60) days' notice to rectify any breaches of this Agreement. Failure to rectify any breaches within this agreed period may result in the automatic termination of this Agreement.

## 11. TERMINATION OF AGREEMENT

11.1 This Agreement may be terminated in the event of the following:

(i) Failure to rectify any breaches in the Agreement within the time provided herein, or, if none, a reasonable time.

(ii) Failure by either parties to abide by the terms and conditions of this Agreement to the detriment of the outcomes for the Community Centre

(iii) By mutual Agreement of the parties

11.2 Under the clause 10.2, 11.1 (i) of this Agreement Council will give the Community Centre sixty (60) days' notice in writing of its intent to terminate this Agreement.

11.3 Under clause 11.1 (ii) and (iii) either party may give three months' notice in writing of their intent to terminate the Agreement.

## 12 LEGAL LIABILITY

12.1 Council will not accept liability for any debts incurred by the Community Centre.

12.2 The Community Centre is not permitted to use Council's logo on any documentation without prior permission of Council.

12.3 Acknowledgement of Council's financial donation must be included in the Community Centre's Annual Report.

12.4 Acknowledgement of Council's support may be included on the Community Centre's letterhead, however, it must be done in such a way so as not to mislead the public over Council's legal liability to the Community Centre.

12.5 The Community Centre indemnifies Council from and against all actions, claims, demands, costs, damages and expenses which the Council may incur or become

liable for, in respect of any loss, damage, accident or injury or whatsoever nature or kind and howsoever sustained or occasioned whether to property or persons following connection with the premises where the Community Centre carries on its business or otherwise.

13 **INSURANCE**

13.1 The Community Centre must effect and maintain at all times during the term of this Agreement a policy for professional indemnity for an amount so determined by a reputable insurance broker.

13.2 The Community Centre must effect and maintain at all times during the term of this Agreement a policy for the public liability insurance for the amount of not less than 20 million dollars ($20,000,000.00) for any one claim.

14. **GST CLAUSE**

Notwithstanding any other provision of this Agreement:

(a) If GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.

(b) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

(c) Each party warrants that at the time any supply is made under this Agreement on which GST is imposed, that the party is or will be registered under GST law. If the other party requests written evidence of registration, the party claiming to be registered will promptly produce evidence satisfactory to the party seeking such evidence.

(d) Any invoice rendered by a party to this Agreement in connection with a supply under this Agreement, which seeks to recover an amount of GST payable by that party, must conform to the requirements for a tax invoice (as that term is defined in GST law). If requested to do so by the recipient of the supply, the supplier must provide a tax invoice within 28 days.

*EXECUTED AS AN AGREEMENT*

**EXECUTED FOR AND ON BEHALF OF NORTHERN BEACHES COUNCIL**

| | |
|---|---|
| _____ | _____ |
| Signature of Chief Executive Officer | Signature of Witness |
| _____ | _____ |
| Full name of Chief Executive Officer | Full name of Witness |

**EXECUTED FOR AND ON BEHALF OF MANLY COMMUNITY CENTRE & SERVICES INC.**

| | |
|---|---|
| _____ | _____ |
| Signature of President | Signature of Witness |
| _____ | _____ |
| Full name of President | Full name of Witness |

## ATTACHMENT 1: MANLY COMMUNITY CENTRE & SERVICE INC. – KEY OUTCOME MEASURES

| Priority Area | Strategy | Action/Tasks | Time-frame | KPI |
|---|---|---|---|---|
| Building Blocks Workshops | • Increase awareness around family and domestic violence<br>• Empower attendees<br>• Provide tools for improved coping skills and self esteem<br>• Provide confidential and supportive environment | • 2 Hour groups with two facilitators – for between 6 – 10 participants<br>• Engage a guest presenter each session for holistic benefit<br>• Ensure follow up and ongoing support to vulnerable clients | 6 week groups running all year with a 2 week break between sessions. | Through surveys of participants achieve the following outcome;<br>• 80% of participants will experience enhanced self -esteem and improved confidence in attendees<br>• 80% of participants feel empowered to improve and move on with their life.<br>• 50% of participants feel a connection with their peer group for mutual support |
| Manly Women's Group | • Follow on initiative from Building Blocks<br>• Provide support<br>• Encourage and maintain connection peers from group | • Meet informally on bi-weekly basis<br>• Implement variety of locations or activities, weather permitting. Such as walks, picnics etc.. | Ongoing, bi-weekly | Survey participants to achieve the following;<br>• 90% of women attending the Women's Group feel confident taking the initiative to form friendships, and exercise appropriate boundaries. |
| White Ribbon Breakfast<br><br>White Ribbon Walk | • Promote and increase awareness of Family and Domestic Violence in the community<br>• Provide support to victims of Domestic and Family Violence | • Northern Beaches Domestic Violence Committee (NBDVC) meets monthly to coordinate events throughout the year<br>• Assist in fundraising initiatives for the NBDV Service<br>• Centre provides services and support to victims of DV, including working with the Manly Women's Shelter | Annual fundraising events and on-going support | • Attend 10 of the 12 NBDVC meetings annually<br>• Through participation in fundraising and awareness raising events see an increase in Breakfast and Walk attendees annually |

| | | | | |
|---|---|---|---|---|
| Parenting workshops/seminars | • Assist parents with their commitment to building warm and positive relationships with their children | • Facilitate 4 workshops | Annually | Through participant surveys achieve the following outcomes;<br>• 80% of parents believe they have learnt skills that will enhance their relationships with their children<br>• 80% of parents would recommend these workshops to other parents |
| Adolescent (in and out of school) workshops/training sessions | • Enable choices that support healthy and safe emotional and psychological development | • Facilitate 4 workshops | Annually | Through participant surveys achieve the following outcomes;<br>• 80% of participants believe they are better equipped to make healthy and safe emotional and psychological choices<br>• 80% of participants would recommend these workshops to other adolescents |
| Building social networks of support and disseminating information | • Maintaining and developing the community hub concept delivering a wide range of social, legal, information and support services to the community | • Continue to build on existing services offered to the community through partnership development, and exploring geographic expansion options<br>• Membership of relevant inter-agencies to build networking capabilities | Ongoing | • Develop 2 new partnerships annually<br>• Participate on 4 inter-agency committees |
| Work with the homeless and those at risk of homelessness in the community (HARH) | • Maintain an 'open door' policy to encourage the HARH community to access services, food and material aid to facilitate placing clients in accommodation or maintain tenancy | • Street patrols to meet, talk with and encourage homeless persons to access our service<br>• Provide free food, beverage and clothing for clients<br>• Facilitate services such as Tenancy Advice, legal aid, counselling and Centrelink to operate from the Centre | Ongoing | • Service 110 HARH clients each month<br>• Provide free food, beverages and material aid daily<br>• Conduct daily street patrols<br>• Maintain third party services for clients |

NORTHERN BEACHES
COUNCIL

# NORTHERN BEACHES COUNCIL

# FUNDING AGREEMENT

THIS AGREEMENT is made on the _____day of _____2017.

BETWEEN **NORTHERN BEACHES COUNCIL** (ABN 57 284 295 193) of 1 Belgrave Street, Manly, in the State of New South Wales ('Council')

AND **THE MANLY WOMEN'S SHELTER INCORPORATED (ABN 20 873 461 261)** of 12 Wentworth Street, Manly, in the State of New South Wales (the 'Shelter' or 'Association')

## PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to continue the relationship between Council and the Shelter; and, secondly, to establish the parameters for the payment of an annual operational subsidy that will assist the Shelter in the provision of short term therapeutic accommodation and support for homeless and at risk women in the Northern Beaches local government area and surrounding district.

## THE PARTIES AGREE AS FOLLOWS:

1. **WARRANTY BY THE SHELTER**

   The Shelter acknowledges Council subsidy will assist it in the provision of community services and warrants:
   1. That its Constitution as a not for profit organisation facilitates provision of community services.
   2. It will not during the Term of this Agreement markedly amend its Constitution or published objectives without prior consultation.
   3. It will continue to provide community services consistent with these objectives throughout the Term of this Agreement.

2. **REGULAR MEETINGS**

   The Executive Manager of the Community, Arts & Culture Unit will meet quarterly with the Manager and President of the Shelter to discuss operational issues of relevance to both parties. Meeting to be organised by the Shelter.

3. **SERVICE FUNDING**

3.1 Council will provide the Shelter in 2017/18 with an operational subsidy of $61,102 Each subsequent year this amount will be increased to reflect CPI (Sydney - All Groups Index) increases.

3.2 The annual operational subsidy from Council must be used in its entirety each financial year otherwise Council reserves the right to request a re-imbursement of any surplus Council funds over the amount of $500.00 held by the Shelter. If the surplus is less than $500.00 then it may be retained by the Shelter.

3.3 The Shelter is required to invoice Northern Beaches Council by 15 November each year for the annual operating subsidy.

## 4. TERM OF AGREEMENT

4.1 The term of this Agreement is 3 years commencing on **1 July 2017** ending on **30 June 2020**, subject to the Shelter's compliance with its warranty and the set terms and conditions of this Agreement. If it does not the Council may terminate this Agreement following notice to the Shelter in accordance with Clause 10.

4.2 A full review of the terms of this Agreement will occur not less than three months before the conclusion of the 3-year term.

## 5. SERVICE PLANNING

5.1 Council will be invited to participate in any relevant planning workshops convened by the Shelter for the purpose of assessing the changing needs of the Northern Beaches community and the identification of gaps in current service provision.

## 6. SERVICE BUDGET

6.1 The Shelter will be responsible for financing any budget deficits that may occur from time to time.

## 7. RESOURCES AND ASSETS

7.1 Resources and assets acquired with Council's monetary contribution, on or after the signing of this Agreement, will remain the property of the Shelter.

## 8 ACCOUNTABILITY

8.1 The Shelter will provide Council staff with a report to the Shelter's outcome measures as stated in Attachment 1 by 31 July each year.

8.2 The Shelter will submit a copy of their annual report to Council within two weeks of their AGM

8.3 If requested by Council, the Management Committee of the Shelter provide Council with such information regarding the use of Council's financial contribution.

## 9. DISPUTE RESOLUTION

9.1 In the event that a dispute arises that impacts on the capacity of the Shelter and Council to work cooperatively, all endeavours will be made to resolve the matter in a spirit of cooperation.

9.2 In the event that endeavours to resolve the matter do not achieve Agreement between the parties within twenty (20) business days of the first meeting regarding the dispute, an external mediator will be sought to assist parties to resolve the matter.

9.3 Agreement on the mediator will be finalised in writing by the parties to the dispute with the cost of mediation to be borne by both parties equally.

10 **BREACH OF AGREEMENT**

10.1 The Shelter will be in breach of this Agreement if any part of the funding received from Council is not applied in accordance with the terms and conditions of this Agreement.

10.2 Council will give the Shelter sixty (60) days' notice to rectify any breaches of this Agreement. Failure to rectify any breaches within the agreed period may result in the automatic termination of this Agreement.

11. **TERMINATION OF AGREEMENT**

11.1 Notwithstanding any other provision of this Agreement, this Agreement may be terminated in the event of any one or more of the following:

(i) failure on the part of the Shelter to rectify any breaches of the Agreement within the provided time herein, or, if none, a reasonable time.;

(ii) failure by either party to abide by the terms and conditions of this Agreement to the detriment of the outcomes for the Shelter;

(iii) by mutual Agreement of the parties.

11.2 Under clauses 10.2 and 11.1 (i) of this Agreement Council will give the Shelter sixty (60) days' notice in writing of its intent to terminate this Agreement.

11.3 Under clause 11.1 (ii) and (iii) of this Agreement either party may give three months' notice in writing of their intent to terminate the Agreement.

12 **LEGAL LIABILITY**

12.1 Council will not accept liability for any debts incurred by the Shelter.

12.2 The Shelter is not permitted to use Council's logo on any documentation without prior permission of Council.

12.3 Acknowledgement of Council's financial donation must be included in the Shelter's annual report.

12.4 Acknowledgement of Council's support may be included on the Shelter's letterhead, but that must be done in such a way so as not to mislead the public over Council's legal liability to the Shelter.

12.5 The Shelter indemnifies Council from and against all actions, claims, demands, costs, damages and expenses which the Council may incur or become liable for, in respect of any loss, damage, accident or injury or whatsoever nature or kind and

howsoever sustained or occasioned whether to property or persons following connection with the premises where the Shelter carries on its business or otherwise.

13. **INSURANCE**

13.1 The Shelter must effect and maintain at all times during the term of this Agreement a policy for professional indemnity for an amount so determined by a reputable insurance broker.

13.2 The Shelter must effect and maintain at all times during the term of this Agreement a policy for the public liability insurance for the amount of not less than 20 million dollars ($20,000,000.00) for any one claim.

14. **GST CLAUSE**

Notwithstanding any other provision of this Agreement:

(a) If GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.

(b) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.

(c) Each party warrants that at the time any supply is made under this Agreement on which GST is imposed, that the party is or will be registered under GST law. If the other party requests written evidence of registration, the party claiming to be registered will promptly produce evidence satisfactory to the party seeking such evidence.

(d) Any invoice rendered by a party to this Agreement in connection with a supply under this Agreement, which seeks to recover an amount of GST payable by that party, must conform to the requirements for a tax invoice (as that term is defined in GST law). If requested to do so by the recipient of the supply, the supplier must provide a tax invoice within 28 days.

*EXECUTED AS AN AGREEMENT*

**EXECUTED FOR AND ON BEHALF OF NORTHERN BEACHES COUNCIL**

| | |
|---|---|
| _____ | _____ |
| Signature of Chief Executive Officer | Signature of Witness |
| _____ | _____ |
| Full name of Chief Executive Officer | Full name of Witness |

**EXECUTED FOR AND ON BEHALF OF MANLY WOMEN'S SHELTER INC.**

| | |
|---|---|
| _____ | _____ |
| Signature of President | Signature of Witness |
| _____ | _____ |
| Full name of President | Full name of Witness |

**ATTACHMENT 1: MANLY WOMEN'S SHELTER - KEY OUTCOME MEASURES**

| *Outcome area* | *Key measure (we will be working towards and measuring change against the following targets)* |
|---|---|
| *Safety* | *At the point of exit 90% of women and children are safer than when they entered the shelter.*<br>*Clients identify reduced risk of personal harm/harm to others/involvement in high risk situations.*<br>*100% of AVO issues addressed.* |
| *Housing* | *100% of women accepted into the shelter are provided with emergency accommodation*<br>*80% of women exit to sustainable accommodation*<br>*Less than 10% of women exit prior to accessing suitable accommodation* |
| *Improved emotional, mental and physical health and wellbeing* | *80% of women report improved health and wellbeing*<br>*90% of women attend appointments with health service providers (mental health, GPs, dentists, specialists as needed)*<br>*90% of women receive counselling services* |
| *Self-efficacy and resilience* | *80% of women report increased self-confidence and control of their lives and decisions that affect them.*<br>*80% of women participate in meaningful daily activities*<br>*80% feel hopeful about the future (compared to at entry).* |
| *Support and service networks* | *100% of women are referred to our linked with the services they need.*<br>*90% of women have a case plan in place*<br>*90% of women who are housed for more than 2 weeks engage in case planning and have established clear goals* |
| *Control and management of finances* | *90% of women with debt issues engage in financial counselling*<br>*Women report an increased sense of control of their personal finances.* |
| *Addressing legal issues* | *90% of women presenting with legal issues have engaged with support services* |
| *Employment and Training* | *80% of women exiting the shelter are either working, training or have engaged in work preparation courses* |
| *Parental resilience and capacity* | *90% of women with children participate in activities to strengthen attachment.*<br>*80% of women without custody of children have improved contact and visitation arrangements and where appropriate are working towards restoration.* |

**Manly Community Centre & Services Inc.**

12 Wentworth Street, Manly NSW 2095 Tel: 9977 1066 Fax: 9977 6810
email: mcc1@bigpond.net.au www.manlycommunitycentre.com.au

ABN 77 721 844 221

5 May 2017

Dick Persson
Administrator
Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Mr. Persson

The Manly Community Centre & Services Inc. has had a formal Management and Service Agreement with the former Manly Council since August 1997, with informal support being received from the mid 1970's. The Manly Community Centre greatly values our past relationship with the former Manly Council.

We now look forward to continuing that positive working relationship with the new Northern Beaches Council.

The Management Committee thank the Northern Beaches Council for this opportunity to request the continuation of the core funding of the Manly Community Centre & Services Inc. to assist us in continuing our 39-year tradition of providing services to the community on the Northern Beaches.

As we look to entering into a new Agreement with the Northern Beaches Council, we would like to **bring to your attention the need for funding of our successful Homeless Outreach Service (HOS).** This service is a three day a week position covering the areas of affordable housing, emergency housing, homelessness and transient clients, and housing support and referral. Since 2011, a Homeless Outreach Worker from the Centre has worked successfully with Manly and Dee Why Police, Northern Beaches Council's Safety Officer and Rangers, as well as other stakeholders to engage, assist and support at risk and homeless people in the community.

In order to be able to continue to support this service, the Management Committee requests the Northern Beaches Council provide further funding on top of the current level of core funding as part of our new Agreement with the Council. The Homeless Outreach Service has had a shortfall of funding of one day per week, thus jeopardising our ability to operate the service for three days per week. MCCS request an additional $10,000 per annum from Northern Beaches Council to enable the Centre to continue to employ one staff member three days per week for this essential service.

The Manly Community Centre would be willing to assist Northern Beaches Council staff with any projects that may achieve a range of suitable accommodation outcomes for members of the community, and especially those at risk of homelessness.

The Manly Community Centre can provide to Council information relating to the gender of clients, age range, length of homelessness, nationality, employment history, contributing issues (mental health, substance abuse, harm, relationship problems), housing situation; whether homeless, experiencing housing stress, 'couch surfing', or issues with community or public housing providers, and the instances of referrals to other agencies for additional support.

Thank you again for this opportunity for us to partner with the Northern Beaches Council. We are keen to continue our long-term working relationship into the future, assisting the Council in the provision of much needed community services on the Northern Beaches.

Yours sincerely

Adele Heasman

**Adele Heasman**
**President**

# Placeholder for Attachment 1

## Development Application (DA) Service Integration: Adoption of Proposed Amendments

## Summary of Submissions

Attachment 2

NORTHERN BEACHES COUNCIL

# Policy

# Development Assessment Management

## Policy Statement

To facilitate the efficient assessment of applications for development under the Environmental Planning and Assessment Act 1979 (EP&A Act), by communicating how Council will manage applications.

The handling of incomplete or deficient applications, and proposals that require amendments, requires significant resources to manage, and this creates a flow on effect of increase processing times for all applications before Council. This impacts on the assessment times for all other applications. Amendments to applications can also cause uncertainty within the community as to what is being proposed. This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, deficient and amended applications and to encourage the lodgement of good quality applications.

Council is committed to an efficient, consistent and effective application service which benefits the majority of applicants that submit good quality and complete applications.

## Principles

Delivery of a consistent, equitable and efficient development assessment service, which is only possible when applications are submitted with the required information so an informed, proper and timely assessment can be made of the application.

## Scope & Application

This Policy is to apply to all development applications, modifications and reviews of determinations submitted to Northern Beaches Council.

To ensure a consistent, equitable and efficient service across the Northern Beaches, the following actions will be applied:

- Applicants are encouraged to discuss proposals with Council prior to lodgement to ensure the application is complete and can be assessed.
- Council commits to providing clear and consistent pre-lodgement advice.
- Council commits to addressing issues with applicants in a timely and efficient manner.
- Council will assess and determine what is submitted in the original application.
- Council will generally not place on hold an application waiting for information or amendments except, where in the opinion of the Manager, minor issues can be resolved in a short timeframe.
- Applicants will be requested to withdraw unclear, illegible, incomplete applications and where variation requests cannot be supported. A refund of fees may be offered based on Council's expenses to that point.
- Failure to withdraw applications will result in a determination based on the proposal as originally submitted.
- Applicants have the opportunity to submit a review of determination under Section 82A of the EP&A Act if they are not satisfied with the outcome.

To facilitate the lodgement and assessment of good quality and complete applications, Council has provided the following services:

- Availability of staff at Customer Service Centres to provide expert advice and discuss the proposal.
- Checklists to complete before lodging applications (provides details on what information is required for Council to undertake an assessment). Your application may be rejected if it has inadequate information or fees.

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- A pre-lodgement meeting (fees apply) with relevant expert staff to give written advice regarding how the proposed development fits within development standards etc. and advice on specific issues such as site constraints, setbacks, design issues, landscaping, stormwater, ecology, parking etc.
- Availability of all Local Environmental Plans, Development Control Plans and site constraint mapping (e.g. flooding, bushfire etc.) on Council's website.
- Information on Council's website regarding the development assessment process.
- Once an application is lodged, public access through Council's webpage to the application including tracking of the progress and relevant documents/information/submissions to that application.

**References and related documents**

a) Local Government Act 1993

b) Environmental Planning and Assessment Act 1979

c) Environmental Planning and Assessment Regulation 2000

d) Development Assessment Best Practice Guide (March 2017)

e) Local Environmental Plans

f) Development Control Plans

**Definitions**

Development is defined as per Section 4 of the EPA Act 1979.

**Responsible Officer**

Executive Manager, Development Assessment

**Review Date**

1 July 2020

**Revision History**

| Revision | Date | Change | HPE CM Ref |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| | | | |

Attachment 3

# Exhibited Draft - Northern Beaches Council Policy

# Policy No.

# Development Assessment Management Policy

## 1. Purpose of Policy

To facilitate the efficient assessment of applications for development under the Environmental Planning and Assessment Act 1979 (EP&A Act), by communicating the principles of how Council will manage applications.

The handling of incomplete or deficient applications, and proposals that require amendments, requires significant resources to manage and this creates a flow on effect of increase processing times for all applications before Council. This impacts on the assessment times for all other applications. Amendments to applications can also cause uncertainty within the community as to what is being proposed. This Policy is designed to outline the principles of dealing with unclear, illegible, grossly non-compliant, deficient and amended applications and to encourage the lodgement of good quality applications.

Council is committed to an efficient, consistent and effective application service which benefits the majority of applicants that submit good quality and complete applications.

## 2. Principles

Delivery of a consistent and efficient development application service is only possible when applications are submitted with the required information so an informed, proper and timely assessment can be made of the application. To ensure this can occur across the Northern Beaches, the following principles will be applied:

- Applicants are encouraged to discuss proposals with Council prior to lodgement to ensure the application is complete and can be assessed.
- Council commits to providing clear and consistent pre-lodgement advice.
- Council commits to addressing issues with applicants in a timely and efficient manner.
- Council will assess and determine what is submitted in the original application.
- Council will generally not place on hold an application waiting for information or amendments except where in the opinion of the Manager, minor issues can be resolved in short timeframe.
- Applicants will be requested to withdraw unclear, illegible, grossly non-compliant and insufficient applications with a refund of fees offered (based on Council's expenses to that point)
- Failure to withdraw applications will result in a determination based on the proposal as originally submitted.
- Applicants have the opportunity to submit a review of determination under Section 82A of the EP&A Act if they are not satisfied with the outcome.

## 3. Assistance

To facilitate the lodgement of good quality and complete applications, Council has provided the following services:

- Availability of staff at Customer Service Centres to provide expert advice and discuss your proposal.

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- Providing checklists to complete before lodging applications (provides details on what information is required for Council to undertake an assessment). Your application may be rejected if it has inadequate information or fees.
- Providing a pre-lodgement meeting (fees apply) with relevant expert staff to give written advice regarding how the proposed development fits with development standards etc. and advice on specific issues such as setbacks, design issues, landscaping, stormwater, ecology, parking etc.
- Ensuring that all Local Environmental Plans, Development Control Plans and site constraint mapping (e.g. flooding, bushfire etc.) are freely available on Council's website.
- Providing information on Council's website regarding the development assessment process.

**4. On Line Tracking**

Once your application is submitted, you will be able to view documentation associated with your application on our webpage and track the progress, contacting Council if required.

**5. Authorisation**

This Policy was first adopted by Northern Beaches Council on <insert date> known as Management of Applications for Development

**6. Amendments**

This policy is due for review <insert date>.

**7. Who is responsible for implementing this Policy?**

Executive Manager Development Assessments

Managers Development Assessment

**8. Document owner**

Deputy General Manager Planning and Community

**9. Related Council Policies & Documents**

a) Local Environmental Plans

b) Development Control Plans

**10. Legislation and references**

a) Local Government Act 1993.

b) Environmental Planning and Assessment Act 1979.

c) Environmental Planning and Assessment Regulation 2000

**Definitions**

Development is defined as per Section 4 of the EPA Act 1979 to mean;

- The use of land and
- The subdivision of land and
- The erection of a building and
- The carrying out of work and
- The demolition of a building or work and

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- Any other act or matter or thing referred to in section 26 of the EPA Act that is controlled by an environmental planning instrument,

but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

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**Attachment 4 : DCP Amendment Summary Table**

| Change No. | Development Control Plan | Control | Proposed Amendment |
|---|---|---|---|
| 1 | Pittwater 21 DCP 2015 (Amendment 19) | *Volume 1, Preliminary Advice* | Delete *Preliminary Advice* section. |
| 2 | Pittwater 21 DCP 2015 (Amendment 19) | *A1.8 Preliminary Section and Advisory Notes* | Amend *A1.8 Preliminary Section* and *Advisory Notes* section. Remove reference to "Preliminary Section" and keep comment about advisory notes. |
| 3 | Pittwater 21 DCP 2015 (Amendment 19) | *Appendix 1* | Delete *Appendix 1 – Notification Procedures.* |
| 4 | Pittwater 21 DCP 2015 (Amendment 19) | *A1.10 Structure of development controls* | Delete A1.10 Structure of development controls to allow Appendix A to be consistent across all three DCPs. |
| 5 | Pittwater 21 DCP 2015 (Amendment 19) | New control | Insert Appendix A as new control *A5 Exhibition, Advertisement and Notification of Applications.* |
| 6 | Manly DCP 2013 | *2.1.1 Statutory and General Requirements for DA Lodgement* | Delete paragraph and replace it with Appendix A. |
| 7 | Manly DCP 2013 | *2.1.2 – 2.1.17* (requirements of specialist plans and reports) | Delete these paragraphs dealing with more detailed requirements for preparing specialist plans/ reports which will be replaced with a Northern Beaches Council DA guidelines. |
| 8 | Manly DCP 2013 | *2.2 Local Consultation Processes* | Delete paragraph. |
| 9 | Manly DCP 2013 | *2.3 Approval Requirements for Removal of Trees* | Should the new Tree DA control be adopted by Council, delete these paragraphs. Should the new Tree DA control not be adopted, move these paragraphs dealing with the 'When is a Tree Permit required' and 'Council Assessment for Tree Permits' to Schedule 4 to become Part A1 and Part A2. |
| 11 | Manly DCP 2013 | New control | Insert Appendix A as new paragraph *2.1 Exhibition, Advertisement and Notification of Applications.* |
| 10 | Manly DCP 2013 | Throughout | Update control numbering/referencing of paragraphs in accordance with Appendix B. |
| 12 | Manly DCP 2013 | Amended control | Amend paragraph 4.1.8 to read in accordance with Appendix C. |
| 13 | Warringah DCP 2011 | *Part A7 Notification* | Delete the current A7 section and insert Appendix A as new control *A7 Exhibition, Advertisement and Notification of Applications.* |
| 14 | Warringah DCP 2011 | *Appendix 14 Development that will not be notified* | Delete Appendix 14, the information in it will be covered in the new A7 section. |
| 15 | Warringah DCP 2000 | The entire DCP (DCP relates only to notification procedures) | Delete entire text of the DCP and replace with text contained in Appendix A. |

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**Appendix A: Proposed new control**

**EXHIBITION, ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS**

**Land to which this control applies** (Pittwater DCP)

**Applies to Land** (Warringah DCP and Manly DCP)

This section applies to all land to which Pittwater Local Environmental Plan 2014 / Warringah Local Environmental Plan 2011 / Warringah Local Environmental Plan 2000 / Manly Local Environmental Plan 2013 applies.

**Outcomes** (Pittwater DCP)

**Objectives** (Warringah DCP and Manly DCP)

- To achieve desirable and reasonable planning outcomes for development on the Northern Beaches.
- To provide the opportunity for public participation in the planning process that is appropriate to the type, location and form of development proposed.
- To provide transparent, consistent and efficient procedures for the exhibition of applications.

**All Applications**

All applications will be available online via Council's website. The posting online of information relating to applications will be consistent with relevant legislation.

**Applications that are not required to be notified**

Applications for the following types of development are not required to be notified:

- Removal of trees (not including heritage items), unless in the opinion of the officer responsible for the management of the application the removal of the tree is likely to result in a detrimental impact to the streetscape or adjoining properties.
- Section 96(1) applications.
- At the discretion of Council staff, any application which is of a minor nature and impact (for example: internal fitouts to an existing shop that is not a change of use; internal alterations to a dwelling with no external changes).

Applications in the above list may be notified at the discretion of Council staff.

**Notified applications**

All other development applications will have the following minimum standards for notification:

- A notification letter will be sent to adjoining property owners and occupiers and property owners and occupiers directly across a street or road. Council will rely on its property system on the day of compiling the notice to identify the owners of the land. An example of the extent of the notification area is shown in figure 1.

- A notification sign is to be placed in a prominent position on the site for the duration of the notification period.
- In cases where the property to be notified is a strata titled building, Council will notify all owners and occupiers of the property.
- The exhibition period is 14 days (unless legislation requires otherwise) except for any application to be determined by the Sydney North Planning Panel which will be exhibited for 21 days.
- The notification letter will include the following advice:
    - Identification of the relevant parcel of land, including the complete address of all street frontages and lot numbers;
    - A description of the development;
    - The place and times the application can be inspected;
    - The closing date for submissions, and;
    - A statement that submissions will be disclosed to any person requesting information under the applicable legislation.

The above process may be varied at the discretion of Council staff to permit:

- Notification of properties beyond adjoining properties;
- The reduction in the number of properties notified for applications of a minor nature or impact (for example: not notifying owners on the 6$^{th}$ floor of a building about an application for a shop fitout on the ground floor that is not a change of use);
- An extension of the notification period;
- Placement of a public notice in a local newspaper;
- Exhibition of plans at other public venues;
- The holding of a public meeting;
- Consultation with relevant community groups;
- Variations to the notification letter; and/or
- Compliance with legislative requirements.

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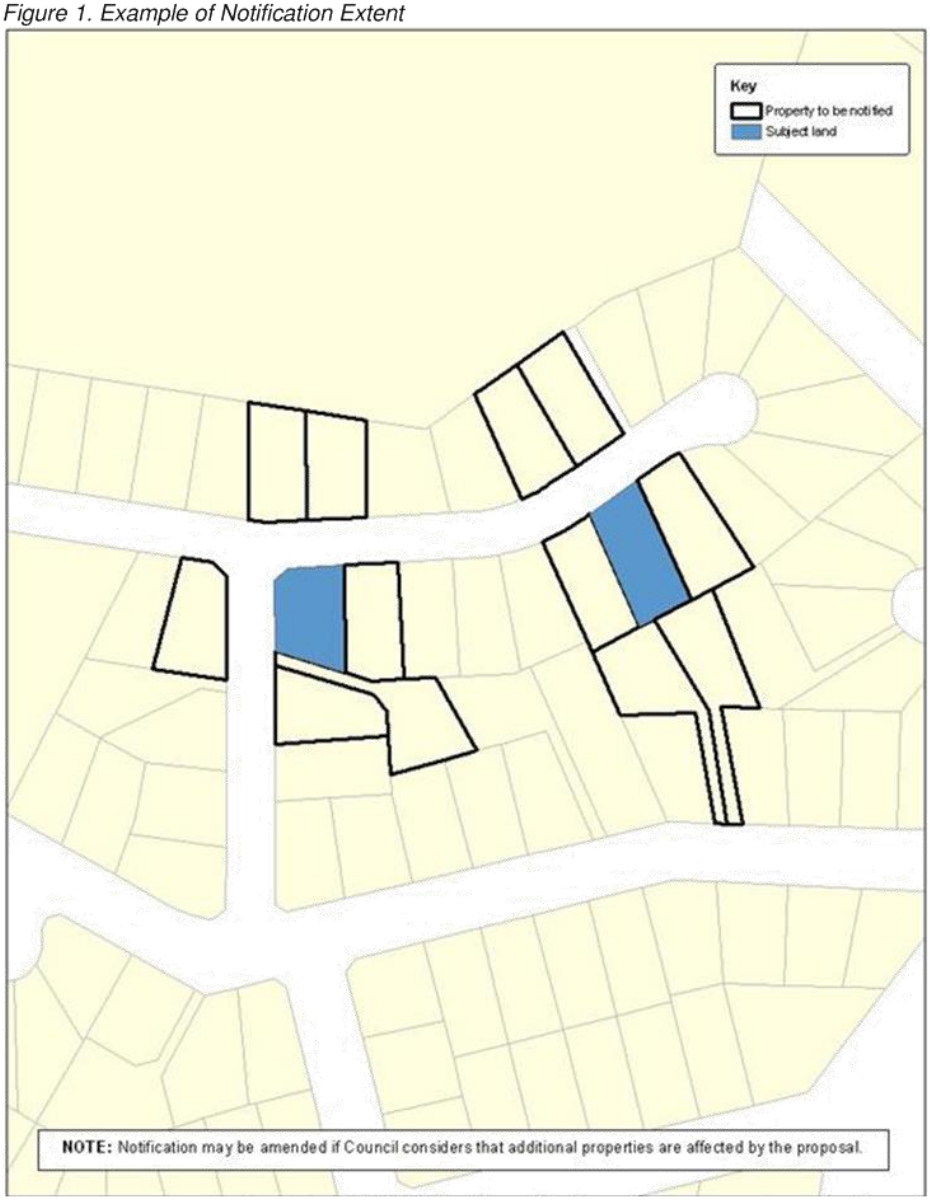
*Figure 1. Example of Notification Extent*




**Advertised Development**

The *Environmental Planning and Assessment Regulation 2000* ('EP&A Regulation') requires that Council follow specific advertising procedures for certain types of development. In addition, the *Environmental Planning and Assessment Act 1979* ('EP&A Act') enables Council to identify other forms of 'advertised development' to include in notification processes that are over and above the minimum notification procedures.

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The following development applications will be advertised within a local newspaper:

- Shop top housing
- Multi dwelling housing
- Seniors housing
- Residential flat buildings
- Sex service premises
- Child-care centres in residential areas
- Development involving subdivision to create five or more additional lots
- The complete demolition of a building or removal of a tree listed as an item of environmental heritage under an environmental planning instrument
- Development that is prohibited by the LEP, but permissible under a SEPP, with a construction cost greater than $1 million
- Heavy industries and heavy industrial storage establishments
- Hospitals
- Hotel and motel accommodation
- Boarding houses
- All development listed in Clause 23 of Warringah LEP 2000 (for land under WLEP 2000 only)
- Applications to be determined by the Sydney North Planning Panel

At the discretion of Council staff:

- Alterations and additions to the above developments may be excluded from advertising due to the minor nature and impact of the proposal;
- Additional developments may be advertised;
- The exhibition period may be extended beyond the 14 day period, or the 21 day period for Sydney North Planning Panel applications.

**Additional Legislative Requirements**

Additional legislative requirements apply to the following types of development:

- Nominated Integrated Development
- Threatened Species Development
- Designated Development

Clause 89 of the EP&A Regulation requires nominated integrated development or threatened species development to be notified and advertised for a period of 30 days as detailed in the Regulation.

Designated development refers to certain types of high impact development that are identified under Schedule 3 of the EP&A Regulation. The requirements for public exhibition and notification of development applications for designated development are specified in Section 79 of the EP&A Act and Clauses 77-81 of the EP&A Regulation. Designated development is to be notified and advertised for a period of 30 days.

**Notification of amended development applications**

Amended or substituted applications will be notified/advertised in the same manner as the original application and to each person who made a submission to the original application. Further notification/advertising in relation to the amended or substituted applications may be dispensed with at the discretion of Council staff if Council is of the opinion that the amended or substituted application differs only in minor respects from the original application, and does not result in a greater environmental impact.

**Note:** *This section does not require Council to accept amendments to development applications.*

**Applications under Section 96, Section 96AA or Section 96AB of the EP&A Act**

Applications lodged under Section 96, Section 96AA or Section 96AB of the EP&A Act, except for Section 96(1) applications, will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

**Note:** *Clauses 117, 118 and 119 of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

The above process may be varied at the discretion of Council staff to:

- Permit notification beyond adjoining owners and occupiers and those who made a submission;
- Limit the notification to only those neighbouring properties impacted upon by the modification or to determine that notification is not required. For example, a modification involving amendments to fenestration on the southern elevation of a building will not need to be notified to residents on the northern side of the site.

**Notification requirements for applications under Section 82A of the EP&A Act**

Applications lodged under Section 82A of the EP&A Act will be exhibited and/or notified as per the original development application. In addition, a written notice will be sent to each person who made a submission to the original development application. These notices will be sent to the last address known to Council.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

**Note:** *Clause 113A of the EP&A Regulation specifies requirements for exhibition, advertisement and notification of relevant applications.*

**Time period for notification over the Christmas/New Year Period**

The period between 20 December and 10 January will not be included in the time period for notification/advertising of applications.

This does not apply to applications where the EP&A Regulation stipulates a maximum notification/advertising period.

**Consideration of submissions**

All submissions must be made in writing to Council and must reasonably and relevantly relate to the subject of the application.

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All submissions will be publicly available on Council's website and may be disclosed to any person requesting information under the *Government Information (Public Access) Act 2009*.

Personal information (eg: phone number, address, name, email address) will be redacted upon request.

Council will consider requests for a whole submission to be confidential. These requests must include reasons as to why the submission should not be released online.

Anonymous correspondence will not be counted as a submission.

Submissions received after the end of the notification period will be accepted at the discretion of Council staff.

All submissions received from the same person will be considered as a single submission.

All submissions received by or on behalf of the same dwelling will be considered as a single submission.

Irrespective of the number of signatories, petitions will be considered as a single submission.

Any person that lodges a submission will be notified of Council's determination of the application. Only the organiser of the petition will be notified of Council's determination of the application.

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**Appendix B: Update numbering/referencing of paragraphs as a result of the changes**

| Manly Development Control Plan 2013 (Amendment 8) | | |
|---|---|---|
| **References to Paragraphgraph 2.1** | | |
| **Page Number / Section** | **Paragraph Ref'd** | **Amendment Required** |
| Page 9: Table of Contents - Schedules | 2.1.13 | Delete: "Refer to paragraph 2.1.13 of this plan." |
| Page 9: Table of Contents - Schedules | 2.1.15 | Delete: "Refer to paragraph 2.1.15 of this plan." |
| Page 13: Paragraph 2.1.1.1 | 2.2 | Paragraph 2.1 to be deleted wholly and replaced with the Development Application Checklist. |
| Page 14: Paragraph 2.1.2.1 | 2.1.2.2 | |
| Page 15: Paragraph 2.1.2.2 | 2.1.6 | |
| Page 17: Paragraph 2.1.3.2 | 2.1.10 | |
| Page 18: Paragraph 2.1.5.1 | 2.1.5.2 | |
| Page 20: Paragraph 2.1.8.2 | 2.1.8.2 | |
| | 2.1.7 | |
| Page 21: Paragraph 2.1.10 | 2.1.11 | |
| | 2.1.12 | |
| | 2.1.13 | |
| Page 21: Paragraph 2.1.10.1 | 2.1.15 | |
| Page 22: Paragraph 2.1.10.3 | 2.1.12 | |
| Page 22: Paragraph 2.1.10.5 | 2.1.11 | |
| Page 22: Paragraph 2.1.10.6 | 2.1.12 | |
| Page 22: Paragraph 2.1.10.7 | 2.1.13 | |
| Page 22: Paragraph 2.1.11 | 2.1.12 | |
| Page 22: Paragraph 2.1.12 | 2.1.10 | |
| Page 22: Paragraph 2.1.12.2 | 2.1.10 | |
| Page 32: Paragraph 2.2.1.2 | 2.1.1.1 | |
| Page 37: Paragraph 2.3.2.5 (2.2.2.5, once amended) | 2.1.3 | Delete: "See also *paragraph 2.1.3 Landscape Plans*."<br>Note: Paragraph 2.3.2.5 numbering to be amended to delete reference to Paragraph 2.3 and instead refer to Paragraph 2.2. |
| Page 41: Paragraph 3.1.3 | 2.1.2 | Delete: "Context and Site Analysis as required under paragraph 2.1.2 of this plan will assist in identifying townscape character." |
| Page 42: Paragraph 3.1.3.1 | 2.1.6 | Amend: "See also *paragraph 3.4.c* particularly regarding reflectivity and amenity." |
| Page 45: Paragraph 3.2.1.2 | 2.1.5.2 | Delete: "See also *paragraph 2.1.5.2* of this plan." |
| Page 50: Paragraph 3.4 | 2.1.6 | Delete: "See also *paragraph 2.1.6* regards DA lodgement requirements for material and finishes." |
| Page 50: Paragraph 3.4.1 | 2.1.4 | Delete: "See *paragraph 2.1.4* for DA lodgement requirements for shadow diagrams." |
| Page 51: Paragraph 3.4.1.5 | 2.1.6 | Delete: "See also *paragraph 2.1.6* in relation to the lodgement of appropriate details of building material and finishes. |
| Page 55: Paragraph 3.5 | 2.1.7 | Delete: "See also *paragraph 2.1.7* |

| | | |
|---|---|---|
| Objectives | | *Lodgement Requirements*." |
| | 2.1.7 | Delete: "*See paragraph 2.1.7;*" |
| | 2.1.2 | Delete: "See *paragraph 2.1.2*." |
| Page 56: Paragraph 3.5 | 2.1.3 | Amend: "See paragraph 3.3 & paragraph 4.1.5." |
| Page 61: Figure 17 | 2.1.7.2 | Delete: "See also *paragraph 2.1.7.2*." |
| | 2.1.17 | Amend: "See also *paragraph 4.2.5.5* of this plan." |
| Page 65: Paragraph 3.5.8 | 2.1.8 | Delete: "See also *paragraph 2.1.8 Water Sensitive Urban Design* (DA lodgement requirements)." |
| Page 66: Paragraph 3.5.8.2 | 2.1.8 | Amend: "For development requiring a Water Sensitive Urban Design Strategy the following reductions in post development average annual loads of pollutants are required:" |
| Page 68: Paragraph 3.6 | 2.1.9 | Amend: "See also *Schedule 5 - Accessibility Checklist and Additional Resources,*" |
| Page 69: Paragraph 3.6.2.2 | 2.1 | Amend: "All development that is subject to this plan must have an access checklist and/or access statement." |
| Page 74: Paragraph 3.7 | 2.1.8 | Delete: "See also *paragraph 2.1.8 Water Sensitive Urban Design Strategy* (DA lodgement requirements for major developments only)." |
| Page 75: Paragraph 3.8 | 2.1.12 | Amend: "**Note:** This plan requires the lodgement of Waste Management Plans that demonstrate sound waste management practices that will reduce, reuse and recycle resources." |
| Page 78: Paragraph 3.10 | 2.1.2.2 | Delete: "See also paragraph 2.1.2.2 Context and Site Analysis for considerations which influence design." |
| | 2.1.10-13 | Delete: "See also paragraphs 2.1.10 – 13 for construction site management including safety." |
| | 2.1.16 | Amend: "See also paragraph 4.2.5.6 regards Late Night Venues promotes Manly Town Centre entertainment precinct as a safe night place." |
| Page 87: Paragraph 4.1.4.1 | 2.1.1 | Amend: "**Note**: Reference to 'prevailing building lines' in this paragraph means the building lines determined in undertaking the context and site analysis required to accompany all DAs including, in this case, demonstrated survey of all building lines and street frontages in the vicinity i.e. the visual catchment along the street." |
| Page 96: Paragraph 4.1.8 | 2.1.13 | Delete: "See also *paragraph 2.1.13* for requirements for Site Stability Reports in this plan." |
| Page 103: Paragraph 4.2.5.5 | 2.1.17 | Delete: "See also *paragraph 2.1.17* requiring Management Plans to be lodged with DAs for Backpackers' Accommodation |

| | | |
|---|---|---|
| | | and Boarding Houses." |
| Page 105: Paragraph 4.2.5.6 | 2.1.16 | Delete: "See also requirements for social impact assessment under *paragraph 2.1.16* of this plan." |
| | 2.1 | Amend: "the applicant demonstrate that the premises will not detract from the safety and security of the Entertainment Precinct and as a place which is acceptable for families;" |
| Page 106: Paragraph 4.2.5.6 | Figure 2 (at 2.1.16) | Figure 2 located at 2.1.16. As Paragraph 2.1 is to be wholly deleted, amend: "In particular refer to chapter 3 relating to Physical Environment of Licensed Premises." |
| Page 115: Paragraph 4.2.8 | 2.12 | Amend: "See also paragraph 3.1.3 Townscape (Local and Neighbourhood Centres) which provides a range of townscape design principles." |
| | 2.1.2.2 | Delete: "Detailed considerations for the context and site analysis of the proposed development are comprehensively listed at paragraph 2.1.2.2 (a) to (u) of the Plan." |
| | 2.1.12 | Amend: "See also paragraph 3.9.3 in relation to Waste Management Plans." |
| Page 117: Paragraph 4.2.8.8 (incorrectly noted as "2.4.8.8" in DCP) | 2.1.12 | Amend: "Paragraph 3.8 Waste Management of this plan must be referred to in relation to the submission of Waste Management Plans accompanying DAs." |
| Page 118: Paragraph 4.2.8.10 | 2.1.2 | Amend: "Paragraph 3.1.3 Townscape (Local and Neighbourhood Centres) provides a range of townscape design principles to be considered for development to maintain and enhance local character." |
| | 2.1.2.2 | Delete: "Detailed considerations for the context and site analysis of the proposed development are comprehensively listed at paragraph 2.1.2.2 (a) to (u) of this plan." |
| Page 121: Paragraph 4.4.1 | 2.1.10 | Delete: "See also lodgement requirements at paragraph 2.1.10 Construction Site Management Reports and Plans." |
| Page 128: Paragraph 4.4.5.2 | 2.1.13 | Delete: "See paragraph 2.1.13 Site Stability (Geotechnical Survey) Reports." |
| Page 135: Paragraph 4.4.9 | 2.1.17 | Amend: "See also paragraph 3.6.3.1.c Accessibility." |
| Page 149: Paragraph 5.4.2 | 2.1.15 | Delete: "See also *paragraph 2.1.15* for DA lodgement requirements." |
| Page 153: Paragraph 5.6.2.5 | 2.1.3 | Amend: "j) A Landscape Plan is to demonstrate enhancement of the native vegetation of the site in a manner complementary to the ecological values of the locality as identified in the ERM Study." |
| Page 159: Schedule 1 Map D | 2.1.15 | Delete: "**Note:** Refer to *paragraph 2.1.15* of this plan for lodgement requirements" |
| Page 191: Schedule 5 Part B | 2.1 | Amend: "As a useful reference tool, the lists below accompany this plan including |

| | | |
|---|---|---|
| | | *paragraph 3.6.2 Accessibility*." |
| **References to Paragraph 2.2** | | |
| **Page Number / Section** | **Paragraph Ref'd** | **Amendment Required** |
| Page 32: Paragraph 2.2.1.1 | 2.2.3 | Paragraph 2.2 to be replaced. |
| Page 33: Paragraph 2.2.1.3 | 2.2.1.2 | |
| **References to Paragraph 2.3** | | |
| **Page Number / Section** | **Paragraph Ref'd** | **Amendment Required** |
| Page 17: Paragraph 2.1.3.1 | 2.3 | Paragraph 2.1 to be deleted wholly and replaced with the Development Application Checklist. |
| Page 17: Paragraph 2.1.3.2 | 2.3.1 | |
| Page 35: Paragraph 2.3 | 2.3 | Amend numbering to delete reference to Paragraph 2.3 and instead refer to new Paragraph 2.2. |
| Page 35: Paragraph 2.3.1 | 2.3.1 | |
| Page 35: Paragraph 2.3.1.1 | 2.3.1.1 | |
| | 2.3.1.2.b | |
| Page 35: Paragraph 2.3.1.2 | 2.3.1.2 | |
| | 2.3.1.1 | |
| | 2.3.1.1.b | |
| Page 36: Paragraph 2.3.2 | 2.3.2 | |
| Page 36: Paragraph 2.3.2.1 | 2.3.2.1 | |
| Page 36: Paragraph 2.3.2.2 | 2.3.2.2 | |
| Page 37: Paragraph 2.3.2.3 | 2.3.2.3 | |
| Page 37: Paragraph 2.3.2.4 | 2.3.2.4 | |
| Page 37: Paragraph 2.3.2.5 | 2.3.2.5 | |
| Page 37: Paragraph 2.3.2.6 | 2.3.2.6 | |
| | 2.3.2 | |
| Page 48: Paragraph 3.3.2 | 2.3 | |
| Page 78: Paragraph 3.10 | 2.3.2.1.c | |
| Page 91: Paragraph 4.1.5 | 2.3 | |
| Page 152: Paragraph 5.6.2.3 | 2.3 | |
| **Other Amendments Required** | | |
| • Amend numbering in Table of Contents due to changes to Paragraphs 2.1-2.3<br>• Page 117: Amend "Paragraph 2.4.8.8" to read "Paragraph 4.2.8.8"<br>• Amend Paragraph 4.1.8 to read in accordance with Appendix C | | |

**Appendix C: 4.1.8 Development on Sloping Sites**

**Objectives**

1. To ensure that Council and the community are aware of, and appropriately respond to all identified potential landslip & subsidence hazards.
2. To provide a framework and procedure for identification, analysis, assessment, treatment and monitoring of landslip and subsidence risk and ensure that there is sufficient information to consider and determine DAs on land which may be subject to slope instability.
3. To encourage development and construction this is compatible with the landslip hazard and to reduce the risk and costs of landslip and subsidence to existing areas.

See also *paragraph 4.4.5 Earthworks (Excavation and Filling)* of this plan, *Clause 6.2* of the *Manly LEP 2013*, *paragraph 4.1.2 Height of Buildings* in respect of sloping sites and *paragraph 3.1.1.1.b Setback Principles in Low Density Areas*.

***Note**: Development on sloping sites often require geological survey to consider the stability of the slope and the suitability of the proposed design for that slope.*

**Requirements**

a) The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.

b) Developments on sloping sites must be designed to:
   i) generally step with the topography of the site; and
   ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.

Driveways on sloping sites

c) On steep sites, driveways must be designed so they do not dominate the street frontage, by:
   i) limiting their height above existing ground level to avoid the need for elevated ramps and similar structures to access car parking areas, especially those which may encroach on public land;
   ii) limiting their width;
   iii) using materials that do not visually detract from the natural surroundings; and
   iv) retaining significant trees.

**When is a Site Stability (Geotechnical Survey) Report required?**

a) A Site Stability Report is required with a DA when the proposed development involves:
   i) any land identified on the LEP Landslide Risk Map. DAs for development on land identified on the LEP Landslide Risk Map must consider certain matters under LEP clause 6.8;
   ii) any excavation greater than 1m below natural ground level for a basement or basement car parking area;
   iii) building works (load bearing) on land contained in geotechnical area 'G1' in the Potential Geotechnical Landslip Hazard Map at Schedule 1 to this plan; or
   iv) building works (load bearing) on other land not contained in geotechnical area 'G1', i.e. areas 'G2', 'G3' and 'G4' where a Preliminary Assessment of Site Conditions (Landslip) determines the need for a Site Stability Report, or where otherwise required by Council.

***Note**: Applicants must consider which geotechnical area their property falls under in accordance with the Map of Geotechnical Areas at Schedule 1 to this DCP. Considerations for each geotechnical area include geotechnical implications on development; potential geotechnical hazards and typical consequences of failure.*

**Considerations required in Geotechnical area 'G1'**

a) Site Stability Report required in geotechnical Area 'G1'

   i) DAs for load bearing building works to be carried out on land or in the vicinity of land in geotechnical area 'G1' on the Potential Geotechnical Landslip Hazard Map (see Schedule 1 to this plan) must be accompanied by a Site Stability Report.

b) Detailed Requirements:

i) When considering a Construction Certificate application, the Certifying Authority must be satisfied that any construction intended in the area includes appropriate precautions to prevent instability developing. Construction Certificate drawings should be viewed by the geotechnical engineer to confirm that the intent of the geotechnical recommendations has been correctly implemented. Site visits by geotechnical engineer may be appropriate during construction. Notwithstanding the above, Site Stability Report may not be required for minor works proposed in area G1 at the discretion of Council.

c) Potential Geotechnical Hazards & Typical Consequences of Failure:

i) Rock falls and rock toppling from natural cliffs, together with slumping of soil and fill materials from unsupported cuts onto public and private roadways and pathways are potential hazards in area G1.
ii) Down slope creep of deeper talus materials may occur on steeper soil covered slopes as well as possible down slope movement of detached blocks of sandstone, soil slumps and flows. Typical consequences of failure include moderate damage to some of structure, ranging to possible extensive damage to most of structure, or extending beyond site boundaries. Significant part of site may require large stabilisation works if landslide occurs, or to prevent landslide occurring.

**Considerations required in Other Geotechnical Areas (Areas G2, G3 and G4)**

a) Site Stability Report may be required in Geotechnical Areas G2, G3 and G4

i) The applicant should complete Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of this plan to determine whether a Site Stability Report is required. All development involving load bearing building works must complete the checklist for Preliminary Assessment of Site Conditions (Landslip) to ensure developments follows good engineering practice.

b) Area G2 - Potential Hazards

i) Potential Geotechnical hazards in this area include:
- Rock falls and slumping of soil and fill materials from unsupported cuts and natural cliffs onto public and private pathways and roadways.
- Possible creep of talus materials on steeper soil covered slopes.
- Possible movement of detached blocks of sandstone. Limited to moderate damage of some or part of structures (for example dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works unlikely to be required.

c) Area G3 - Potential Hazards

i) Potential for Geotechnical Hazards includes settlement of foundations due to failure of unsupported excavations, dewatering & vibrations and other construction activity. Possibility of earthquake induced settlement of foundation also exists in this area. Typical consequences of failure comprise little to moderate damage of some or part of structures, including neighbouring land including dwellings or roadway and typically requiring some stabilisation works over part of the site. The need for large scale stabilisation works is unlikely in Area G3.

d) Area G4 –Potential Hazards and Requirements

i) Geotechnical assessment may be required depending on location and nature of development and manmade cuts and fills.
ii) Residential footings are to be in accordance with AS2870.
iii) Potential hazards for this land include rock falls & minor slumping of soil and fill materials from top of unsupported cuts onto public and private pathways, roadways and building platforms. There is little to moderate typical consequences of failure involving damage of some or part of structures (for example, to a dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works are unlikely to be required in Area G4.

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Attachment 5

# NORTHERN BEACHES INDEPENDENT ASSESSMENT PANEL –
Charter

## 1. Functions

**The functions of the Northern Beaches Independent Assessment Panel - (NBIAP) are to:**

a) consider and make final independent determinations on all development applications that are within the panel's delegations from Council;

b) review determinations of development applications made by NBIAP or the Chief Executive Officer that are within the panel's delegations from Council;

c) provide an independent and open forum for interested persons and the community to make submissions relevant to the applications before the NBIAP;

d) achieve *best practice* environmental, social, economic and urban design outcomes consistent with the relevant legislation and planning controls;

e) conduct independent public hearings and provide recommendations to Council.

## 2. Constitution of Membership

a) The NBIAP is a body constituted for the purpose of sub-delegation of the functions by the Council (under Section 377 of the Local Government Act) and consists of the following members:

i) lawyers who are currently admitted or eligible for admission to practice law in New South Wales as a Legal Practitioner with expertise in planning and development (who, unless otherwise disentitled), shall preside as Chairperson at all meetings of the NBIAP at which he or she is present;

ii) professional experts with a university degree in town planning;

iii) professional experts with a university degree in architecture/urban design;

iv) professional experts with a university degree in an environmental discipline; and

v) Representatives from the Northern Beaches community to form a pool of at least 4 persons.

b) The members of the NBIAP are appointed by the Chief Executive Officer for a term of 2 years with an option to extend the term a further 2 years.

c) A member of the NBIAP vacates membership of the NBIAP if the member:

i) dies, or

ii) resigns in writing to the Chief Executive Officer, or

iii) completes a term and is not re-appointed, or

iv) is removed from his or her membership of the NBIAP by Council for breach of any relevantly applicable requirements of the NBIAP Memorandum of Understanding or the guidelines issued by the Chief Executive Officer in respect of the NBIAP as in force from time to time, or

v) without reasonable excuse, does not attend a meeting of the NBIAP in compliance with a call of the NBIAP or is otherwise absent (without a written explanation for any such absence given to and accepted by the Chief Executive Officer) from 2 consecutive meetings of the NBIAP, or

vi) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or

vii) becomes physically or mentally incapacitated to such an extent that he or she is unable to continue discharging the responsibilities of being a member of the NBIAP, or

viii) Is removed by the Chief Executive Officer for any or no reason and without notice.

d) Remuneration of a member of the NBIAP shall be as determined by the Chief Executive Officer.

e) An alternate member may from time to time be appointed by the Chief Executive Officer.

3. Meeting Procedures

a) The NBIAP Chairperson may, subject to this Charter and any other operational guidelines issued by the Chief Executive Officer, determine its own procedures.

b) The NBIAP is not bound by the rules of evidence and may inquire into and inform itself on any matter in such manner as it thinks fit, subject to the rules of natural justice (the rules of procedural fairness).

c) The NBIAP is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.

d) A meeting of NBIAP will generally consist of four (4) members, i.e. the lawyer as Chairperson, 2 experts and one (1) community representative. The panel may consist of one or more additional experts and/or community representatives from the pool of members, to attend meetings for controversial or significant items. Each additional panel member will have full voting rights.

e) Proceedings of the NBIAP shall be by way of a public hearing for the purposes of hearing submissions on behalf of the applicant and other interested persons. On conclusion of the public hearing, the NBIAP will convene in closed session to consider its findings and make a determination.

f) However, the NBIAP may close part of a public meeting to the public where the NBIAP is of the opinion that such action is strictly necessary in order to protect commercial information of a confidential nature.

g) Where, at any public meeting, there are a large number of objectors with a common interest, the NBIAP may, in its absolute discretion, hear a representative of those persons with a view to discharging its responsibilities in a timely manner.

h) The NBIAP may, in its absolute discretion, but otherwise fairly and consistently, impose time limits on presentations by persons other than members of the panel with a view to discharging its responsibilities in a timely manner.

i) The quorum for a meeting of the NBIAP is 3 members of the NBIAP who hold office for the time being and who are not otherwise disentitled from voting on any particular matter before the meeting.

j) Each member of the NBIAP, unless otherwise disentitled to vote, is entitled to one vote. However, the person presiding at a meeting of the NBIAP has, in the event of an equality of votes, a second or casting vote.

k) A member of the NBIAP is disentitled to vote on any matter with which the NBIAP is concerned if the person has a pecuniary interest in the matter (as defined in sections 442 and 443 of the *Local Government Act 1993* (NSW)), or a conflict of interest in the matter as relevantly defined in the NBIAP Code of Conduct, and is otherwise present at a meeting of the NBIAP at which the matter is being considered. However, a member of the NBIAP is not disentitled to vote on any matter with which the NBIAP is concerned if, in the absence of any *other* probative material that would give rise to a pecuniary interest or a conflict of interest as referred to above, the person or any member of the person's family has from time to time personal, family, business or professional connections or dealings with persons, organisations or associations or bodies within the Northern Beaches local government area of a kind that could not reasonably be regarded as likely to influence any decision the person might make in relation to the particular matter before the NBIAP.

l) A decision of the NBIAP shall be by a majority of votes of members present and otherwise entitled to vote at the relevant meeting of the NBIAP.

m) The meetings and other process of the NBIAP will be undertaken in accordance with the NBIAP guidelines issued by the Chief Executive Officer from time to time. Where there are no such guidelines, or where some matter is not covered by the guidelines, regard shall be had to the statutory provisions otherwise relevantly applicable to the conduct of NSW local council

meetings to the extent to which they are deemed by the Chairperson to be appropriate to the conduct of meetings of the NBIAP as well as the ordinary law of meetings to the extent to which that law is not inconsistent with the foregoing.

n) Officers of Northern Beaches Council shall assist the NBIAP in both professional advice and administrative support. Such officers may be present at any meeting of the NBIAP.

o) NBIAP shall hold meetings as required, generally meetings should be held in each calendar month.

4. Applications to be referred to NBIAP

Council, by resolution, shall delegate specific criteria for applications which will be referred to NBIAP for consideration and determination.

In addition, any application, proposal or strategic plan, may be referred to NBIAP at the discretion of the General Manager Planning Place and Community.

A copy of the current criteria is to be attached to the Charter for easy reference.

5. Obligation of Members

All NBIAP members are required to comply with the following conditions of engagement detailed below. These conditions are based on Council's assessment of minimum requirements needed to deliver an appropriate standard of service. Relevantly, a member of the NBIAP must:

a) faithfully and diligently perform their respective obligations under this Charter, the *NBIAP Memorandum of Understanding*, and any guidelines issued by the Chief Executive Officer from time to time, and must at all times act in accordance with the *NBIAP Code of Conduct*; and

b) not disclose any confidential information obtained in the performance of any of the functions of the NBIAP; and

c) not make oral or written statements of any description to the media in connection with or which touches upon any or all of the functions of the NBIAP; and

d) inform himself or herself of materials presented before the NBIAP; and

e) not purport to represent Northern Beaches Council in any other capacity; and

f) comply with the provisions of the *Work, Health and Safety Act 2011* (NSW), to the extent to which those provisions are relevantly applicable to members of the NBIAP as regards the performance of their respective duties as such, as well as with all occupational health and safety policies and procedures of Northern Beaches Council as in force from time to time; and

g) each member shall complete a Pecuniary Interest Declaration Return (Return) and submit it to the Chief Executive Officer upon appointment to the Panel and shall also submit an annual Return in July each year covering the period to 30 June of the previous 12 months.

6. Other Business or Employment

Public perception of bias/conflict of interest requires that Members not engage in any of the following while they are members of NBIAP:

- Appearing for, or against, Council in development matters, for example, as consultants acting on behalf of applicants or Council, giving evidence in Court;
- Making representations to any Northern Beaches Council panel on behalf of others, for example, making a submission in support of a development, or on behalf of an objector;
- Making representations to Northern Beaches Council in relation to planning and development matters, for example, supporting or objecting to an application for a rezoning;
- Deriving income (other than remuneration for being an NBIAP member) through contracts with Council.
- Any other work conducted within the Northern Beaches Local Government area shall be the subject of a declaration of interest to the Chief Executive Officer.

7. Attachments

The following attachment does not form part of the adopted charter and may be changed.

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Attachment 5

# DELEGATIONS TO NBIAP

a. The Northern Beaches Independent Assessment Panel for the following:

i. Any Development Application with an estimated cost greater than $2,000,000 ($2 million) and where there are 3 or more unresolved objections

ii. Any application to modify a Development Consent previously determined by NBIAP or Northern Beaches Development Assessment Panel (NBDAP) which involves changes considered to be more than minimal environmental impact (i.e. Section 96(2) of the EPA Act 1979).

iii. The subdivision of land (excluding subdivision, community title and strata subdivision of an existing development or approved building works) with a net increase of 5 or more lots, and where there are 3 or more unresolved objections.

iv. All applications that were previously determined by NBIAP or NBDAP, and where a Section 82A or Section 96AB Review of Determination has been submitted,

v. Any other Development Application, Modification of Consent or Review of Determination, at the discretion of the General Manager Planning Place and Community.

vi. Excluding all Category 3 applications under Warringah Local Environmental Plan 2000.

For the purposes of this delegation,

*Unresolved objection* means objections that are considered valid and that cannot be resolved through the imposition of appropriate conditions.

An objection may only be considered resolved, if in the opinion of the General Manager Planning, Place and Community or the Executive Manager Development Assessments, the objection is not valid or has been overcome by conditions of consent.

**All submissions received from the same person will be considered a single submission.*

**All submissions received by or on behalf of the same dwelling will be considered as a single submission.*

*Note: extracts from relevant DCPs

Delegations and referral adopted by Council on: XXX YYY 2017