

# **ATTACHMENT BOOKLET 2**

**PLANNING, PLACE & COMMUNITY  
DIVISION REPORTS**

**ORDINARY COUNCIL MEETING**

**TUESDAY 19 DECEMBER 2017**

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**NORTHERN BEACHES  
COUNCIL**

**MEMORANDUM OF UNDERSTANDING**

**Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)**

1	<b>Parties Identity</b>	Pittwater Council (PC) and Fraser's Property Limited (FP)
2	<b>Form of Contract</b>	Land Swap Agreement relating to land in Sector 9 within the Warriewood Valley Release Area, between Pittwater Council and FP. The lot details are identified in Item 3.
3	<b>Properties</b>	Land owned by FP to be acquired by PC: That part of Lot 11 DP 1092788, part of Lot 12 DP 1092788 and part of Lot 13 DP 1092788, each currently owned by FP and identified as being acquired by PC in Annexure A  Land owned by PC to be acquired by FP: That part of Lot 5 DP 736961 currently owned by PC and identified as being acquired by FP in Annexure A.
4	<b>Terms of Memorandum of Understanding (MOU)</b>	The intent of this MOU is to set out and identify the terms of the proposed future deed of agreement between PC and FP. This MOU should not be construed by either party as being legally binding.  The parties agree to work together in good faith to address and incorporate the items identified in the Council resolution of 18 May 2015 (Item C12.4) and in this MOU in any future deed of agreement.
5	<b>Valuation and Negotiations</b>	Each party agrees to undertake an independent valuation of the proposed land swap identified in Item 3 above. Each valuation is to be based on an agreed brief that values the land at its highest and best use. Specifically, part of Lot 5 DP 736961 currently owned by PC and identified to be acquired by FP in Annexure A is to be valued on the basis of it having a dwelling yield of 32 dwellings per developable hectare. The valuer must have current NSW registration, be a member of the Australian Property Institute with the appropriate classification and have at least 5 years of experience.  Both parties are to pay their own costs in relation to the services of an independent valuer. The parties are to come to a negotiated outcome in relation to any financial adjustment as a result of the overall land swap transaction. Any financial adjustment is to take place on settlement.
6	<b>Creek line Corridor</b>	The transfer of creek-line corridor land owned by FP identified to be acquired by PC in Annexure A is to be completed as a separate financial transaction in accordance with the Warriewood Valley Section 94 Contributions Plan. The value of the creek line corridor land is to be based on the value specified in the Warriewood Valley Section 94 Contribution Plan in force at the date signing of the deed of agreement. The financial transaction is to be a separate item in the deed of agreement but is to be consolidated in the overall land swap transaction.  Following any financial adjustment that is to be undertaken as outlined in Item 5 above, the parties agree that the compensation set out in this item 6 is to be paid to FP.  This compensation can be used to offset any amount FP owes to PC.
7	<b>Undergrounding of Overhead Power</b>	PC to provide Ausgrid's approved design and costings to FP for the undergrounding of the existing High Voltage (HV) overhead cabling.  The undergrounding of the overhead power where practical will be in

**NORTHERN BEACHES  
COUNCIL**

**MEMORANDUM OF UNDERSTANDING**

**Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)**

		<p>accordance with Ausgrid requirements.</p> <p>The parties agree to share the cost of the undergrounding of the existing overhead HV cabling and if required based on Ausgrid's advice, the cost of any associated infrastructure requirements within the properties proposed to be swapped on a 50/50 basis.</p> <p>If there are any additional electrical undergrounding or upgrading required by Ausgrid outside of the land-swap proposed area, these costs will be the to be borne by PC.</p>
8	<b>Road works</b>	<p>The full road width construction, including stormwater infrastructure, are to be completed by FP at its sole cost. These roads are to be dedicated to PC as part of the future residential subdivision of the land.</p> <p>The parties are to consult in good faith in relation to whether a Planning Agreement under section 93F of the Environmental Planning &amp; Assessment Act will be required to affect this aspect of the transaction.</p> <p>Note:</p> <p>Northern extension of Fern Creek Road: This road is only required to be 16m wide as per a "Local Road" under Warriewood Valley Roads Masterplan. In accordance with the Warriewood Valley Landscape Masterplan a 2.1m shared path is to be provided along the eastern side of this road, in lieu of the 1.5m footpath required by the Warriewood Valley Roads Masterplan. The 2.1m wide shared path is all inclusive of the 16m wide road reserve requirement for Fern Creek Road extension.</p> <p>New east-west road: This road is required to comply with the requirements of a "Local Road" under the Warriewood Valley Roads Masterplan. FP is required to construct a dish drain to the edge of the road treatment, however is not required to construct the parking bays and verge on the reserve side of the road.</p>
9	<b>Pittwater LEP Amendment</b>	<p>PC agrees to prepare and lodge a Planning Proposal to amend Pittwater LEP 2014 as follows:</p> <ul style="list-style-type: none"> <li>(a) The part of Lot 5 DP 736961 owned by PC and identified in Annexure A to be acquired by FP will be allocated a maximum building height of 10.5 metres and a maximum yield of 17 dwellings based on a density of 32 dwellings per developable hectare;</li> <li>(b) The Lot 13 DP 1092788 and the part of Lot 11 DP 1092788 and part of Lot 12 DP 1092788 owned by FP and identified in Annexure A to be acquired by PC will have no dwelling yield allocated to it and will be rezoned to RE1 Public Recreation; and</li> <li>(c) The part of Lot 11 DP 1092788 owned by FP and identified in Annexure A to be retained by FP is to be allocated a yield of 3 dwellings based on a density of 10 dwellings per developable hectare; and</li> <li>(d) The part of Lot 12 DP 1092788 owned by FP and identified in Annexure A to be retained by FP is to be allocated a yield of 13 dwellings based on a density of 32 dwellings per developable</li> </ul>



**NORTHERN BEACHES  
COUNCIL**

**MEMORANDUM OF UNDERSTANDING**

**Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)**

		<p>hectare.</p> <p>PC will engage an independent consultant to prepare and progress the LEP amendment. All costs and relevant application fees in connection with the LEP amendment are to be borne equally by both parties.</p> <p>In the event that the proposed LEP amendment is not successful, the parties agree that the land swap contemplated by this MOU cannot occur and the proposed land swap arrangements will be at an end. In this event, all costs incurred, except as otherwise specified in Item 16, will be borne equally by both parties.</p>
10	<b>Subdivision</b>	<p>Following gazettal of the LEP amendment by Department of Planning &amp; Environment, PC agrees to prepare and lodge a development application to subdivide the land to reflect the change in ownership proposed by this MOU.</p> <p>PC will engage a consultant to prepare and progress the development application. All costs and relevant application fees in connection with the development application are to be borne equally by both parties.</p>
11	<b>Settlement</b>	<p>Settlement of the land swap is conditional on the following:</p> <ul style="list-style-type: none"> <li>(a) Registration of subdivision certificate in accordance with the development application described in Item 10; and</li> <li>(b) Gazettal of the LEP Amendment identified in Item 9.</li> </ul> <p>Settlement will occur within 30 days of the successful completion of both (a) and (b) above.</p>
12	<b>Storm-water infrastructure</b>	<p>An underground stormwater pipe is to be provided from the existing cul-de-sac in Fern Creek Road to Fern Creek. This pipe is to be constructed along the alignment of the existing drainage easement and is to be constructed to a standard specified by PC. The construction of this stormwater pipe is to be undertaken concurrent with the road construction. Each party is responsible for costs associated with undergrounding the section of stormwater infrastructure within their own land.</p> <p>The existing drainage easement is to be extinguished and replaced by a new easement along the same alignment and is to be of a suitable width specified by Council.</p> <p>All stormwater infrastructure required to service the future residential development is to comply with Pittwater 21 DCP, Control C6.21 Provision of Infrastructure.</p>
13	<b>Probity</b>	PC to appoint probity advisor to oversee and report on this transaction.
14	<b>Other Issues: Contamination</b>	<p>Both parties agree that as at the date of agreement of this MOU neither party is aware of any contamination affecting the properties identified in Item 3 which would make that property unsuitable for their intended use.</p> <p>FP and PC must not bring any materials or land fill onto their properties during the land swap transaction period which may cause contamination and will not allow any materials to be located on the properties which may cause contamination or detrimentally affect the land for its intended use.</p>
15	<b>Other Issues: Legal Documentation</b>	<p>PC is to prepare all legal documentation associated with this land swap.</p> <p>All reasonable costs associated with drafting and amending the legal</p>

NORTHERN BEACHES  
COUNCIL

MEMORANDUM OF UNDERSTANDING

Lot 11 DP 1092788 (FP) / Lot 12 DP 1092788 (FP) / Lot 5 DP 736961 (PC) / Lot 13 1092788 (FP)

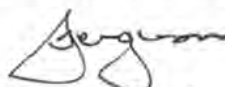
		documents leading to their signing are to be borne equally by both parties.
16	<b>Other Issues: Other Costs and Invoicing</b>	Both parties to pay their own respective legal costs, except as otherwise outlined in Item 15 above.  All other costs, except as otherwise outlined in this MOU, are to be borne equally by both parties. In relation to these costs, PC agrees to pay these costs and invoice FP monthly. FP will be consulted prior to PC accepting any quotes for services for which the costs are to be borne equally.
17	<b>Other Issues: Council endorsement</b>	The parties acknowledge that the future land swap contemplated by this MOU is subject to endorsement by the elected Council and Board approval by FP.

Agreed by Frasers Property Ltd

Date:

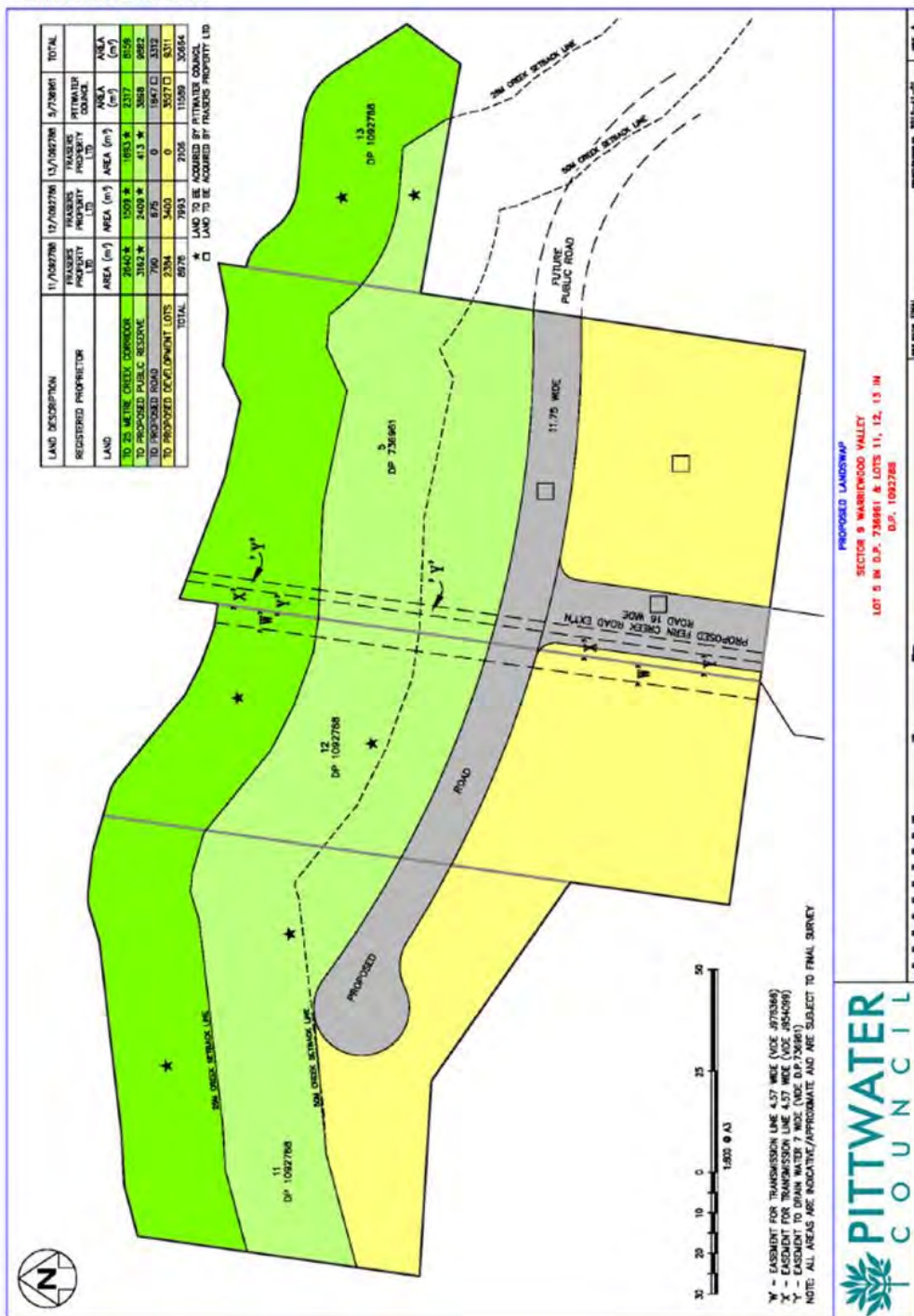
1/10/15

Agreed by Pittwater Council



Date: 29/9/15

## ANNEXURE A



## LAND SWAP DEED

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PITTWATER COUNCIL

("Council")

and

FRASERS PROPERTY LIMITED

("FP")

  
**MatthewsFolbigg**  
Lawyers  
Matthews Folbigg Pty Ltd  
"The Barrington" Level 7  
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18 March 2016

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**LAND SWAP DEED**

Deed dated

19 April 2016

~~2015~~**PARTIES****PITTWATER COUNCIL** (ABN 61 340 837 871) of 1 Park Street, Mona Vale NSW 2103

("Council")

**FRASERS PROPERTY LIMITED** (ACN 008 443 696) of 1 Homebush Bay Drive, Rhodes NSW 2138

("FP")

**RECITALS AND BACKGROUND**

- A Due to the population increase associated with the Warriewood Valley and in order to deliver greater open space by the provision of a 2 hectare Central Local Park, Council acquired an existing 1.15 hectare parcel of land (9 Fern Creek Road) in order to facilitate the southern half of the Central Local Park.
- B Due to the shape and location of such lot not matching the preferred layout for the open space land, it has been agreed that in order to better reflect and facilitate the final layout plan for such open space, that Council and FP transact a land exchange and for such acquired land by Council to be rezoned RE 1 Public Recreation by the amendment of Council's Local Environmental Plan ("LEP").
- C Council owns the Council Land and FP the FP Land.
- D Subject to the amendment of Council's LEP, Council and FP have agreed to subdivide the Council Land and FP Land respectively owned by them so as to enable:
- (a) Council to transfer the Council Development Land to FP, being an area measuring approximately 5,374.4 square metres; and
- (b) FP to transfer to Council the FP Public Reserve Land and the FP Creek Line Corridor Land, being an area measuring approximately 11,825.5 square metres, as shown in the plan attached at Annexure A.
- E To enable the transaction contemplated by these Recitals, Council and FP have agreed to enter into this deed.

## OPERATIVE PART

### 1. DEFINITIONS AND INTERPRETATION

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#### 1.1 Definitions

The following meanings apply unless the contrary intention appears:

**Business Days** means a day on which banks are open for general banking business in Sydney, New South Wales (not being a Saturday, Sunday or public holiday in that place).

**Completion Date** means the date which is on or before the date which is 30 Business Days after Council issues the notice to FP under clause 2.1(b).

**Council Development Land** means that part of the Development Land comprised in Lot 5 in Deposited Plan 736961.

**Conditions Precedent** has the meaning given to it in clause 2.1 of this deed.

**Council Land** means Lot 5 Deposited Plan 736961 (folio identifier 5/736961).

**Creek Line Corridor Land** means the land shown in dark green and marked "To 25 Metre Creek Corridor" on the plan attached to this deed as Annexure A.

**Creek Line Corridor Purchase Price** means an amount equal to [REDACTED] per square metre of the FP Creek Line Corridor Land (being approximately [REDACTED]).

**Creek Line Corridor Transfer** means a transfer of land in a registerable form in relation to the transfer of the FP Creek Line Corridor Land from FP to Council.

**Development Land** means the land shown in yellow and grey and marked "To Proposed Road" and "To Proposed Development Lots" on the plan attached to this deed as Annexure A.

**Development Land Transfer** means a registrable transfer of land form in relation to the transfer of the Council Development Land from Council to FP.

**Development Land Purchase Price** means [REDACTED]

**Duty** means any stamp, transaction or registration duty or similar charge which is imposed by the New South Wales Office of State Revenue and includes any interest, fine, penalty, charge or other amount which is imposed in relation to that duty or charge.

**FP Creek Line Corridor Land** means that part of the Creek Line Corridor Land comprised in Lots 11, 12 and 13 in Deposited Plan 109278.

**FP Land** means Lots 11, 12 and 13 in Deposited Plan 1092788 (folio identifiers 11/1092788, 12/1092788 and 13/1092788).

**FP Public Reserve Land** means that part of the Public Reserve Land comprised in Lots 11, 12 and 13 in Deposited Plan 109278.

**GST** has the meaning given to it in the GST Act.

**GST Act** means the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

**GST Law** has the meaning given in the GST Act.

**LPI** means Land & Property Information, New South Wales.

**Plan of Subdivision** means the proposed plan to subdivide the FP Land and the Council Land prepared by Council and approved by FP in accordance with clause 3.2.

**Planning Agreement** means a planning agreement between Council and FP on terms acceptable to the parties (acting reasonably) and in accordance with section 93F of the *Environmental Planning & Assessment Act 1979 (NSW)* in relation to the future residential subdivision of the Development Land which includes the provisions of the MOU made and agreed to between the parties dated 1 October 2015.

- (a) construction of stormwater infrastructure in relation to the land;
- (b) extension of Fern Creek Road; and
- (c) construction of New East-West Road.

**Planning Proposal** means the planning proposal to the Department of Planning and Environment to amend Council's LEP prepared by Council and approved by FP in accordance with clause 3.1.

**Public Reserve Land** means the land shown in light green and marked "To Proposed Public Reserve" on the plan attached to this deed as Annexure A.

**Public Reserve Transfer Form** means a registrable transfer of land form in relation to the transfer of the FP Public Reserve Land from FP to Council.

**Sunset Date** means 31 December 2018.

**Undergrounding Works** means the works associated with the undergrounding of the overhead power cables and lines along Council and FP's common boundary between Lot 5 in Deposited Plan 736961 and Lot 12 in Deposited Plan 1092788.

## 1.2 References to certain general terms

Unless the contrary intention appears, in this deed:

- (a) a reference to a document (including this contract) includes any variation or replacement of it;
- (b) a reference to a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this contract;
- (c) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (d) the word "law" includes common law, principles of equity, and laws made by parliament (and laws made by parliament include State, Territory and Commonwealth laws and regulations and other instruments under them, and consolidations, amendments, re-enactments or replacements of any of them);
- (e) the singular includes the plural and vice versa;

- (f) the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association, or any authority;
- (g) a reference to a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns;
- (h) a reference to a body or authority includes a reference, if that body or authority ceases to exist, to the body or authority which has substantially the same functions and objects as the first body or authority;
- (i) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and each of them individually;
- (j) an agreement, representation or warranty by two or more persons binds them jointly and each of them individually;
- (k) a reference to a group of persons or things is a reference to any two or more of them jointly and to each of them individually;
- (l) a reference to Australian dollars, dollars, A\$ or \$ is a reference to the lawful currency of Australia;
- (m) if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (n) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- (o) a reference to accounting standards is a reference to the accounting standards as defined in the Corporations Act, and a reference to an accounting term is a reference to that term as it is used in those accounting standards, or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia;
- (p) the words, "including", "for example" or "such as" when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind;
- (q) if an act under this contract to be done by a party on or by a given day is done after 5.30pm on that day, it is taken to be done on the next day;
- (r) a reference to time is a reference to time in New South Wales; and
- (s) a reference to any thing (including any amount) is a reference to the whole and each part of it.

### **1.3 Headings**

Headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this deed.

## 2. CONDITIONS PRECEDENT

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### 2.1 Completion conditions

- (a) Both parties agree that their respective obligations to transfer the FP Public Reserve Land, the Council Development Land and FP Creek Line Corridor Land are subject to and conditional upon:
  - (i) the Department of Planning and Environment approving the Planning Proposal;
  - (ii) registration of the Plan of Subdivision at the LPI;
  - (iii) the parties entering into the Planning Agreement; and
  - (iv) registration of the Planning Agreement at the LPI,
 (together the "**Conditions Precedent**").
- (b) Council must notify FP in writing within ten 10 Business Days after the Conditions Precedent have been satisfied.

### 2.2 Date for Completion

The parties must complete the transfers of the FP Public Reserve Land, the Council Development Land and the FP Creek Line Corridor Land on the Completion Date.

### 2.3 Sunset Date

The parties agree that if the Condition Precedent at 2.1(a)(i) is not satisfied by the Sunset Date, then either party may rescind this deed by serving a notice on the other.

### 2.4 Release

If this deed is rescinded under clause 2.3 then each party releases other party from any liability or loss arising in connection with the rescission of this deed, except in relation to prior breaches and the sharing of costs contemplated under clauses 4(a), 4(b) and 4(c).

## 3. COUNCIL'S OBLIGATIONS

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### 3.1 Planning Proposal

The Council must:

- (a) procure the preparation of the Planning Proposal to achieve the following:
  - (i) that the Council Development Land be allocated a maximum building height of 10.5 metres and a maximum yield of 17 dwellings based upon a density of 32 dwellings per developable hectare;
  - (ii) that the Public Reserve Land be rezoned RE 1 Public Recreation;
  - (iii) that the part of the Development Land currently contained within Lot 11



DP 1092788 be allocated a development yield of 3 dwellings based on a density of 10 dwellings per developable hectare; and

- (iv) that the part of Development Land currently contained within Lot 12 DP 1092788 be allocated a development yield of 13 dwellings based upon a density of 32 dwellings per developable hectare; and
- (b) give FP a copy of the Planning Proposal at least 10 Business Days before Council lodges the Planning Proposal with Council's planning and assessment department; and
- (c) consult with FP in connection with any comments, suggestions or objections which FP makes or seeks to make in connection with the Planning Proposal prior to lodgement with Council's planning and assessment department; and
- (d) not lodge the Planning Proposal with Council's planning and assessment department without FP's written consent (which may be withheld until Council has complied with clauses 3.1(b) and (c), but otherwise must not be unreasonably withheld if the application is consistent with the requirements set out in clauses 3.1(a)(i) – 3.1(a)(iv)); and
- (e) lodge the Planning Proposal with Council's planning and assessment department for approval within 5 Business Days after FP consents to the Planning Proposal; and
- (f) must not seek to amend the Planning Proposal after it has been lodged with Council's planning and assessment department without FP's written consent (which must not be unreasonably withheld if the amendment is consistent with the requirements set out in clauses 3.1(a)(i) – 3.1(a)(iv));

### 3.2 Plan of Subdivision

The Council must:

- (a) prepare the Plan of Subdivision in a form suitable for registration at the LPI to achieve the following:
  - (i) create separate lots comprising the Council Development Land, the FP Public Reserve Land and the FP Creek Line Corridor Land to allow the transfers contemplated under this deed; and
  - (ii) create the easements for transmission and draining shown on the Plan; and
- (b) prepare a development application in connection with the Plan of Subdivision and provide a copy of the Plan of Subdivision and any supporting documents (including any appropriate instrument under Section 88B of the *Conveyancing Act 1919 (NSW)* to FP and consult with FP in connection with the terms of such application and documentation.
- (c) not lodge the Plan of Subdivision or any supporting documents with the LPI without FP's written consent (which may be withheld until Council has complied with clauses 3.2 (b) but otherwise must not be unreasonably withheld if the application is consistent with the requirements set out in clauses 3.2(a)(i) – 3.2(a)(ii));

- (d) lodge the Plan of Subdivision with the LPI within 5 Business Days after FP consents in writing to the Plan of Subdivision;

#### 4. FP'S OBLIGATIONS

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FP must:

- (a) provide its consent to the lodgement in relation to the development application for the Plan of Subdivision once the Council's obligations in 3.2(b) have been satisfied and simultaneously submit the Planning Agreement to Council.
- (b) contribute 50% towards Council's reasonable and properly incurred costs of preparation and submission (including application fees) of the Planning Proposal to amend Council's LEP within 5 Business Days of receipt of a valid tax invoice from Council;
- (c) contribute 50% towards Council's reasonable and properly incurred legal costs associated with the drafting, negotiations and execution of this deed (plus GST and disbursements) and Council's surveyors costs.
- (d) contribute 50% towards Council's reasonable and properly incurred costs of engaging a consultant to prepare and progress a development application with respect to the subdivision of Council's and FP's Land within 5 Business Days of receipt of a valid tax invoice from Council;
- (e) contribute 50% towards the reasonable and properly incurred costs of the approved design and construction (including any associated infrastructure required by Ausgrid) of the Undergrounding Works within 5 Business Days of receipt of a valid tax invoice from Council;
- (f) provided that Council have complied with clause 3.2 of this deed, execute any documents necessary to facilitate registration of the Plan of Subdivision within 5 Business Days of receipt from Council or its solicitors and return such executed documents to Council or its solicitor;
- (g) procure the consent of any mortgagee of the FP Land to the Plan of Subdivision and arrange for the execution by any such mortgagee of any documents necessary to facilitate registration of the Plan of Subdivision;
- (h) produce, or procure production by any mortgagee of the certificates of Title for the FP Land at LPI NSW to facilitate the registration of the Plan of Subdivision;
- (i) remove at FP's cost any caveat or other encumbrance on the land being transferred by it which may prohibit registration of the Plan of Subdivision; and
- (j) do anything reasonably required of it to assist the Council in the obtaining of any necessary approval for registration of the Plan of Subdivision, including compliance with any requisition raised by LPI NSW relating to the Plan of Subdivision.

## 5. LAND SWAP

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### 5.1 Transfers of the Development and Public Reserve Land

Subject to the satisfaction of the Conditions Precedent, the parties agree that FP will transfer all its estate and interest in the FP Public Reserve Land to Council and pay the Development Land Purchase Price (less any applicable credits that FP receives under clause 5.2 below) to Council on the Completion Date in exchange for the Council simultaneously transferring its estate and interest in the Council Development Land to FP in accordance with the procedures set out in this deed.

### 5.2 Acquisition of the Creek Line Corridor Land

- (a) Subject to satisfaction of the Conditions Precedent, Council agrees to acquire the FP Creek Line Corridor Land from FP on the Completion Date at a value of the Creek Line Corridor Price in accordance with the Warriewood Valley Section 94 Contributions Plan (Plan 15) (Amendment 16) (Revision 1).
- (b) The parties agree that the Creek Line Corridor Price payable by Council for the acquisition of the FP Creek Line Corridor Land must be utilised by FP by way of an offset against the Development Land Purchase Price payable by FP to Council under clause 5.1.

### 5.3 Interdependence

The transactions described in clauses 5.1 and 5.2 are interdependent. If one party defaults in respect of its obligation in clause 5.1 or 5.2, the other party need not comply with its obligation unless and until the first party remedies its default. If the transactions described in clause 5.1 or 5.2 do not proceed, any party which has carried out an action in anticipation of those transactions proceeding may undo such action.

### 5.4 Instruments of transfer

In respect of:

- (a) the transfer contemplated under clause 5.1, Council must deliver the stamped Development Land Transfer duly executed by Council to FP at least 5 Business Days before the Completion Date;
- (b) the transfer contemplated under clause 5.1, FP must deliver the stamped Public Reserve Transfer duly executed by FP to Council at least 5 Business Days before the Completion Date; and
- (c) the transfer contemplated under clause 5.2, Council must deliver the stamped Creek Line Corridor Transfer duly executed by Council to FP at least 5 Business Days before the Completion Date.

### 5.5 Acknowledgement

For the purposes of Section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* it is acknowledged that the agreement contained in this deed is an agreement on all relevant matters relating to the acquisition by the Council of FP Public Reserve Land and the FP Creek Line Corridor Land and that no other compensation whatsoever will be payable by the Council to FP.



**5.6 No adjustments**

No adjustment will take place between the Council and FP in relation to any council rates or charges, water and sewer rates and charges or any land tax that may be charged upon the FP Public Reserve Land or the FP Creek Line Corridor Land provided that FP must pay all such outgoings in respect of the FP Public Reserve Land or the FP Creek Line Corridor Land owned by it for the rate periods current as at the Completion Date.

**6. COMPLETION**

---

**6.1 Completion**

On the Completion Date:

- (a) Council must:
  - (ii) deliver the stamped and fully executed Development Land Transfer to FP along with a direction addressed to LPI in favour of FP authorising the issuing of the resultant Certificate of Title directly to FP; and
  - (iii) ensure that the certificate of title for the Council Development Land is placed on deposit at LPI; and
- (b) FP must:
  - (i) deliver the stamped and fully executed Public Reserve Land Transfer and the Corridor Creek Transfer to Council along with a direction addressed to LPI in favour of Council authorising the issuing of the resultant Certificate of Title directly to Council;
  - (ii) ensure that the certificates of title for the FP Public Reserve Land and the FP Corridor Creek Transfer are placed on deposit with LPI; and
  - (iii) subject to clause 5.2(b), a Settlement Cheque for an amount equal to the Development Land Purchase Price less the Creek Line Corridor Purchase Price.

**7. UNDERGROUNDING OF OVERHEAD POWER**

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- (a) Council must procure Ausgrid's approved design and construction estimates in relation to the Undergrounding Works and provide them to FP as soon as reasonably practicable.
- (b) The parties agree that the Undergrounding Works will be undertaken by a third party contractor appointed by Council (and approved by FP acting reasonably). The costs of the Undergrounding Works will be paid for directly by Council. FP will contribute to those costs in accordance with clause 4(e).

**8. DUTY AND LEGAL COSTS**

---

**8.1 Duty**

In relation to Duty chargeable, payable or assessed in relation to this agreement or any transaction contemplated by this agreement:

- (a) FP agrees to pay the Duty in relation to the transfer of the Council Development Land and indemnifies and must keep indemnified Council against any liability to Duty which is the responsibility of FP pursuant to this clause 8.1(a); and
- (b) Council agrees to pay the Duty in relation to the transfer of the FP Public Reserve Land and the FP Creek Line Corridor Land and indemnifies and must keep indemnified FP against any liability to Duty which is the responsibility of Council pursuant to this clause 8.1(b).

**8.2** Except as otherwise provided for in this agreement, each party will be responsible for its own legal fees in relation to:

- (a) the negotiation and execution of this agreement; and
- (b) otherwise in relation to the transfer of the Council Land and FP Land.

**9. GST**

---

**9.1 Consideration GST inclusive**

Aside from the consideration payable for the transfers contemplated in clause 5.1, all amounts payable or consideration to be provided under this agreement are exclusive of GST.

**9.2 Payment of GST**

Subject to clause 9.3, if GST is payable on any supply made under this agreement, for which the consideration is not expressly stated to include GST, the recipient agrees to pay to the supplier an additional amount equal to the GST payable at the same time that the consideration for the supply, or the first part of the consideration for the supply (as the case may be), is to be provided.

**9.3 Tax invoice**

The supplier must issue a tax invoice to the recipient of a taxable supply at the same time that the supplier makes a taxable supply.

**9.4 Adjustments**

If the amount of GST payable in relation to a taxable supply varies from the amount paid, or set off by, by the recipient in accordance with this clause agreement, then the supplier will provide a corresponding refund or credit to, or will be entitled to receive an additional amount of GST from, the recipient and the supplier will issue an adjustment note.



**9.5 Reimbursements**

If a party is required under this agreement to indemnify another party, or pay or reimburse costs of another party, that party agrees to pay the relevant amount less any input tax credits to which the other party (or to which the representative member for a GST group of which the other party is a member) is entitled.

**9.6 Interpretation**

For the purposes of this clause 9

- (a) a term which has a defined meaning in the GST Act has the same meaning when used in this clause 9; and
- (b) each periodic or progressive component of a supply to which section 156-5(1) of the GST Act applies will be treated as though it is a separate supply.

**10. MISCELLANEOUS PROVISIONS**

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**10.1 Governing Law**

This Deed shall be governed by and construed in accordance with the laws of the State of New South Wales.

**10.2 Jurisdiction**

Any legal action or proceedings with respect to this Deed against any party or any of its property and assets may be brought in the Courts of the State of New South Wales and, by execution and delivery of this Deed that party accepts, for itself and in respect of its property and assets, generally and unconditionally the jurisdiction of the Courts of that State.

**10.3 Variations**

Any amendments, variation or modification to or of, or consent to departure by any party from the terms of this Deed shall have no force or effect unless effected by a document executed by the parties.

**10.4 Third Parties**

This Deed shall confer rights and benefits only upon a person expressed to be a party and not upon any other person.

**10.5 Assignment**

A party shall not transfer or assign its rights or obligations under this Deed without the prior consent in writing of the other party.

**10.6 Waivers**

The failure to exercise or delay in exercising by any party of any right conferred by this Deed shall not operate as a waiver and the single or partial exercise of any right by that party shall not preclude any other or further exercise of that or any other right by that party.

**10.7 Remedies**

The rights of a party conferred by this Deed are cumulative and are not exclusive of any rights provided by law.

**10.8 Entire agreement**

This deed constitutes the entire agreement of the parties about its subject matter and supersedes all previous agreements, understandings and negotiations on that subject matter except for the provisions related to and to be contained within the Planning Agreement.

**10.9 Further Assistance**

Each party shall execute all documents and perform all acts necessary to give full effect to this deed.

**10.10 Severability**

Any provision of this Deed which is prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of that prohibition or unenforceability, without invalidating the remaining provisions of this deed or affecting the validity or enforceability of that provision in any other jurisdiction.

**10.11 Counterparts**

This deed may be executed in any number of counterparts, all of which taken together shall be deemed to constitute one and the same document.

**11. DISPUTE RESOLUTION**

---

**11.1** All disputes or differences arising out of this deed will be resolved in accordance with this clause 10, unless:

- (a) a party is seeking urgent interlocutory relief or a remedy where a delay in commencing proceedings in Court could prejudice the party's entitlement to seek that remedy;
- (b) an incident has arisen that requires urgent resolution which mediation might not resolve; or
- (c) the process in the remainder of this clause 10 has been exhausted.

**11.2 Notice of Dispute**

Either party may at any time notify the other party in writing that there is a dispute or difference concerning any matter in this deed (**Notice of Dispute**). That Notice of Dispute must:

- (a) identify the subject matter of the dispute;
- (b) identify the relevant provisions of this deed;
- (c) annex copies of any correspondence, or background material and information relevant to that dispute; and

- (d) contain any particulars of quantification of the dispute.

#### 11.3 Parties to Confer

The parties must, within twenty-one (21) days of the service of the Notice of Dispute, meet in an attempt to discuss, and to reach a mutually acceptable decision, on the matter of the dispute.

#### 11.4 Referral to Mediation

If:

- (a) the matter in dispute is not settled within ten (10) business days of the meeting referred to in the preceding paragraph, or such later date as the parties may agree; or
- (b) either party refuses to attend a meeting in accordance with clause 11.3; then
- (c) the difference or dispute must be the subject of a mediation administered by the Australian Commercial Dispute Centre (ACDC) conducted and held in accordance with the mediation rules of the ACDC in force at the time of the appointment of a mediator.

#### 11.5 The mediator will be appointed:

- (a) by the parties, from a panel suggested by the ACDC within twenty-eight (28) days of the referral of the difference or dispute for mediation; or
- (b) if a mediator is not appointed by agreement within that period, by the Secretary-General of the ACDC at the request of either party.

- 10.6 The costs of and associated with formal mediation before a mediator under this clause are to be paid by the parties to the mediation in such proportions as they may agree among themselves or, failing agreement, in equal shares.

### 12. NOTICES

---

Any notice given under this deed:

- (a) must be in writing addressed to the intended recipient at the address shown in the Deed or at the address last notified by the intended recipient to the sender;
- (b) must be signed by a person duly authorised by the sender;
- (c) will be taken to have been given when delivered, received or left at the address shown in this deed.

If delivery or receipt occurs on a date when business is not generally carried on in the place to which the notice is sent, or is sent later than 4.00pm (local time), it will be taken to have been duly given at the commencement of business on the next day when business is generally carried on in that place.

ANNEXURE "A"





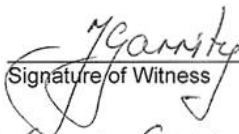


# EXECUTION

## Executed as Deed

Executed by the General Manager on behalf  
of **PITTWATER COUNCIL (ABN 61 340 837  
871)** pursuant to a delegation dated  
under section 377 of the *Local Government  
Act 1993* (NSW):



  
Signature of Witness

FIONA GARRITY  
Name of Witness [BLOCK LETTERS]

  
General Manager

MARK FERGUSON  
Name of General Manager [BLOCK LETTERS]

5 VUKO PLACE WARRIWOOD  
Address of Witness NSW 2102

29/3/2016.

EXECUTED by **FRASERS PROPERTY  
LIMITED (ACN 008 443 696)** in accordance  
with the requirements of section 127(1) of the  
*Corporations Act, 2001* by:

  
Signature

RODNEY VAUGHAN FEHRING  
Name of Director

  
Signature

JANIS SHARON WOOD  
Name of Secretary

## Placeholder

Please refer to Council's website [here](#) to view the Independent Assessment Report by MWBA Consulting.

Final Independent Assessment  
Northern Beaches Council

PP0002/16 – PLANNING PROPOSAL  
NOVEMBER 2017

9, 11, 12 AND 13 FERN CREEK ROAD,  
WARRIEWOOD





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Mr Mark Ferguson  
Chief Executive Officer  
Northern Beaches Council  
Dee Why NSW 2099

By email (per): [liza.cordoba@northernbeaches.nsw.gov.au](mailto:liza.cordoba@northernbeaches.nsw.gov.au)

23 November 2017

Dear Mark

PROBITY REPORT – FINAL ASSESSMENT OF PLANNING PROPOSAL PP0002/16

Procure Group Pty Ltd (**Procure**) was engaged by Northern Beaches Council (**Council**) on 27 June 2016 to provide an independent probity review in relation to the assessment of Planning Proposal PP0002/16 (**Planning Proposal**). Council is the landowner of 9 Fern Creek Road Warriewood and is the proponent for this application. The Planning Proposal arises from a land swap agreement between Council and Frasers Property involving 11, 12 and 13 Fern Creek Road. The land swap enables the development of properties owned by Fraser Property and provides Council with the opportunity to establish improved open space for the use of the local community.

The first Assessment Report to the 30 May 2017 Council meeting provided the following summary:

*Council received a Planning Proposal from GLN Planning Consultants on behalf of Council's Property Management and Commercial Business Unit relating to 9, 11, 12 and 13 Fern Creek Road, Warriewood.*

*The Planning Proposal seeks to amend the Pittwater Local Environmental Plan 2014 to primarily enable the creation of the southern portion of the planned Central Local Park. A secondary objective is to enable the development of the remaining land in an orderly and economic manner for housing. This will be achieved through an amendment to the Land Zoning map, amend the Height of Building map, and amend the dwelling provisions contained in Part 6 Clause 6.1(3) Pittwater Local Environmental Plan 2014.*

*As Council is a landowner and party to the land swap to mitigate potential probity issues, an independent planning consultant was engaged to prepare the Planning Proposal (GLN Planning) on behalf of Council's Property Management and Commercial Business Unit and an independent planning consultant was engaged to assess the application (MBWA Consulting) on behalf of Council's Planning and Community Business Unit.*

The decision of Council on 30 May 2017 required reference to the Department of Planning and Environment (DPE) for a Gateway Determination allowing the Planning Proposal to proceed. This required a further period of public consultation and a final assessment report to Council. This has now been completed and is scheduled for presentation to Council in December 2017.

In the circumstances where Council is the owner of land the subject of a Planning Proposal before Council, Council has a conflict of roles which must be addressed. Council has taken steps in this regard and requested Procure to conduct a review of the steps taken and to confirm their adequacy. Procure's first report was presented to Council on 30 May 2017 and this second report will accompany the Final Assessment Report when presented to Council.

Northern Beaches Council  
Planning Proposal PP0002/16

#### Final Assessment

#### Probity Report

This report has been completed to assist Council in its decision-making relating to the Planning Proposal. The report cannot be relied upon by any other party or for any other purpose. While the Probity Advisor may provide input into the processes followed, Council retains overall responsibility for the probity of its personnel and processes.

Vic Baueris has conducted the review on behalf of Procure and has prepared this report. The review has relied on the documents provided by Council and discussions with Council officers and the independent assessor.

### Probity Fundamentals

In undertaking the probity advisory role, Procure has had regard to the "probity fundamentals" described in the ICAC publication "Probity and Probity Advising (November 2005)". These probity fundamentals are:

- + Maintaining impartiality
- + Managing conflicts of interest
- + Maintaining accountability and transparency
- + Maintaining confidentiality
- + Obtaining value for money (not relevant in this case)

Our work performed to review the application of each of these probity fundamentals to the assessment process is documented below.

### Key dates

Activity	Date
Planning Proposal received by Council	8 August 2016
First Assessment Report presented to Council	30 May 2017
Gateway Determination by the Department of Planning and Environment	7 July 2017
Exhibition period	23 September to 3 November 2017
Final Assessment Report completed	20 November 2017

### Second assessment period

The Final Assessment Report provided the following summary of the key activities in the second assessment phase:

*The Gateway Determination required, amongst other things, that the Planning Proposal be updated to:*

- a) *Include additional information confirming the suitability of the proposal in relation to:*
  - i. *Flooding*
  - ii. *Potential land contamination*
- b) *Clarify that the proposed changes to the Height of Building Map for part of Lot 5 DP 736961 apply to land already zoned R3 Medium Density Residential; and*
- c) *Provide an explanation for the proposed amendments to Clause 6.1(3) of the LEP in relation to the decrease in dwelling yield for Sector 901A.*



Northern Beaches Council  
Planning Proposal PP0002/16

Final Assessment

Probity Report

The Planning Proposal was updated accordingly.

Further, the Gateway Determination requires the Planning Proposal to be advertised for a minimum of 28 days and consultation with the following public authorities:

- NSW Rural Fire Service
- NSW Environmental Protection Authority
- NSW Office of Water
- NSW Office of Environment and Heritage

Lastly the Gateway Determination granted delegation to Northern Beaches Council. In the Council report 30 May 2017, it was resolved that Council would not seek delegation to exercise its LEP plan making powers under section 59 of the Environmental Planning and Assessment Act 1979. This decision was based on two factors – firstly to maintain independence given the proposal involves Council land and secondly because at the time of preparing the Planning Proposal Council was under Administration.

The Department determined that 'it is considered appropriate that an authorisation be granted to Council as the proposal is essentially a local planning matter and Council will have elected Councillors by the time this proposal progresses to the s.59 stage'. Therefore, Council has been granted delegation to determine the Planning Proposal.

The Planning Proposal undertook a 41-day statutory exhibition from 23 September - 3 November 2017.

Landowners were notified within the Warriewood Valley suburb (1994 in total) as well as the Warriewood Residents Association. An advertisement was placed in the Manly Daily (23 September 2017) and a site notice was displayed at the site. The application documents were made available electronically on Council's website and in hard copy at each of Council's Customer Service Centres.

Letters were sent to the following State Agencies, and with all five agencies responding:

- NSW Rural Fire Service
- NSW Office of Water
- Office of Environment and Heritage
- NSW Environment Protection Authority
- Sydney Water

State Agency submissions raised no objection to the proposal and most importantly there were no outstanding issues or matters that would preclude Council from supporting the Planning Proposal.

Comments from the following Council Business Units were received:

- Environmental Health
- Transport Network
- Natural Environment and Climate Change
- Property Commercial and Tourist Assets

The responses received from members of the State agencies, internal Council Business Units and the community are provided in **Appendix 4**.

6 written responses were received from the community including one submission from the Warriewood Residents Association.

Northern Beaches Council  
Planning Proposal PP0002/16

Final Assessment

Probity Report

## Work Performed

In completing this engagement, Procure has completed the following tasks.

- + Noted that Council at its meeting held on 19 March 2016 determined that as landowner and party to the land swap there was a need to mitigate potential probity issues. In this regard, Council's Property, Commercial and Tourist Assets unit engaged an independent planning consultant - GLN Planning Consultants - to prepare and lodge the Planning Proposal on Council's behalf. Council's Strategic and Place Planning unit engaged an independent planning consultant – MBWA Consulting – to assess the Planning Proposal;
- + Noted that on 22 August 2016 Council staff in the Strategic and Place Planning team who may be required to provide comment on the Planning Proposal were advised that Procure had been engaged to oversee the probity arrangements for the conduct of the independent review of the Planning Proposal assessment process. Procure's contact details were provided these Council officers in order for contact to be made should any probity issues arise. Recipients were also reminded to ensure the confidentiality of any matters related to the assessment process. Procure confirmed that these arrangements continued during the second assessment period;
- + Matters referred by Council to Procure during the first assessment period related to potential conflicts of interest by Council officers. No such matters involved any conflict of interest that required action other than disclosure. No matters were referred during the second assessment period. No referrals or complaints were received from the public during either assessment period;
- + Confirmed that for both public notifications, properties within Warriewood Valley and a registered Community Group were sent notification letters (1,994 in total). In the second assessment period, an advertisement notifying of the Planning Proposal and inviting comment, was placed in the Manly Daily on 23 September 2017. The relevant documents were made available electronically on Council's website on the 'Your Say' page and via 'Application Search', and in hard copy in Customer Service Centres at Manly, Dee Why, Mona Vale and Avalon. In addition, a notification sign was placed on the site for the notification period;
- + Noted that the relevant public agencies being Rural Fire Service, NSW Office of Water, Office of Environment and Heritage, and the Environment Protection Authority were also advised of the Planning Proposal and provided comment;
- + Confirmed with the independent assessor in discussions on 20 November 2017 that she had not been subject to any influence or interference from Council officers in relation to the conduct of the assessment;
- + Confirmed with the Planner, Strategic and Place Planning who had overall administrative responsibility for the Proposal application process, that all the documentation related to the assessment process will be marked confidential in the Council Records System. At the time of conducting this review, Procure was advised that the confidentiality of all records has been maintained;
- + Confirmed with the Manager, Property, Commercial and Tourist Assets on 22 November 2017 that total separation was maintained between her unit and the assessment process. This was required as this unit acted as the developer for the Planning Proposal and had engaged the planning consultant who prepared the Planning Proposal;
- + Reviewed internal correspondence between the Strategic and Place Planning unit and the Property, Commercial and Tourist Asset unit to confirm that the appropriate separation of roles had been maintained during the second phase of assessment;
- + Reviewed the Final Assessment Report to Council which details the outcome of the assessment. Noted that it includes the following summary of public responses to the Planning Proposal:
  - 6 written responses were received from the community including one submission from the Warriewood Residents Association.
  - Below is a summary of the themes of the submissions:
    - Overdevelopment of Warriewood

Northern Beaches Council  
Planning Proposal PP0002/16

Final Assessment

Probity Report

- Planning Proposal process
  - Increase to the Height of Buildings
  - Dwelling allocation
  - Future park design - involvement of the community
  - Land Contamination
  - Future Voluntary Planning Agreement
  - Costs and allocation of s.94 CP monies
  - Environmental issues;
- + Further noted that the Final Assessment Report to Council included:
- Reference to the advice received from each of the public agencies invited to comment on the Planning Proposal;
  - Outline of submissions from the community with responses; and
  - Recommendations for consideration by Council;
- + Noted that the Gateway Determination made by DPE included the following conclusion in relation to Council's exercise of planning powers (as described in the Final Assessment Report);
- *Lastly the Gateway Determination granted delegation to Northern Beaches Council. In the Council report 30 May 2017, it was resolved that Council would not seek delegation to exercise its LEP plan making powers under section 59 of the Environmental Planning and Assessment Act 1979. This decision was based on two factors – firstly to maintain independence given the proposal involves Council land and secondly because at the time of preparing the Planning Proposal Council was under Administration.*
  - *The Department determined that 'it is considered appropriate that an authorisation be granted to Council as the proposal is essentially a local planning matter and Council will have elected Councillors by the time this proposal progresses to the s.59 stage'. Therefore, Council has been granted delegation to determine the Planning Proposal.*
- + No breaches of confidentiality or other probity concerns have been reported to Procure;
- + Noted that when the Final Assessment Report is presented to Council, members of the community will have the opportunity to present their views on the recommendations made by the independent assessor.

## Conclusion

Based upon our work performed in the conduct of the review, as detailed in this report, no issues of a probity nature have come to our attention that would lead us to conclude that the final assessment of Planning Proposal PP0002/16 by Council has not been undertaken in a transparent manner with due regard to probity.

Yours sincerely



Warwick Smith  
Director  
Procure Group Pty Ltd

**planning proposal and vpa  
accommodation for nurses &  
medical key workers  
14 rodborough rd  
frenchs forest**



Prepared for  
**Kingsmede Pty Ltd**

**KINGSMEDE**

Mark Shanahan Planning Pty Ltd  
October 2017







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

*(Northern Beaches Draft Community Strategic Plan 2017-2028)*

Prepared by:



Mark Shanahan BTP(Hons) Dip Law MPIA  
Director

Author	Version	Date
MS	Draft	26/09/17
MS	Final	19/10/17

This report is provided to 'the client' exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the report and upon the information provided by the client.

© Mark Shanahan Planning Pty Ltd, October 2017

**Cover image:**

*Warringah Road perspective looking south-west*

© Urbaine Architecture Pty Ltd

**KINGSMEDe****Foreword**

*We have a significant problem in the Northern Beaches. The 14,000 key workers required to provide essential services to our 270,000 residents are often travelling over three hours to get to and from work, sleeping in cars or on friends couches, as they cannot afford to live in the local area.*

This problem will get worse as over the next 15 years, the number of residents is predicted to increase by 24,000, requiring an additional 11,000 new properties.

To service the growing base of residents, the number of key workers providing essential services to the region will grow by at least 3,000 over the next 10 years.

The main solution proposed by Northern Beaches Council, inclusionary zoning, could result in several hundred affordable units over the next 15 years, an insufficient number for the 14,000 key workers currently working in the area and additional 3,000 coming in over the next 10 years.

*The quality of services and local amenity in the Northern Beaches depends on the key workers, it is a better place to live and work because of the jobs they do. The Northern Beaches will become a less desirable area to live if there are insufficient key workers in the local area.*

My proposal at 14 Rodborough Rd will house some 400 medical key workers, with first priority to junior nurses employed at Northern Beaches Hospital earning between \$50k - \$65k. Rents will be set at 30% of gross salary, ensuring affordability and a long term viable housing option.

Designating the housing to a specific set of workers, especially nurses employed by the hospital, will ensure the housing provides a genuine solution for the essential key workers servicing the area.

There will be no loss of office space due to this proposal. The homes will be managed by a community housing provider and will not be sold, so speculation by investors will not diminish the affordable housing stock constructed on the site.

*The Voluntary Planning Agreement incorporated into the proposal creates an onerous hurdle for other building owners, so it is not expected they will seek to change their building use in the same way.*

The proposal has acceptable visual impact and due to the restricted parking required, will not detrimentally affect local traffic.

Because of its proximity to the hospital, key workers such as nurses will be well rested and better able to care for patients. In addition, because it is walking distance from the hospital, it will reduce traffic congestion and demand for local parking.

I genuinely feel that the work undertaken by our essential key workers, and nurses in particular, is often undervalued and underappreciated by the general population. This is most clearly reflected in the remuneration they receive which makes it hard to live decently in such an expensive area.

I hope that this proposal will be fairly considered in the same light with which it is being proffered. That is, from a genuine desire to satisfy an essential need of some of the most important members of our society.

**Andrew Potter**Managing Director  
Kingsmede

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- Letter of support from Link Housing Ltd
- Occupancy Principles – *Boarding Houses Act 2012*
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- Letter of support from NSW Nurses & Midwives' Association
- Preliminary advice from Northern Beaches Council

## Executive Summary

This report presents a Planning Proposal seeking a change in planning controls so that affordable accommodation for nurses of the new Northern Beaches Hospital can be built on a nearby site in the Frenchs Forest Business Park where the zoning currently does not permit residential accommodation.

The Planning Proposal is submitted to Northern Beaches Council under Section 55 of the *Environmental Planning & Assessment Act 1979* (the Act) and has been prepared in accordance with State government guidelines for planning proposals.<sup>1</sup>

### Section 1 - Introduction

Section 1 of the report provides an outline of what is proposed, where it is located, why it has been proposed and how the proposed public benefits will be delivered (primarily, affordable rental housing for nurses and medical key workers).

### Section 2 - Existing situation

In Section 2 of the report, the site is described in more detail, together with the planning framework which currently applies to the site under Warringah Local Environmental Plan 2011, Warringah Development Control Plan and key State Environmental Planning Policies (SEPPs).

The site is 1.2km from the new Northern Beaches Hospital which is due to open in 2018. The hospital will not have any accommodation for nurses or other staff.

On the site is a three storey 1980s office building set amongst landscaped grounds and carparking, typical of the development that characterises the Business Park. Crucially for this proposal, the B7 – Business Park zoning of this area prohibits any form of residential accommodation.

Also worth noting is that the current planning controls do not impose any building height standards within the Business Park.

### Section 3 - Objectives and intended outcomes

This section of the report outlines the objectives and intended outcomes of the proposed rezoning.

The primary strategic objective is to amend Warringah Local Environmental Plan 2011 to enable affordable rental accommodation to be developed on the site for nurses employed at the hospital and other local medical key workers.

A number of secondary, site-specific outcomes are also outlined in Section 3. First and foremost is the need to develop sufficient accommodation so that the project is financially sustainable over the long term (that is, at least cost neutral). Because rents will be capped at below-market levels affordable to nurses and other medical key workers, the project relies on volume and low construction costs to ensure that revenue can meet running expenses, thus enabling continued operation over the long term.

Section 3 also introduces a concept development scheme which provides for 376 places of accommodation in two buildings, as well as retention of the existing office building.

**The concept scheme is provided to illustrate one form that the project could potentially take. If the change to planning controls is supported by Council to allow this type of residential accommodation on the site, a full development application will be prepared and submitted to Council to enable a thorough assessment with input from the community and all other stakeholders.**

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<sup>1</sup> A Guide to Preparing Planning Proposals, NSW Department of Planning & Environment, August 2016

**Section 4 – Explanation of the provisions**

In Section 4 of the report, the planning proposal is outlined in greater detail, including the specific changes proposed to be made to Warringah LEP 2011.

The LEP has a clause allowing nominated uses on specific sites. These uses are in addition to the uses normally allowed in the zone. The planning proposal seeks to use this clause to allow the additional use of "boarding house" on the site.

Although the proposal is not a boarding house in the traditional sense, the legal definition of boarding house is actually a close fit for the type of accommodation proposed. Importantly, it prevents the future strata subdivision of the buildings, thus ensuring that they stay as 100% rental accommodation.

In addition to the proposed change to the LEP, the applicant is offering to enter into a Voluntary Planning Agreement (VPA) with Council. This provides a legally binding means to ensure that the proposal cannot proceed unless the affordable housing is provided (and the other proposed benefits, including extensive communal facilities for the residents and a shuttle bus service to the hospital).

The VPA will require the accommodation to be managed as affordable housing in perpetuity by a registered community housing provider. This ensures that it is operated by a not-for-profit organisation that is in the business of professionally managing affordable housing. They have well-established procedures to guarantee that only eligible people who meet the income and occupation criteria can occupy the accommodation and are charged rents that meet the affordability criteria.

If this planning proposal is supported by Council and receives gateway approval to go to formal exhibition, the VPA instrument will be drafted so that it can be included in the formal exhibition.

**Section 5 – Justification**

The justification for the proposal is detailed in Section 5 of this report. This includes a comprehensive review of State and local planning strategies and all relevant State Environmental Planning Policies (SEPPs) and planning directions issued under Section 117 of the Act.

The review has found that the proposal is consistent with State and local planning objectives and is a unique opportunity to ensure that affordable accommodation is available in the local area for nurses and other hospital key workers soon after the hospital opens in 2018.

The potential environmental impacts of the proposal and its consistency with State and Commonwealth interests are also reviewed in Section 5.

From this review, Section 5 concludes that the proposal has both strong strategic planning merit and site-specific planning merit which justifies its support.

Importantly, the alternative to the proposal is that hundreds of nurses and other key medical workers living in areas where housing is more affordable will commute daily to Frenchs Forest, adding further to traffic congestion and denying the hospital and local businesses ready access to a skilled local workforce.

**Section 6 – Mapping**

Section 6 summarises the mapping provided throughout the report in support of the proposal.

**Section 7 – Community consultation**

This section of the report addresses community consultation requirements.

**Section 8 – Conclusion & Project Timeline**

A summary of the strategic and site-specific justification for the proposal is provided in this section and an indicative timeline for its delivery.

## 1. Introduction

### 1.1 Overview of proposal

#### *What is proposed?*

This Planning Proposal has been submitted to Northern Beaches Council to seek a change to planning controls so that accommodation for nursing staff of the new Northern Beaches Hospital can be built on a site where the zoning currently does not permit residential accommodation.

A concept development scheme accompanies this Planning Proposal to illustrate the intended form of the accommodation (**Appendix 1**).

The concept scheme proposes two new buildings on the site, both 39.1m in height which is below the 41m height of the hospital and similar to the 40m height limit proposed for the new Frenchs Forest town centre adjacent to the hospital, the Forestway Shopping Centre site and the properties opposite Forestway.

One of the proposed buildings is situated on top of the existing three-storey commercial office building (which will be retained). The other is a new structure in an area that is now an open carpark.

Together the two buildings contain 378 studios for nurses and medical key workers. A manager's unit and office is provided in each building. A range of communal facilities are also proposed including 19 communal recreation rooms, landscaped terraces with herb and vegetable gardens, parking for 144 cars, motorcycles and bicycles and plant rooms, general store and bin store. A shuttle bus will provide services to and from the hospital at the start and finish of each work shift.

The design incorporates exemplary energy efficiency and water conservation measures with a view to obtaining the highest Green Star rating.

The current zoning controls do not permit any form of residential accommodation on the site. This Planning Proposal seeks to alter the planning controls so that the proposal becomes an additional use that is permissible with consent on the site.

If this change is supported and implemented, a full development application with detailed drawings and supporting technical reports will be lodged and would need to be approved before any construction could take place.



mark shanahan planning pty ltd

October 2017



### Where is it located?

The Planning Proposal relates to 14 Rodborough Rd, Frenchs Forest which is 1.2 km to the east of the new hospital (**Figure 1**). Although the site faces Warringah Rd and is formally identified as 327-329 Warringah Rd, it does not have legal access to Warringah Rd and all vehicular access is via a right-of-way to Rodborough Rd which is a local cul-de-sac.

The site is within the Frenchs Forest Business Park, a commercial office precinct extending along Warringah Road immediately to the east of the hospital.

The Business Park was largely developed over the last 30 years with concrete and glass office buildings of up to four storeys height set amongst extensive car parking and landscaping.



Figure 1: Site context (Google Maps, 25/09/17)

### Why is this being proposed?

Since the commitment was made to build the new hospital, Northern Beaches Council and the State government have been planning for major change in the precinct surrounding the hospital.

This includes relocation of The Forest High School to a new education and recreation precinct surrounding Warringah Aquatic Centre, and conversion of the school site to a new town centre with multi-storey apartments over ground floor shops and offices. Medium density apartments and townhouses are planned in the neighbouring streets to provide a graduated transition to the area's surrounding low density homes. Major road upgrades are also underway.

There is however no plan to provide accommodation within the hospital site or the surrounding area for any of the 1,342 full time equivalent staff who will be working at the hospital across three shifts.<sup>2</sup> In such a high value locality, the existing housing and proposed new apartments will be largely unaffordable for nurses and other low to moderate income health workers. Many staff will therefore need to commute to the hospital from distant areas where housing is more affordable.

Draft planning controls developed for the Hospital Precinct by Northern Beaches Council propose that a proportion of new development must be dedicated to Council as affordable rental housing (15% of floorspace in the new town centre and

<sup>2</sup> LFA & Healthscope Northern Beaches Hospital (Stage 2) EIS, pg47.



10% in surrounding areas). If these controls come to fruition, they may result in some 300-400 units progressively becoming available for affordable housing as the 3,000 dwellings initially proposed for the precinct are developed. However there are many groups in the community in need of affordable housing who would be eligible to occupy those dwellings, so there can no guarantee that any of them would be available to nurses and other health sector key workers – and the affordable dwellings will largely become available several years after the hospital commences operation in 2018.

The site of this proposal is held by Kingsmede, a private company that owns and manages an extensive portfolio of commercial and industrial properties across Australia. The owner of Kingsmede has identified a strong need for affordable, tailor-made accommodation for nurses and medical key workers who would otherwise be required to commute to the hospital from distant areas.

The owner's motivation is altruistic – to assist nurses by making available a substantial supply of affordable, safe and appropriate accommodation in close proximity to the hospital. However the unusual (and possibly unique) circumstances of the proposal and the intended procurement method are such that it is also financially sustainable (albeit not the highest and best use). These include:

- The site is owned outright by Kingsmede, avoiding the major cost of site acquisition (which would be prohibitive in this area);
- The existing commercial building (which will be retained with minor internal modification) has been mostly vacant for several years, so minimal rental income will be foregone during its development;
- The development will enhance the future market attraction of the existing commercial building;
- Prefabricated residential modules will be used to minimise construction time and cost while assuring consistently high build and finish quality;
- Management costs will be contained by head leasing all of the accommodation as affordable rental housing to a community housing provider such as Link Housing. This means that the accommodation will be rented, not sold, and only people earning low to moderate incomes will be eligible to occupy it. Rents will be capped at not more than 30% of the household's income;
- The reduced capital and management costs, together with the significant number of rooms proposed, enable the lower rental yield to be sustained on a long-term basis.

***What guarantee is there that the benefits will be delivered?***

The proposal is for 100% of the accommodation provided on the site to be managed as affordable rental housing by a registered community housing provider.

This ensures that all of the accommodation will be made available to people earning low to moderate incomes and none of them will be charged more than 30% of their income in rent. It also ensures the highest standards of tenancy management and property maintenance will be observed.

The applicant has had preliminary discussions with Link Housing Ltd, the main registered community housing provider operating in the Northern Beaches. Link has provided written confirmation of its strong interest in managing the accommodation (**Appendix 2**).

In accordance with Section 93F(1)(a) of the *Environmental Planning & Assessment Act 1979* (the Act), the applicant is proposing to enter into a Voluntary Planning Agreement with Council. A Voluntary Planning Agreement (VPA) is a legally binding mechanism which enables a planning benefit to be granted (such as a change to zoning provisions, as sought in this proposal) subject to the applicant delivering the public benefits offered by the project (in this case, the affordable rental housing).

The former Warringah Shire Council adopted a policy which sets out the circumstances in which a VPA will be considered and the types of public benefits which can be offered (Policy No. PL 600 VPA). The Policy identifies affordable housing as one of the benefits that can be offered.

The proposed terms of the VPA are outlined later in this Planning Proposal. If the Planning Proposal and VPA are supported and implemented, the applicant will be legally bound to provide the affordable housing and other benefits offered in the VPA.

As noted in clause 32 of Council's VPA Policy, the existence of the VPA will be notified on any zoning certificate issued for the property. This alerts prospective buyers to the existence of the VPA should the property be offered for sale.

Clause 33 of the VPA Policy requires that the applicant provide Council with security (generally in the form of a bank guarantee) to the full value of the applicant's obligation under the VPA. Council can also prevent the applicant's rights and obligations under the VPA being transferred if the property is sold.

The draft VPA must be exhibited with the draft planning proposal so that its terms are open to public scrutiny and comment. If made, it must be publicly available on Council's VPA register.

The VPA will therefore provide a strong and transparent mechanism for securing delivery of the affordable rental accommodation.



## 1.2 Report structure

This Planning Proposal is submitted under Section 55 of the *Environmental Planning & Assessment Act 1979* (the Act) and has been prepared with reference to *A Guide to Preparing Planning Proposals*, NSW Department of Planning & Environment, August 2016 ('the Guide').

In accordance with the Guide and Section 55(2) of the Act, this report is structured as follows:

- Section 1: Introduction;
- Section 2: Description of the site and local planning framework;
- Section 3: Statement of proposal's objectives and intended outcomes (Part 1 of the Planning Proposal under the Guide);
- Section 4: Explanation of the proposed instrument change and VPA (Part 2 of the Guide);
- Section 5: Justification (addressing each of the questions set out in Part 3 of the Guide);
- Section 6: Mapping (Part 4 of the Guide);
- Section 7: Community consultation (Part 5 of the Guide).

The Guide identifies the need for planning proposals to exhibit both *strategic merit* and *site-specific merit*.

The proposal has significant strategic benefit in terms of meeting metropolitan and district planning objectives for accelerating housing supply (particularly affordable rental housing), locating housing close to places of work, strengthening strategic centres, the efficient utilisation of existing and planned infrastructure, encouraging active forms of transport, protecting the environment and improving energy and water efficiency.

It also has important site-specific benefits, including:

- social and economic benefits to nurses and other medical key workers who will be able to access appropriate, safe, high-amenity and affordable accommodation in close proximity to the hospital;
- reduction of traffic and congestion on surrounding roads;
- facilitating the planned development of a health and education super precinct around the hospital by providing a substantial and highly visible local source of skilled health sector workers;
- avoiding constraints on existing and future commercial development in the Business Park;
- supporting the development and viability of the new town centre by enabling more people to live in the trading catchment of the centre;
- supporting the cultural diversity and vitality of the area by enabling low and moderate income workers (particularly younger workers on starter salaries) to reside locally and participate in local sporting and community activities rather than commuting from distant localities where housing is more affordable;
- reducing environmental impacts by confining development to existing built or paved areas and enhancing existing green space.

These and other strategic and site-specific benefits of the proposal are discussed in detail in Section 5 of this report.



## 2. Existing situation

### 2.1 The site

The site comprises Lot 21 in DP 881819. It is formally identified as 327-329 Warringah Rd, Frenchs Forest but in practice is referred to as 14 Rodborough Rd, Frenchs Forest. The southern adjoining property is also referred to as 14 Rodborough Rd and the three buildings occupying the two properties are collectively referred to as Beacon Business Park.

The site is generally rectangular with a width of 74m, depth of 116m and area of 8,657m<sup>2</sup>. It is gently sloping with a fall from north (Warringah Rd) to south and a crossfall from west to east.

The site is a landlocked parcel with no direct street frontage to either Warringah Rd or Rodborough Rd. However it has the benefit of a right-of-carriageway (as well as an easement for services and an easement to drain water) across the southern neighbouring property which provides legal and practical vehicular access to Rodborough Rd, as shown in DP881819 (**Figure 2**).



**Figure 2: The Site (DP881819)**

Presently on the site is a three-storey commercial office building of early 1980s construction. It has an expressed concrete frame with extensive glazing to all sides and a flat metal roof. Roughly square in shape, the building footprint is some 45m by 45m and covers around 2,000m<sup>2</sup> of the site.

The building is positioned on the northern half of the site with 15m setbacks from the northern (front) boundary and from each side boundary. The front setback is planted with turf, hedges and trees, with landscaping returned partly down each side. The front landscaping merges with a strip of public reserve fronting Warringah Road that has dense canopy of mature eucalypt trees.

A small portion of the building is currently occupied by office premises, including disability service provider Sunnyfield Independence. Despite marketing by local agents, the majority of the floorspace has remained vacant for some years.



The southern part of the site is largely asphalt paved car park and a small landscaped area for staff. Garden beds around the site perimeter are planted with a variety of groundcover, tree and shrub species.



**1. Site viewed from south west**



**2. Site viewed from north west**

## **2.2 Neighbouring development**

To the north of the site is Warringah Rd, a classified main road providing access from Dee Why in the east to Roseville and Chatswood in the west. It has three lanes in each direction separated by a turfed median strip. The site is separated from Warringah Rd by strip of public reserve which is partly turfed, partly mulched and is planted out with mature eucalypt trees approximately 15m tall.

Directly in front of the site is a bus stop with frequent services to Wynyard, Frenchs Forest and the nearby Skyline Shopping Centre. Another bus stop across the road has frequent services to Manly, Narraweena and Warringah Mall.

On the opposite side of Warringah Rd are single storey detached dwelling houses (Nos 300, 302 and 304 Warringah Rd, Beacon Hill).

The property adjoining the site to the south is also known as 14 Rodborough Rd and is occupied by two concrete and glass commercial buildings, a smaller building of two and three storeys closest to the subject site (Building B) and a larger building of up to 4 storeys fronting Rodborough Rd (Building A).

The building on the subject site is known as Building C and collectively the three buildings (A, B & C) make up the Beacon Business Park. Tenants of Building B include the medical, health and disability care businesses Tour de Cure, Anglicare and Pathway International.



**3. Building B viewed from site**



**4. Building A viewed from street**

The site adjoining to the east (No16 Rodborough Rd) has a three storey concrete and glass commercial building occupied by Virgin Active Fitness gym & indoor pool and various commercial tenants such as Sunshine (disability services provider).

It is on a similar front setback as the subject site, with the southern part also predominantly asphalt paved carparking with perimeter garden beds planted out with shrubs and mature trees (including large canopied fig trees up to 13m tall in the western side setback adjoining the site).

The westerly adjacent site (Pacific View Business Park, No10 Rodborough Rd) is occupied by a large two/three storey glass-fronted commercial office complex with asphalt paved parking front and rear and mature trees in the eastern side setback adjacent to the site.



**5. Eastern neighbour 16 Rodborough**



**6. No16 viewed from subject site**



**7. Western neighbour 10 Rodborough Rd**



**8. No10 viewed from subject site**

### **2.3 The locality**

The site is on the northern edge of the Frenchs Forest Business Park which occupies an area of 58 Ha centred along Warringah Rd. The development on the site and neighbouring properties described above typifies the modern commercial office premises which characterise the remainder of the Business Park.

Other uses in the Business Park include a large electricity sub-station on the corner of Rodborough Rd and Allambie Rd and self-storage facilities at 9A Rodborough Rd and 15 Rodborough Rd.

It is noted that the Business Park has a significant number of businesses in the medical, disability care, health and wellness sectors including Sunnyfield Independence, Sunshine, Anglicare, Pathway International, Virgin Active, Tour de Cure, National Nurses Plus, Wright Medical Australia, Derma Aesthetics Australia, Pharmaxis, ConMed Linvatec Australia and Gernetic Skin Care.

The area on the opposite (northern) side of Warringah Rd is characterised by low density detached homes of one and two storeys, mostly brick and tile and developed within the last 50 years. This also typifies the residential area to the east of No16 Rodborough Rd.



The closest shopping facilities are the Skyline Shopping Centre, a small group of neighbourhood shops on the corner of Frenchs Forest Rd West and Patanga Rd which is a 350m walk to the west of the site. The Centre has a mini supermarket, chemist, newsagency, bakery, hairdresser, real estate agent and several restaurant/café premises, as well as professional office suites.

More comprehensive shopping facilities, including two full line supermarkets (Woolworths & ALDI), several banks, numerous speciality stores, professional and health services, fresh food outlets, cafes & restaurants, are available at Forestway Shopping Centre on the corner of Forest Way and Warringah Rd, 2km west of the site.

Warringah Mall, the largest shopping centre of the Northern Beaches district, is 2.5km to the south-east of the site.

The Forestway Shopping Centre and Warringah Mall are both accessible from the site by bus services stopping directly in front of the site (refer **Figure 3**).

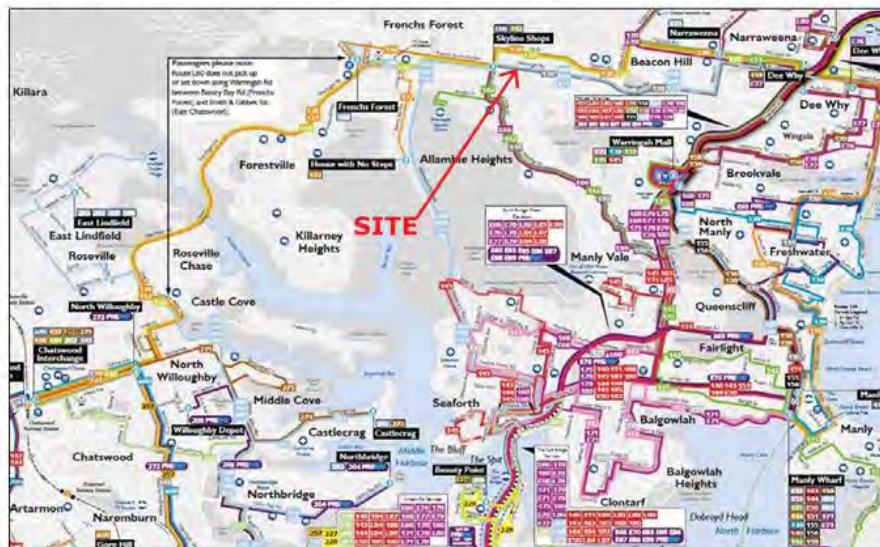


Figure 3: Bus route map (Transportnsw.info, 25/09/17)



## 2.4 Existing planning framework

### **Warringah Local Environmental Plan 2011**

Warringah LEP 2011 (WLEP2011) is the principal environmental planning instrument applying to the site.

In common with the rest of the Frenchs Forest Business Park, the site is zoned B7 – Business Park under WLEP2011 (**Figure 4**).



**Figure 4: Current zoning map** (northernbeaches.nsw.gov.au, 25/09/17)

The proposal positively addresses the objectives of the B7 zone, as discussed below:

- *To provide a range of office and light industrial uses.*

The existing office floorspace on the site will be retained. Additional employment floorspace will be provided on site for management and administration of the accommodation.

As a result of the proposal, there will be limited future capacity to increase commercial floorspace on the site. However this is not significant, as the site represents a small proportion (less than 1.5%) of the total business park area and therefore this constraint will not have any appreciable impact on the quantum of floorspace which can ultimately be developed in the Business Park.<sup>3</sup>

- *To encourage employment opportunities.*

Council's recent Business Survey noted concern by industry that the lack of affordable housing for key workers has become a serious constraint to businesses establishing and growing in the area.<sup>4</sup> The highly visible presence of a substantial supply of skilled labour in close proximity to the Business Park will attract new businesses and employment to the Business Park, particularly those in the health and medical sectors. In this way, it will act as a catalyst for new employment opportunities.

<sup>3</sup> Gross lot area of Frenchs Forest Business Park: 578,178m<sup>2</sup> (Warringah Employment Study 2013, SGS Economic & Planning, Table 10, page 48). Site area 8,657m<sup>2</sup>.

<sup>4</sup> Northern Beaches Affordable Housing Needs Analysis, Northern Beaches Council, December 2016, p3.



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

The provision of affordable rental housing directly addresses the most fundamental need of workers in the area. The proposal also includes shuttle transport and communal facilities to meet the transport and recreational needs of local workers.

- *To create business park employment environments of high visual quality that relate favourably in architectural and landscape treatment to neighbouring land uses and to the natural environment.*

The design concept is of high visual quality and will make a positive contribution to the built and natural environment of the Business Park.

- *To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of adjoining or nearby residential land uses.*

Conflict between land uses can be manifested in several ways - neighbouring uses potentially causing amenity impacts on the proposed development; the development causing amenity impacts on neighbouring uses, and the proposal constraining future development of neighbouring sites in view of the perceived risk of complaints about amenity impacts.

The commercial development on neighbouring sites has minimal capacity to affect the amenity of residents. The buildings are well separated by generous setbacks planted with tall, mature trees. They are air-conditioned with sealed glazing that is predominantly oriented to the north and south rather than towards the site. Being used for office purposes, they are predominantly unoccupied outside of business hours and do not generate significant waste or involve many heavy vehicle movements. The opportunity for noise and privacy impacts on residents of the site are therefore minimal.

For similar reasons, the use of the site for residential purposes would have no appreciable impacts on surrounding commercial premises, as they are not sensitive to impacts from residential use. Office and residential buildings co-exist in harmony in mixed use zones throughout Sydney.

It is unlikely that neighbouring properties would be redeveloped for traditional industrial purposes which might introduce additional impacts. The Business Park is planned to develop as a specialised health and medical precinct, and this would consist overwhelmingly of office premises which have minimal potential to affect (and be affected by) the proposed accommodation.

The generous setbacks of the proposed accommodation ensures that future development on neighbouring sites to a similar height would not significantly impact on solar access or privacy of the accommodation. Privacy of the residents will be further protected by window orientation, operable screens and landscaping (all of which will be appropriately detailed and assessed at DA stage).

The shadow modelling provided with the development concept drawings confirms that there is no impact on solar access of the residential properties to the north or east of the site. The proposed overshadowing of neighbouring commercial properties is less than 3 hours per day in midwinter and is acceptable in a commercial environment.

The absence of conflicts between the site and neighbouring properties means that the proposed residential use of the site will not inhibit more intensive commercial development of those properties in the future.

In addition to providing a local source of skilled labour, benefits for the Business Park offered by residential accommodation on the site include:

- additional trade for cafes and venues in the Business Park (such as the Forest Café at 20 Rodborough Rd and the Parkway Hotel at 39 Frenchs Forest Rd East);
- the increased activity and surveillance by residents (especially at shift changes) will improve safety and security for all Business Park users, particularly office workers leaving later in the evening.

Having regard to the above, the proposal is considered to promote the objectives of the B7 zone.

Uses which are permissible with consent in the B7 zone are identified in item 3 of the land use table as follows:

*Child care centres; Garden centres; Hardware and building supplies; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Roads; Self-storage units; Take away food and drink premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

Uses which are prohibited are identified in item 4 of the land use table as follows:

*Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Business premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Open cut mining; Places of public worship; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies*

It is noted that "residential accommodation" is a prohibited use. This is a group term which includes all forms of long term residential accommodation. The proposed accommodation for nurses and other medical key workers is therefore prohibited in the B7 zone.

Clause 2.5 of WLEP2011 permits specified additional uses to be carried out with consent on properties identified in Schedule 1. The site does not have the benefit of any additional permitted uses under this clause. The nearest additional permitted use is item 12 in Schedule 1 which permits development for the purposes of a pub on 39 Frenchs Forest Rd East (the Parkway Hotel which is 650m to the west of the site and also within the B7 - Business Park zone: refer "Area 12" in **Figure 5**).

Warringah Road to the north of the site is zoned SP1 – Infrastructure, reflecting its status as a classified main road. The site is separated from Warringah Rd by a 15m wide strip of public reserve zoned RE1 – Public Recreation.

Part 4 of the LEP sets out principal development standards. These typically operate by maps setting out the minimum lot size and the maximum floor space ratio (FSR) and building height.

The LEP has not adopted the standard clause regulating FSR, so there is no FSR standard under the LEP for this site (or any other land to which the LEP applies).

The LEP height of buildings map does not set a maximum building height for the site or any other land in the Business Park. The maximum height permitted in the low density residential areas to the north and east of the Business Park is 8.5m (effectively two storeys).

A minimum lot size of 4,000m<sup>2</sup> applies to the site and throughout the B7 zone.

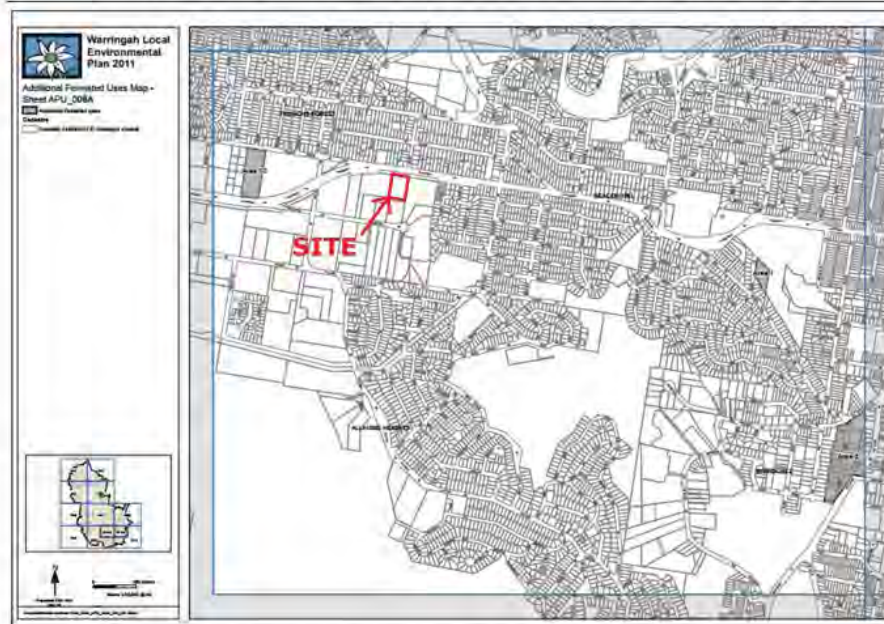


Figure 5: Current Additional Permitted Uses Map (Warringah LEP 2011)

Part 5 of WLEP2011 sets out miscellaneous provisions concerning various types of development and areas. None of these are of immediate relevance to this planning proposal. By way of observation, clause 5.10 has provisions regarding environmental heritage. The site is not a heritage item, nor is it within a heritage conservation area. The nearest heritage item is the Warringah Reservoir at 40-50 Government Road, Beacon Hill, but the site is not within the vicinity of this item for the purposes of clause 5.10(5)(c) of the LEP.

Part 6 of WLEP2011 sets out additional local provisions. These are generally matters that would be addressed in detail at the development application stage if the planning proposal was supported. The following comments are provided regarding potentially relevant provisions of Part 6:

- Clause 6.1 Acid sulfate soils: The site is not subject to acid sulfate soils.
- Clause 6.2 Earthworks: The development concept does not propose significant excavation or fill. Works are confined to existing buildings or mostly paved areas, with minimal increase in impervious area.
- Clause 6.3 Flood planning: The site is not identified in Council's DCP mapping as being subject to high, medium or low risk flooding.
- Clause 6.4 Development on sloping land: The site is within Area B – Flanking slopes 5 degrees to 25 degrees. This will require a preliminary assessment of geotechnical capability at DA stage but does not present a risk of landslide or any significant constraint to development.

The proposed confinement of works to existing structures or paved car parking, with no increase in impervious area, will minimise the potential



for detrimental impacts relating to stormwater discharge or subsurface flow conditions.

It is intended that the future development will incorporate an exemplary standard of environmental sustainability, including harvesting of rainwater for re-use in toilet flushing and irrigation. This can be assured by submission at DA stage of an appropriately engineered stormwater management system.

- Clause 6.5 Coastline hazards: The site is not near the coastline.

Part 7, the final part of the LEP, sets out provisions for Dee Why town centre and is not relevant to this planning proposal.

The proposal is therefore compliant with all provisions of WLEP2011 other than the proposed use being prohibited in the B7 zone.

### **Warringah Development Control Plan**

Warringah Development Control Plan (the DCP) provides more detailed planning controls which supplement the principal planning controls of WLEP2011.

The controls of a DCP do not have statutory weight and in general terms, are relevant considerations at DA stage rather than for a planning proposal. However as WLEP2011 has few development standards (for example, no maximum FSR or building height), it is useful to consider the controls of the DCP to gain a fuller understanding of the general form of development sought in the B7 zone, as this may inform the need for introducing development standards for the site as part of this planning proposal.

Comments are provided below on potentially relevant controls of the DCP. These would be addressed in detail at DA stage.

- Part A.5 – Objectives

*The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability.*

The proposal enhances environmental quality, local amenity and environmental sustainability by providing for additional low rental housing close to places of work, thus reducing traffic and associated congestion and pollution.

It does not adversely affect the amenity of adjoining commercial development or nearby residential development.

The development concept incorporates an exemplary standard of environmental sustainability in its construction and ongoing operation.

*The other objectives of this plan are:*

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*

The Frenchs Forest Business Park is within an area identified by the draft Northern District Plan as a 'health and education super precinct'.

The proposal responds to the site's proximity to the hospital and super precinct by providing a substantial amount of accommodation for key workers employed at the hospital and super precinct.

Its location at the northern edge of the business park close to a major road ensures that it does not inhibit more intensive future commercial redevelopment of neighbouring properties. To the contrary, it will attract new health & medical sector development to the business park



by providing a substantial and highly visible local source of skilled labour, thus helping to fulfil metropolitan planning objectives for the super precinct.

It is sufficiently distant from residential neighbourhoods to have no impact on their amenity nor constrain their future development.

- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*

The character of the development is compatible with surrounding commercial development in the business park. It will be significantly higher than surrounding commercial development but no higher than the hospital. The hospital has also been proposed as the height benchmark for the new Frenchs Forest town centre precinct. By establishing a similar height benchmark in the business park, the development will contribute to achieving a unified urban landscape for the whole super precinct.

The proposal will reinforce the pedestrian network by providing increased foot traffic (thus improving activity, surveillance and security) and has been architecturally designed to provide an attractive design outcome.

- *To inspire design innovation for residential, commercial and industrial development*

The proposal is highly innovative, being the first major private sector affordable rental housing project dedicated to nurse and medical key worker accommodation on the northern beaches. There is a well acknowledged lack of affordable rental housing in the northern district and it is hoped that it may inspire similarly innovative approaches to addressing this serious and deteriorating issue.

It also utilises innovative prefabricated modular construction which substantially reduces construction costs while achieving high levels of sustainability, therefore improving housing affordability and environmental outcomes.

- *To provide a high level of access to and within development.*

The site is highly accessible to the northern beaches hospital and the health and education super precinct. Internally, the development is fully accessible throughout and has excellent connectivity to the pedestrian network and bus services, as well as to the planned recreation and education precinct surrounding Warringah Aquatic Centre.

- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*

The site and surrounding properties are not environmentally sensitive.

By virtue of its height and elevated ridgeline position adjacent to a main road, the development will be visible from a distance. The provision of affordable key worker accommodation in such a location sends a positive message to the community and reflects the high importance which the community has assigned to this issue. Its visibility will reinforce its effect as a catalyst for development of new health and medical businesses within the super precinct.

- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

The proposal achieves a high level of environmental sustainability in its construction and its long term operation.

It will contribute to the economic sustainability of the area by providing a substantial local source of skilled labour for the burgeoning health and medical sectors and by housing additional local customers within the trading catchment of the proposed new town centre.

The proposal encourages social sustainability by accommodating low and moderate income key workers in the local area who would otherwise commute from distant areas with more affordable housing. This will include a large cohort of young workers who will add to the vitality and balanced diversity of the community.

- Part B – Built Form Controls:
  - B1 Wall Heights: Not applicable
  - B2 Number of storeys: Not applicable
  - B4 Site coverage: Maximum 33.3% (41% proposed)
  - B5 Side boundary setbacks: Zero permitted (15m provided).
  - B7 Front boundary setback: 10m required (15m provided). Front area to be landscaped and generally free of structures, basements, car parking etc.
  - B10 Rear boundary setbacks: Merit assessment having regard to streetscape, amenity of surrounding properties and setback of neighbouring development.
- Part C – Siting Factors
  - C2 Traffic, access & safety: Proximity of site to hospital, new town centre, public bus stop and business park enables high proportion of occupants to walk, cycle or bus to work, with consequent reduction of traffic, improved road safety and health outcomes. Shuttle bus service improves access options and increases personal safety for late shift workers.
  - C3 Parking facilities: High rate of active transport usage and on-site provision of car share facilities enables lower rate of car parking.
  - C3(A) Bicycle parking and end of trip facilities: Extensive secure bicycle parking is provided to take advantage of close proximity to employment. All rooms have self-contained bathrooms.
  - C4 Stormwater: Confinement of works to existing structures or mostly paved areas minimises potential impacts relating to stormwater discharge. High rate of rainwater harvesting and re-use is proposed.
  - C5 Erosion & sedimentation: Confinement of works to existing structures or paved areas minimises potential impacts.
  - C6 Building over Council drainage easements: None present.
  - C7 Excavation & landfill: Proposal does not involve significant earthworks.
  - C8 Demolition & construction: No significant demolition is proposed. Construction impacts and duration are substantially reduced by proposed use of pre-fabricated modular construction.
  - C9 Waste management: Construction waste minimised by pre-fabricated modular construction. Provision made for on-site storage and collection of ongoing waste. Rooftop vegetable and herb gardens

with composting facilities will reduce consumption of packaged goods and putrescible waste to landfill.

- Part D – Design

- D1 Landscaped open space and bushland setting: 33.3% of site to be landscaped open space. (Most of existing landscaping is retained and landscaped roof terraces are provided).
- D3 Noise: Modular construction system complies with BCA standards for noise transmission between occupancies. Traffic noise managed by appropriate cladding and glazing treatments and centralised air-conditioning & natural ventilation systems to achieve internal noise level standards. Plan of Management enforced by resident managers will provide for effective control of noisy behaviour.
- D6 Access to sunlight: Location of site on northern edge of business park, together with substantial front, side and rear setbacks, ensures rooms have high level of solar access and avoids unacceptable overshadowing of neighbouring properties.
- D7 Views: Site has elevated position, providing outstanding ocean and district views from most levels. This will add significantly to the amenity of the compact accommodation.

The height of the proposal relative to surrounding office and residential buildings, together with its elevated position, will make it visible from distant locations (similar to the hospital which now has a wide visual catchment). However from closer vantage points, its visibility is masked by surrounding trees and buildings (as confirmed by the view studies). The prominence provided by the distant visibility of the proposal will reinforce the incentive it provides to health and medical businesses seeking a local workforce of skilled labour. It also provides a positive message to the community and supports State and Council initiatives to promote affordable rental housing. Over time, increased development of the business park to fulfil its planned super precinct status will result in the development merging with surrounding multi storey commercial buildings.

- D8 Privacy: Location of site within a business park predominantly occupied during business hours ensures high level of privacy to occupants and minimal external privacy impacts on neighbours.
- D9 Building bulk: While there are no FSR or building envelope controls in the business park, bulk is minimised by slim tower forms and interesting variation of building finishes.
- D10 Building colours and materials: Light toned cladding is compatible with the light tones predominating throughout Business Park.
- D11 Roofs: Flat roofing is typical of buildings throughout Business Park.
- D12 Glare and reflection: Cladding has low glare & reflectivity.
- D14 Site facilities: Adequate provision is (or can be) made for site facilities including waste and general storage, letterboxes, etc.
- D18 Accessibility: Accessible rooms and parking is provided in excess of the minimum requirements of the BCA. All communal rooms and external spaces are fully accessible.
- D20 Safety & security: On site manager will live in each building and will be contactable 24/7. Secure external entrances and room doors are proposed, together with CCTV in all common areas. Safe access to hospital is provided by shuttle bus service at start and finish of each

shift. Plan of Management will detail fire safety evacuation procedures and other safety & security measures. External cladding will be non-combustible magnesium oxide panelling.

- D21 Provision and location of utility services: All urban services are currently available. Appropriate arrangements will be made with supply authorities for reticulation and augmentation of services.
- D22 Conservation of energy and water:  
Prefabricated modular construction has a high recycled steel content and greatly reduces use of energy-intensive concrete construction. Modules are well insulated with high levels of thermal performance. External cladding of magnesium oxide panel is an inert, non-flammable product with low embodied energy also utilising recycled materials. Compact accommodation minimises energy consumed for heating, cooling and lighting. Highly efficient centralised air-conditioning and ventilation system is proposed. Close proximity to hospital and other health and medical businesses ensures low transport energy consumption.

Water use is minimised by extensive harvesting and re-use of rainwater for toilet flushing and irrigation. Low flow appliances and plumbing fixtures will be specified. The landscape plan will specify predominantly native plant species with low water usage.

- Part E – The natural environment

E1 Preservation of trees or bushland vegetation: Works are confined to existing buildings and mostly paved areas. Vegetation lost will be more than replaced by landscaped terraces.

E2 Prescribed vegetation: The site is not identified on DCP mapping as a native wildlife corridor or as having any significant native vegetation or high conservation habitat.

E3 Unique environmental features: The site does not have any unique environmental features such as rock outcrops, natural watercourses or remnant vegetation.

E10 Landslip risk: The site is identified on the LEP landslip risk map as Area B - Flanking slopes 5 degrees to 25 degrees. This will require a preliminary assessment of geotechnical capability at DA stage but does not present a risk of landslide or any significant constraint to development.

The above analysis shows that the proposal will meet the objectives and controls of the LEP and DCP (other than residential accommodation not being permissible in the B7 zone).

Importantly, it is noted that neither the LEP nor DCP seek to regulate building height in the B7 zone (by way of maximum building height, storey control, building envelope or wall height control), nor do they regulate FSR by any means. While the height (and possibly FSR) of the proposal exceeds that of other development in the business park at present, it remains compliant with existing controls and does not require or rely on a variation of LEP or DCP standards to achieve this height and FSR.

### **SEPP (Affordable Rental Housing) 2009**

The proposal seeks to facilitate the supply of affordable rental housing. *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('SEPPARH') has provisions which encourage a variety of affordable rental housing forms including infill medium density units and apartments, secondary dwellings, boarding houses, group homes, supportive housing, public housing developed by the NSW Land & Housing Corporation and affordable apartments developed by the community



housing sector. It also has provisions encouraging the retention of existing affordable housing.

The form of affordable housing envisaged by this planning proposal can be characterised as a *boarding house* which is defined in WLEP2011 (and SEPPARH) as follows:

***boarding house*** means a building that:

- (a) is wholly or partly let in lodgings, and
  - (b) provides lodgers with a principal place of residence for 3 months or more, and
  - (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
  - (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

*Boarding house* is a land use which closely matches the proposal because:

- All accommodation will be rented (let in lodgings), not owner-occupied;
- The premises will be the occupants' principal place of residence for the time they are staying there;
- Extensive shared communal facilities will be provided;
- It enables all rooms to have an en-suite bathroom and kitchenette but in a more compact and affordable form than conventional apartments;
- Unlike conventional apartments, strata subdivision is not proposed;
- Occupancies will be managed through Occupancy Agreements under the *Boarding Houses Act 2012* rather than leases under the *Residential Tenancies Act 2010*. This has a range of benefits including flexible tenancy periods (of at least 3 months); capacity for the landlord to enforce House Rules to ensure good order is maintained, and clear definition of the rights and obligations of residents and landlords in the Occupancy Principles in Schedule 1 of the *Boarding Houses Act* (**Appendix 3**);
- It enables a Plan of Management to be developed with community participation and enforced through a condition of consent;
- It enables a manager to reside on site and be responsible for enforcing the Plan of Management on a day-to-day basis. This includes responding to any issues or complaints that may arise;
- The *Boarding Houses Act* requires registration of the premises by NSW Fair Trading and regular oversight by Council. This provides for much stronger regulatory oversight than is available for conventional apartment buildings.

Division 3 of SEPPARH has provisions relating specifically to boarding houses. However the B7 – Business Park zone is not one of the zones to which Division 3 applies. Division 3 of SEPPARH therefore does not make this form of development permissible on the site and has no direct application to it.

The boarding house standards and controls in Division 3 of SEPPARH have nonetheless been used as a reference point in developing the concept design. Consistent with the approach adopted by the case law, they would appropriately be used as a guide in the subsequent assessment of a development application should this planning proposal be supported.

### **SEPP 65 - Design Quality of Residential Apartment Development**

SEPP65 establishes a consistent approach to the design and assessment of apartments. It contains design principles which apply to apartment projects and requires certification from the project architect that the principles have been met.

SEPP65 requires consideration of the detailed design requirements of the *Apartment Design Guide* when apartment projects are designed and assessed.

SEPP65 expressly provides that it does not apply to boarding houses. Although it would not legally apply to this boarding house proposal, the development concept has been designed by a qualified and highly experienced architect to achieve all of the design principles and, as far as they are relevant to a boarding house, the key standards of the *Apartment Design Guide*. This ensures that the project will provide a high level of urban design quality, architectural merit and amenity for residents.

### **Planning agreements legislation**

The *Environmental Planning & Assessment Act* 1979 ('the Act') includes a mechanism which enables a change of an environmental planning instrument to be supported where the applicant seeks to provide a material public benefit for a public purpose. The types of public purposes which can be offered include affordable housing.

The offer is documented in a Planning Agreement (commonly referred to as a Voluntary Planning Agreement or VPA) made between the applicant and the approval authority.

The former Warringah Shire Council adopted a Voluntary Planning Agreements Policy (Policy No. PL 600 VPA) on 26/08/14. The VPA Policy outlines the procedures for negotiating, publicly notifying and executing a VPA. If this proposal is supported, a VPA will be prepared in accordance with the requirements of the VPA Policy using the standard VPA template provided in the Policy.

### **Responsible planning authority**

Northern Beaches Council is the responsible planning authority for evaluating this Planning Proposal. Should the proposal be supported and implemented through the amendment of WLEP2011, a development application would be lodged with Council and then exhibited and assessed by Council planning officers.

Schedule 4A of the Act identifies affordable housing with a capital value exceeding \$5M as requiring determination by the relevant regional panel. Following consideration of submissions, a report on the development would therefore be prepared by Council officers and referred to the Sydney Central Planning Panel for determination.



### 3. Objectives or intended outcomes of proposal

#### 3.1 Strategic objectives

The primary strategic objective of this planning proposal is to amend Warringah Local Environmental Plan 2011 to enable affordable rental accommodation to be developed on the site for nurses employed at Northern Beaches Hospital and for other key workers in local health and medical sector businesses.

#### 3.2 Site specific objectives

The proposal also seeks to realise the following site specific objectives:

- provide sufficient accommodation to ensure that the project is financially sustainable over the long term (that is, at least cost neutral) when rents are capped at a level that is affordable to nurses and other health sector key workers;
- reduce traffic and congestion on surrounding roads by enabling residents to easily get to work by walking, cycling and catching public transport rather than commuting by car from distant areas where housing is more affordable;
- support the planned development of a health and education super precinct around the hospital by maximising the number of skilled health sector workers accommodated in a highly visible location within the precinct;
- maintain the existing employment capacity of the site by retaining the existing commercial building and continuing its use as office premises or other business purposes permissible in the B7 zone;
- ensure a satisfactory built form relationship with the Northern Beaches Hospital, the proposed Frenchs Forest town centre and existing and future commercial development in the Frenchs Forest Business Park;
- minimise environmental impacts by confining development to existing built or mostly paved areas, enhancing existing green space and incorporating an exemplary standard of environmentally sustainable design;
- avoid constraints being imposed by the project on existing and future commercial development in the Business Park;
- support the development and viability of the proposed Frenchs Forest town centre by enabling more people to live in the trading catchment of the centre with easy access to the centre so that it becomes their preferred major shopping and entertainment destination;
- support the cultural diversity and vitality of the area by enabling low and moderate income workers (particularly younger workers on starter salaries) to reside locally and participate in local sporting and community activities rather than commuting from distant localities where housing is more affordable;
- support the planned development of a health and education precinct around the Warringah Aquatic Centre by accommodating more young adults in the area;
- act as a demonstration project that will encourage the private sector to develop other innovative affordable rental housing projects.

#### 3.3 Concept development scheme

A concept development scheme has been prepared to help inform the planning controls required to deliver the intended outcomes of the planning proposal.

The mix of uses and form of development envisaged to deliver the above objectives are illustrated in the concept drawings by Urbaine Architecture at **Appendix 1**.



The concept scheme has a maximum building height of 39.1m which is below the 41m maximum height of the Northern Beaches Hospital. 40m has been adopted in the Northern Beaches Hospital Precinct Structure Plan as the maximum height of development within the new Frenchs Forest town centre that adjoins the hospital site, the Forestway Shopping Centre site and the properties opposite Forestway.

The concept scheme also generally complies with objectives and controls of Warringah Development Control Plan that apply within the Frenchs Forest Business Park, as noted in the previous section of this report.

Several layout options were investigated. The suggested option of two towers of 9 and 10 storeys in height and separated 24m provides the best outcomes in relation to the design principles of *SEPP65* and the *Apartment Design Guide*.

The design concept envisages:

- Retention of the existing commercial building and construction of a 9 storey tower above it containing 177 studios (17 studios and a one-bedroom manager's unit on the ground floor and 20 per floor on each level above);
- Construction of a new building to the south of the existing commercial building in an area currently occupied by 66 open parking spaces and a staff recreation area;
- The new building proposes three levels of car parking and service areas with a 10 storey tower above. It contains 197 studios, with 17 on the ground floor (plus a one-bedroom manager's unit) and 20 studios per floor on each level above;
- Each studio room is of 30m<sup>2</sup> gross floor area (20.7m<sup>2</sup> excluding bathroom & kitchenette) and contains a fully-furnished bathroom, kitchenette, laundry and living/sleeping area with fold-out bed;
- Each level has a 50m<sup>2</sup> communal recreation room with a 14m<sup>2</sup> balcony. The use of these rooms will be alternated to provide residents with a choice of recreational activities including TV, group cooking/dining, games and library/reading/study;
- The building exteriors will be clad with perforated magnesium oxide panels which are non-flammable, highly decorative and adjustable for privacy and solar control;
- Landscaped terraces are proposed on the roofs of the existing commercial building and the new carpark structure and will include vegetable and herb gardens. Recreation decks are also proposed on the roof of each building;
- An elevated pedestrian ramp connecting the two buildings will provide barrier free access to the bus stop and footpath of Warringah Rd.





## 4. Explanation of the provisions

### 4.1 Proposed amendment of Warringah LEP 2011

The review of the existing planning framework in Section 2.4 of this report noted that residential accommodation is prohibited in the B7 – Business Park zone. It also identified “boarding house” as a residential accommodation land use which is a close match to this proposal.

It was further noted that WLEP2011 has no development standards applying in the B7 zone, other than a minimum lot size standard of 4,000m<sup>2</sup>.

Finally, the review noted that the DCP has some development controls regulating built form within the B7 zone but no height standard. Built form is largely determined on a merit basis having regard to the objectives of the zone and the DCP.

The proposal involves the retention of the existing commercial office building which is intended to remain in use for business purposes permitted in the B7 zone. It is therefore not appropriate or necessary to change the underlying B7 zoning of the land in order to accommodate the proposal.

The following amendments to WLEP2011 are therefore considered an appropriate way to achieve the intended outcome for this site:

- amend Schedule 1 – Additional Permitted Uses by adding a new item which identifies *boarding house* as an additional permissible use on the site;
- amend the Additional Permitted Uses Map to identify the above item.

If considered appropriate, the item could include a development standard for height (40m) to ensure that development on the site does not exceed the height of the Northern Beaches Hospital or Frenchs Forest town centre precinct.

No change is proposed to other maps or provisions of WLEP2011.

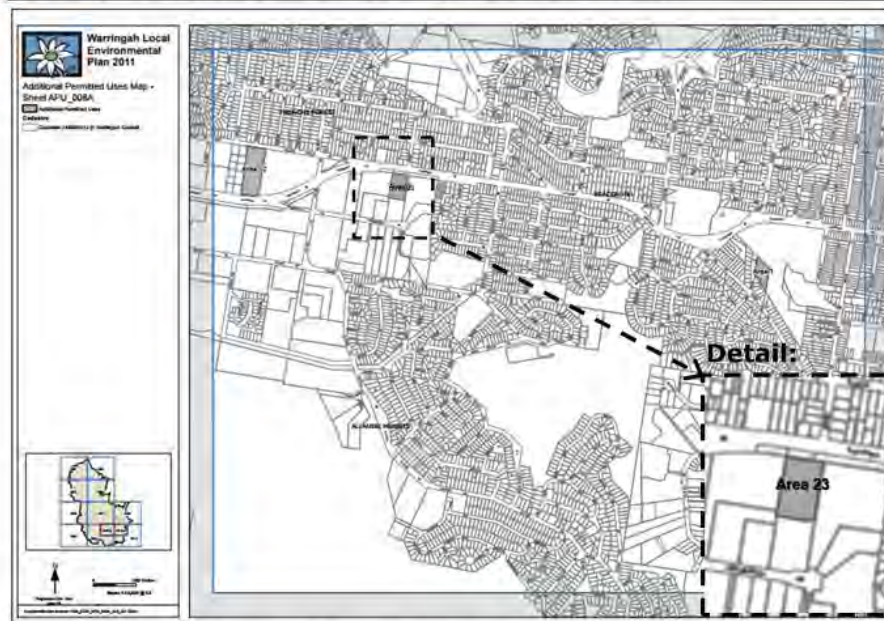


Figure 6: Proposed Additional Permitted Uses Map (Warringah LEP 2011)

## 4.2 Proposed Voluntary Planning Agreement

Should the amendments to WLEP2011 proposed above be supported by Council, the owner of the site would be willing to enter into negotiations with Council regarding a planning agreement made in accordance with Section 93F(1)(a) of the Act and Council's Voluntary Planning Agreements Policy adopted 26/08/14 (Policy No. PL 600 VPA).

The following VPA terms are proposed for discussion with Council:

- a minimum of 374 boarding rooms will be provided on the site and no other residential accommodation (other than a manager's unit in each building);
- all of the boarding rooms will be managed in perpetuity by a registered community housing provider for the purposes of "affordable housing" as defined in Clause 6 of SEPPARH;
- preference for allocation of the boarding rooms shall be given (in this order) to:
  1. nurses employed at Northern Beaches Hospital;
  2. other people employed at the Hospital earning low to moderate incomes;
  3. other people working in the Frenchs Forest Business Park in the health, medical and disability care sectors earning low to moderate incomes;
  4. other residents of the Northern Beaches who meet the community housing provider's eligibility criteria;
  5. other people who meet the community housing provider's eligibility criteria.
- extensive communal facilities shall be provided including (but not limited to) rooms for cooking, dining, games, TV, recreation and quiet relaxation; landscaped open space for outdoor dining, BBQs, group socialising, quiet relaxation and recreation; communal vegetable and herb gardens; sporting facilities such as volleyball, badminton etc.
- a shuttle bus service shall be provided to take workers to and from the hospital at the start and end of each shift;
- enhancement of the pedestrian connection between the site and the hospital, as agreed with Council;
- a development levy under Section 94A or contribution under Section 94 of the Act shall not apply to the development.

The management of the rooms in accordance with the definition of "affordable housing" in Clause 6 of SEPPARH (required by the second dot point above) ensures that only people earning very low, low or moderate incomes can occupy the rooms and that they can be charged not more than 30% of their income in rent.

In respect to the last dot point, Council currently applies a levy of 1% of the cost of development under Section 94A to fund public facilities and amenities in the area. This is levied under a condition of development consent when a development is approved.

Clause 25J(3)(l) of the *Environmental Planning & Assessment Regulation 2000* currently provides that when determining the cost of development for calculating such a levy, the cost of any development that is provided as affordable housing must be excluded. In other words, affordable housing projects (such as this) are currently exempt from Section 94A levies. The last dot point is included in the proposed VPA terms to ensure that this exclusion remains in place notwithstanding any subsequent change in the Regulation or Council policy. This exclusion is important to the financial sustainability of the project.

## 5. Justification

The matters to be considered when demonstrating the justification for a planning proposal are presented as a series of 11 questions in Section 2.3.1 of the Guide under four main headings:<sup>5</sup>

- Need for the planning proposal
- Relationship to the strategic planning framework
- Environmental, social and economic impact
- State and Commonwealth interests

Those questions are addressed below.

### 5.1 Need for the planning proposal

#### **Q1. Is the planning proposal a result of any strategic study or report?**

The proposal seeks to implement recommendations of the following:

- *Warringah Economic Development Plan* (Warringah Council 2011);
- *Warringah Employment Study 2013* (SGS Economics & Planning);
- *Northern Beaches Affordable Housing Needs Analysis* (Northern Beaches Council 2016);
- *Affordable Housing Policy Action Plan* (Northern Beaches Council, 30/05/17).

#### **5.1.1 Warringah Economic Development Plan**

The Frenchs Forest Business Park in which the site is located is within the area formerly administered by Warringah Council. The WEDP was adopted by Warringah Council in 2011 "to provide a positive framework and direction to guide, support and help promote sustainable economic development in Warringah".<sup>6</sup>

The objectives of the WEDP relevantly include:<sup>7</sup>

- *Enhance the region's competitive advantages as a business location*
- *Support continued self-containment of employment opportunities*

WEDP noted that the NSW Metropolitan Plan 2036 identified Frenchs Forest as a potential specialised centre with the proposed hospital acting as a catalyst for clustering of health, wellbeing, medical services and research & development.<sup>8</sup>

The opportunity for Frenchs Forest to develop as a specialised business precinct associated with the new hospital and health services was supported in WEDP. Also supported was the longer term potential of Frenchs Forest to provide innovative and integrated solutions to locate jobs, improved transport and housing together, while reducing time and travel costs and improving amenity.<sup>9</sup>

It noted that:<sup>10</sup>

*There are significant economic development advantages of being able to work and live close to a specialised centre such as an increase in highly specialised*

<sup>5</sup> A guide to preparing planning proposals, NSW Department of Planning & Environment, August 2016.

<sup>6</sup> Warringah Economic Development Plan (WEDP), Warringah Council 2011, pg4.

<sup>7</sup> WEDP, pp4-5.

<sup>8</sup> WEDP, pp21 & 42.

<sup>9</sup> WEDP, p34.

<sup>10</sup> WEDP, p43.



*skilled and commercialising job opportunities, business clustering, innovating technologies and increased employment containment for the NE Subregion.*

*Accommodating more people and activity in a Specialised Centre, with access to public transport connections where possible, is a more sustainable approach for urban growth and population management. Healthier communities can also be promoted by providing increased walking, cycling and public transport options for more people with activities available in accessible locations such as Frenchs Forest.*

The proposal represents an innovative and integrated solution to locate jobs, improved transport and housing together. In doing so, it will directly address the threat to economic competitiveness of the specialised centre posed by the lack of local housing that is affordable for key workers in the health sector. This in turn will promote WEDP's objectives to enhance the region's competitive advantages as a business location and support continued self-containment of employment opportunities.

### 5.1.2 Warringah Employment Study 2013

The objectives of the WES were:<sup>11</sup>

- *Clearly understand the supply and demand for (Warringah's) 46 employment precincts, now and to 2031 and 2036*
- *Establish a robust analysis upon which to base future land use planning decisions, including the zoning of lands, the prioritisation of future development opportunities (short, medium and long term)*
- *Better understand the needs and demands of the local business community and workforce so as to inform future planning decisions*
- *Suggest methods to improve and strengthen employment containment in Warringah*

With a gross lot area of 578,178m<sup>2</sup> (~58 Ha), Frenchs Forest Business Park was identified as Warringah's largest employment precinct outside of Brookvale-Dee Why.<sup>12</sup>

The Study noted that the health and community service sectors of the economy had been growing strongly, driven by demographic changes such as the ageing population. As did the *Warringah Economic Development Plan* of 2011, it noted that the Northern Beaches Hospital will create significant opportunities for employment growth in health and wellbeing industries and spin-offs such as IT, bio-medical and pharmaceuticals.

A significant consideration of the Study was the draft *Dee Why/Brookvale Transport Management and Accessibility Study* which showed that the Brookvale-Dee Why Major Centre can only accommodate 3,500 additional jobs to 2036 under the current road network conditions and that the required road upgrades were prohibitive. This falls short of the 5,000 job target proposed for the Major Centre in the *Metropolitan Plan for Sydney 2036*. As a consequence, the Study examined how a 1,708 job shortfall in Brookvale-Dee Why could be taken up in other centres where adequate transport was available or planned.

One of the Study's findings was that more floorspace should be allowed to be developed in Frenchs Forest Business Park so that it can take up its share of the Brookvale-Dee Why job shortfall.<sup>13</sup>

<sup>11</sup> Warringah Employment Study 2013 (WES), pp2-3.

<sup>12</sup> WES, Table 10, p48.

<sup>13</sup> WES, p77.



The strategies recommended by the Study included Strategy 6: Improve the amenity of business park areas. The Study noted 'good business park fundamentals' as including *proximity to skills*.<sup>14</sup>

Strategy 7 'Develop medical cluster around Frenchs Forest Hospital' proposed several actions including:<sup>15</sup>

*Increase residential accommodation on or near the hospital site for key support workers*

The proposal directly responds to this recommendation by providing a substantial supply of accommodation for key support workers in close proximity to the hospital.

Since this recommendation was made, it has been confirmed that no key worker accommodation is being provided on the hospital site. The relatively small size of the hospital site suggests that this will remain the case, as all land will be needed for hospital purposes if it is to meet its designation as a Level 5 facility. With an area of 6.285 Ha, the Northern Beaches Hospital site is considerably smaller than other Level 5 hospitals such as Royal North Shore (9.9 Ha), Prince of Wales (13.3 Ha) and Seventh Day Adventist Wahroonga (16.4 Ha). It is larger than Manly Hospital (4.6 Ha) but smaller than Mona Vale Hospital (7.1 Ha).<sup>16</sup>

The only option is therefore to provide key worker accommodation in the surrounding area. It is apparent that this will not happen to any significant extent in the foreseeable future if left to market forces due to the high cost of land in the locality that has been rezoned for higher density development (fuelled in recent years by intense property speculation).

Council's proposed inclusionary zoning mechanism will generate a local supply of affordable housing but this will be delivered in small increments over many years as sites are progressively developed and it will not necessarily be allocated for hospital and medical key workers.

By providing a substantial and highly visible local supply of skilled health workers, the proposal will address one of the identified 'business park fundamentals' – proximity to skills. This will help attract the additional development required in the Frenchs Forest Business Park to meet District Plan job targets, and supports the planned specialisation of the Business Park in the health and medical sectors which rely on the availability of those skills.

### 5.1.3 Northern Beaches Affordable Housing Needs Analysis 2016

The Affordable Housing Needs Analysis was prepared in December 2016 by Northern Beaches Council with input from Council's Affordable Housing Strategic Reference Group (of which the author was a member).

The Needs Analysis provided the evidence base to inform Council's subsequent *Affordable Housing Policy Action Plan* (discussed later in this report).

Key relevant points from the Needs Analysis include:

- In 2006, 73% of renting households in the Northern Beaches were in housing stress (paying more than 30% of their income on rent). By 2011, this had grown to 79% and is expected to have increased since then due to continually rising rents and slow wages growth.
- *Expansion of the leisure and hospitality and the health and education industries, including the opening of the Northern Beaches Hospital, will fuel*

<sup>14</sup> WES, p95.

<sup>15</sup> WES, p96.

<sup>16</sup> *The Northern Beaches Hospital (Stage 2) Infrastructure Application and Environmental Impact Statement (NBH EIS)*, p3. Other hospital areas are approximate figures using SIX Maps area tool, August 2017.

demand for affordable housing to **attract/retain 'key workers' occupations.**

- Provision of affordable housing for key workers is a specific challenge for local businesses due to **the poor public transport connections into the northern beaches**, for those workers who can't afford to live locally. This was highlighted in the recent Council Business Survey.
- Households tend to move within the Northern Beaches, however there is a recent trend for households, especially 24-34 and 35-44 year olds, to **relocate out of the region** to the Central Coast, north to Hornsby or Kuring-gai or further afield to Gold Coast or Sunshine Coast, due possibly to rising housing costs.
- Meanwhile, the **supply of affordable housing** to rent or buy within the Northern Beaches is at historically low levels, and is significantly below the Sydney average.
- As at June 2015:
  - 1% of rental properties in the Northern Beaches were affordable to very low income households compared to the 3% Sydney average;
  - For low income households only 3% of rental properties in Manly, 5% in Warringah and 7% in Pittwater are considered affordable, compared to 18% for Sydney average;
  - For moderate income households only 26% of rental properties in Manly were affordable, 30% in Pittwater and 40% in Warringah (compared to 60% for Sydney region).
- There is, therefore, an urgent need for action to increase the supply of affordable, especially rental, housing which is targeted at low to moderate income households, who are required to live and work in the Northern Beaches to support its community and economy. There are a number of opportunities arising with current Structure Planning undertaken by Council in key locations e.g. Northern Beaches Hospital and Ingleside precincts.

#### 5.1.4 Affordable Housing Policy Action Plan

In response to the critical lack of affordable housing identified by the above Needs Analysis, Council adopted an Affordable Housing Policy Action Plan on 30/05/17.

The Action Plan identifies 4 key principles to increase the range and supply of affordable housing to meet the community's growing and changing needs:

- Establishing clear targets for the provision of affordable housing
- Leading change by example
- Embedding affordable housing in Council's strategies, plans and policies
- Partnering with government, other councils, industry, the private sector, stakeholders and community housing providers to deliver affordable rental housing

A range of actions are identified to implement each of these principles. Of particular relevance to this proposal are the following actions:

- **A5 Investigate financial incentives for the provision of affordable rental housing provided in perpetuity including development application fees reduction and rate rebates.**

The proposal is to provide affordable rental housing in perpetuity. A development application fee reduction and rate rebate could be considered at a later stage. At this Planning Proposal stage, the financial incentive sought is to enable the site to be used for a purpose that is not permissible in the zone,

thus avoiding the cost of acquiring medium density zoned residential land (which would be cost prohibitive for such a project). Unlike a fee reduction or rate rebate, this incentive imposes no direct financial cost on Council or the community.

- *A6 Waive section 94A development contributions for that part of any development proposal comprising affordable rental housing.*

It was previously noted in this report that the *Environmental Planning & Assessment Regulation 2000* already makes affordable housing exempt from Section 94A contributions. Such exemption is important to the financial sustainability of the project. It is therefore proposed to be included in the VPA so that it remains in place should it cease to be available under the Regulation.

- *A8 Recognise that affordable rental housing is essential social and economic infrastructure for the Northern Beaches in Council's land-use planning strategies, plans and policies.*

The proposal is for affordable rental housing and therefore is appropriately regarded as essential social and economic infrastructure. This can be given recognition in land-use planning through the amendment of WLEP2011 sought by this planning proposal.

- *A11 As part of Council's local housing strategy, investigate and promote planning mechanisms to maintain existing affordable housing and encourage the provision of new affordable housing with the public and private sector.*

The proposal is a private sector initiative which seeks to utilise a planning mechanism to provide a substantial amount of affordable rental housing. If supported, it can act as a pilot project for informing the inclusion of such a mechanism in Council's local housing strategy.

The City of Sydney is one council which has supported a similar concept. Sydney LEP 2012 was amended in 2015 to allow residential flat buildings or shop top housing within the B7 – Business Park zone at Green Square where they are used by a social housing provider (which includes a community housing provider) for affordable housing. This amendment was effected through the inclusion of Clause 7.13A which also includes the criteria for assessing the suitability of a proposal in the following terms:

- *the development is compatible with the existing uses and approved uses of land in the vicinity of the development having regard to the following matters:*
  - *the impact that the development (including its bulk, scale and traffic generation) is likely to have on the existing uses and approved uses of that land, and*
  - *the services and infrastructure that are or will be available to meet the demands arising from the development, and*
  - *the impact that those uses are likely to have on the health, wellbeing and amenity of residents of the development by reason of noise, dust, lighting, truck movements, operating hours or otherwise, and*
- *no part of the ground floor of the residential flat building or mixed use development that fronts a street will be used for residential purposes, and*
- *the development is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land concerned.*

This proposal would satisfy each of those criteria, as has been demonstrated in this report.

Division 5 of SEPPARH provides for a similar concept by allowing residential flat buildings used by a social housing provider as affordable housing in zones where they are not permissible, subject to the Department of Planning & Environment issuing a Site Compatibility Certificate. The criteria for issuing the certificate include similar tests to those in Clause 7.13A of Sydney LEP 2012. Unfortunately Division 5 only applies to land within 800m of a train station or light rail station and therefore cannot be used anywhere in the Northern Beaches.

- *A15 Identify priority key worker occupations for tenants of affordable rental housing in the Northern Beaches*

This action supports the proposal to target the accommodation to health sector key workers, with nurses of the Northern Beaches Hospital having first priority.

There is a well-recognised and worsening shortage of nurses across Australia. A recent Federal Government report projected a shortfall of approximately 85,000 nurses by 2025 and 123,000 nurses by 2030.<sup>17</sup>

The high cost of housing in the Northern Beaches, together with its relatively poor connections to the metropolitan public transport network, places it at a serious competitive disadvantage when seeking to recruit experienced and qualified nurses to work at the Hospital.

- *A16 Develop management agreements with community housing providers for affordable rental housing delivered to Council through land rezoning or development consent.*

The proposal is for the accommodation to remain in private ownership but be managed in perpetuity as affordable housing by a community housing provider. This can be secured by the mechanism of a VPA and achieves an identical outcome for residents while relieving Council of the financial and administrative burden of land ownership. Action 21 confirms Council's preference that it not become the owner of affordable housing.

- *A17 Actively seek involvement of the private sector through public private partnerships to develop affordable rental housing.*

The proposal is a private sector initiative, effectively in partnership with the not-for-profit sector (the community housing provider). Council's support for this proposal will encourage other innovative partnership schemes. The magnitude and serious human consequences of the affordable housing shortage suggests that all legitimate options to address the issue should be considered.

- *A24 Advocate to amend the Affordable Rental Housing State Environmental Planning Policy to enable the provision of affordable rental housing in perpetuity to obtain development bonuses (currently 10 years).*

The proposal is for affordable housing to be provided in perpetuity and therefore achieves the intent of this action.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is considered the best way to achieve the objectives and intended outcomes because:

- it retains the underlying B7 zoning, thereby accommodating the proposed retention and continued use of the existing commercial building on the site for

<sup>17</sup> Australia's Future Health Workforce – Nurses, HealthWorkforce Australia (Commonwealth Government), Detailed Report, August 2014.



office premises or other permissible purposes and achieving the zone objectives to encourage employment generating uses;

- the proposed boarding house use is compatible with existing surrounding uses and other uses permitted in the B7 zone, particularly the types of uses that will be encouraged by the planned development of the Business Park as part of a health and education super precinct;
- it ensures that the development contemplated by this proposal and any other future development on the site must satisfy the same zone objectives as apply to surrounding development, thereby minimising the potential for land use conflicts to arise;
- as there is no building height standard in the Business Park at present, the possible inclusion of a building height standard which is the same as the Hospital and the proposed new Frenchs Forest town centre precinct would facilitate development on the site with an appropriate built form relationship to the Hospital and town centre;
- it enables the expeditious delivery of the proposal to meet the demand for accommodation that will arise as soon as the Hospital opens in 2018;
- the proposed VPA provides a mechanism to ensure that the project can only proceed if the affordable housing is provided and is managed as such in perpetuity by a registered community housing provider.

The concept of permitting additional uses in zones is accommodated by Clause 2.5 of WLEP2011. Schedule 1 – Additional Permitted Uses indicates that this device has been utilised for 22 sites to date. These include item 12 which permits the additional use of a pub at 39 Frenchs Forest Rd East, a site that is 650m west of the subject site and is also within the B7 zoned Frenchs Forest Business Park.

Council's recently adopted *Northern Beaches Hospital Precinct Structure Plan* (August 2017) proposes to utilise this provision to allow additional uses in redevelopment areas surrounding the hospital.

Residential areas where additional uses are proposed are identified in the Structure Plan as "R2+" and "R3+". The R2+ area on the southern side of Warringah Rd will permit the additional use of multi-dwelling housing. The R3+ area along Holland Crescent will also allow food and drink premises to help activate the green link connecting the new town centre & hospital with areas to the west. The R3+ area on the northern side of Frenchs Forest Rd West will also allow medical, health, business and office premises to be established opposite the hospital. Perhaps most significantly, it is proposed that the additional use of "educational establishment" will be permitted in the RE1 zone of Aquatic Reserve to provide for the relocation of the Forest High School.

Therefore there could be no objection in principle to the use of Clause 2.5 to permit additional uses within the B7 zone. The question is whether the proposal has strategic merit and site-specific merit which is confirmed by this report.

**In summary**, various studies dating from 2011 have established a compelling case for affordable accommodation for nurses and other medical key workers to be provided locally as soon as possible after the Hospital opens in 2018.

There are no realistic prospects of this accommodation being provided in the current housing market conditions and current planning framework settings. The inclusionary zoning mechanism proposed for the Frenchs Forest town centre precinct will not result in a significant supply of affordable housing for some years, and there can be no assurance that any of it will be available to nurses and other medical key workers. It is concluded that there is a strong need for this proposal.

## 5.2 Relationship to strategic planning framework

### **Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?**

The proposal is consistent with the objectives and actions of adopted and exhibited draft regional, sub-regional and district planning strategies, as discussed below.

#### **5.2.1 A Plan for Growing Sydney 2014**

A *Plan for Growing Sydney* ('Growing Sydney') is the applicable regional plan for the Greater Sydney Region. It sets out a 20-year planning vision for Sydney and four goals to deliver that vision:

1. A competitive economy with world-class services and transport
2. A city of housing choice, with homes that meet our needs and lifestyle
3. A great place to live with communities that are strong, health and well connected
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

Within each of the above 4 goals are several directions and for each of these, a series of actions are prescribed.

*Growing Sydney* identifies 6 subregions within the greater Sydney region and sets the priorities for each subregion.

The Northern Beaches (in which the site is located) is within the North Subregion together with the local government areas of Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby.

The Greater Sydney Commission is reviewing *Growing Sydney* and in November 2016 released a draft amendment entitled *Towards our Greater Sydney 2056* ('Towards 2056'). As it has been exhibited, it is a relevant matter for consideration.

The main changes in *Towards 2056* are in response to the Federal Government's commitment to build Western Sydney Airport at Badgery's Creek. This has led to Sydney being reconceptualised in *Towards 2056* as a metropolis of three cities – The Eastern City centred on Sydney CBD, the Central City focused on Greater Parramatta and the Western City focused on Western Sydney Airport.

Another major 'step change' to which *Towards 2056* responds is a higher rate of population growth and consequent need to accelerate housing supply. *Towards 2056* plans for population growth requiring 725,000-830,000 additional dwellings by 2036, an increase of 9% in the dwelling growth anticipated in *Growing Sydney*.<sup>18</sup>

Also a key consideration in *Towards 2056* is the ideal of the 30-minute city (work located within 30 minutes travel of home).

In place of the four goals of *Growing Sydney*, the vision proposed in *Towards 2056* will be delivered in 'metropolitan priorities' listed under three priority areas:<sup>19</sup>

<sup>18</sup> *Towards our Greater Sydney 2056 (Towards 2056)*, Greater Sydney Commission, December 2016, p8.

<sup>19</sup> *Towards 2056*, p6.

A Productive Sydney	A Liveable Sydney	A Sustainable Sydney
A growing city A city with smart jobs A 30-minute city	An equitable, polycentric city A city of housing choice and diversity A collaborative city	A city in its landscape An efficient city A resilient city

The amendments proposed by *Towards 2056* have been incorporated into the *Draft Northern District Plan* which is reviewed in the next section of this report. In the meantime, *Growing Sydney* remains the adopted regional plan for Sydney and is addressed in more detail below.

Directions of most relevance to this Planning Proposal are shown highlighted in **Figure 7** and are discussed below.

**Direction 1.7** describes strategic centres as "areas of intense, mixed economic and social activity that are built around the transport network and feature major public investment in services such as hospitals and education and sports facilities."<sup>20</sup>

*Growing Sydney* identifies 32 strategic centres, including two within the Northern Beaches LGA: Brookvale-Dee Why and Northern Beaches Hospital Precinct (in which the site is located).

#### GOAL 1: A competitive economy with world-class services and transport

- Direction 1.1: Grow a more internationally competitive Sydney CBD
- Direction 1.2: Grow Greater Parramatta – Sydney's second CBD
- Direction 1.3: Establish a new Priority Growth Area – Greater Parramatta to the Olympic Peninsula
- Direction 1.4: Transform the productivity of Western Sydney through growth and investment
- Direction 1.5: Enhance capacity at Sydney's gateways and freight networks
- Direction 1.6: Expand the Global Economic Corridor
- Direction 1.7: Grow strategic centres - providing more jobs closer to home
- Direction 1.8: Enhance linkages to regional NSW
- Direction 1.9: Support priority economic sectors
- Direction 1.10: Plan for education and health services to meet Sydney's growing needs
- Direction 1.11: Deliver infrastructure

#### GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles

- Direction 2.1: Accelerate housing supply across Sydney
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs
- Direction 2.3: Improve housing choice to suit different needs and lifestyles
- Direction 2.4: Deliver timely and well planned greenfield precincts and housing

#### GOAL 3: A great place to live with communities that are strong, healthy and well connected

- Direction 3.1: Revitalise existing suburbs
- Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney
- Direction 3.3: Create healthy built environments
- Direction 3.4: Promote Sydney's heritage, arts and culture

#### GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

- Direction 4.1: Protect our natural environment and biodiversity
- Direction 4.2: Build Sydney's resilience to natural hazards
- Direction 4.3: Manage the impacts of development on the environment

**Figure 7: Relevant Directions in A Plan for Growing Sydney**

<sup>20</sup> *Growing Sydney*, p46.



One of the actions under Direction 1.7 is **Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.**

Under this action, the Government will prioritise strategic centres for targeted investment based on the potential of a centre to:

- provide a large number of jobs to increase jobs close to where people live;
- attract significant investment;
- provide a range of services and be an attractive place to live, work and play;
- continue to grow.

The Planning Proposal is consistent with this action in that it seeks to provide local housing for workers who are critical to the successful development of the Northern Beaches Hospital Strategic Centre. In doing so, it will attract investment to the centre and help it continue to grow.

Under **Direction 1.10** is **Action 1.10.2: Support the growth of complementary health and tertiary education activities in strategic centres.**

Frenchs Forest is identified as one of twelve significant metropolitan health and education precincts. Action 1.10.2 requires "planning for public transport connections and ensuring there is sufficient housing close by for workers and students". It also states that the Government will "work with councils to put in place enabling planning controls which encourage and promote clusters of related activity such as higher education facilities, health infrastructure and research institutions."<sup>21</sup>

The Planning Proposal directly addresses this action by providing housing close by for hospital workers and others employed in the strategic centre. This local supply of skilled labour will in turn attract businesses seeking that labour, thereby encouraging the clustering of health businesses within the precinct.

Figure 19 under **Direction 1.11 – Deliver Infrastructure** illustrates the integration of employment with transport infrastructure in Northern Sydney.

Importantly for this Planning Proposal, it identifies transit investigations along the Warringah Road/Boundary Road corridor between the Brookvale-Dee Why and Chatswood strategic centres via the Northern Beaches Hospital Precinct.

The site fronts Warringah Rd and a Bus Rapid Transit system would provide affordable and higher frequency transport for residents of the site to major centres, further supporting their ability to get by without the significant cost of owning and running a car.

Action 2.1.1 seeks *To accelerate housing supply and local housing choices*. This includes identifying where investments in local infrastructure can create housing supply and targeting locations which deliver homes closer to jobs. It states that the Government will develop innovative strategies to grow housing production over time.

The Planning Proposal is clearly innovative and creates significant housing supply in a location where a major investment has been made in local infrastructure (the hospital and the surrounding main road upgrades).

The discussion of Direction 2.3: *Improve housing choice to suit different needs and lifestyles* notes that the fastest growing households in Sydney are single person households. It commits the Government to encouraging innovative, well-designed, smaller homes to suit lifestyles and budgets.<sup>22</sup>

The development concept envisaged by this Planning Proposal provides compact, innovative and affordable accommodation with extensive communal facilities that has

<sup>21</sup> *Growing Sydney*, p55.

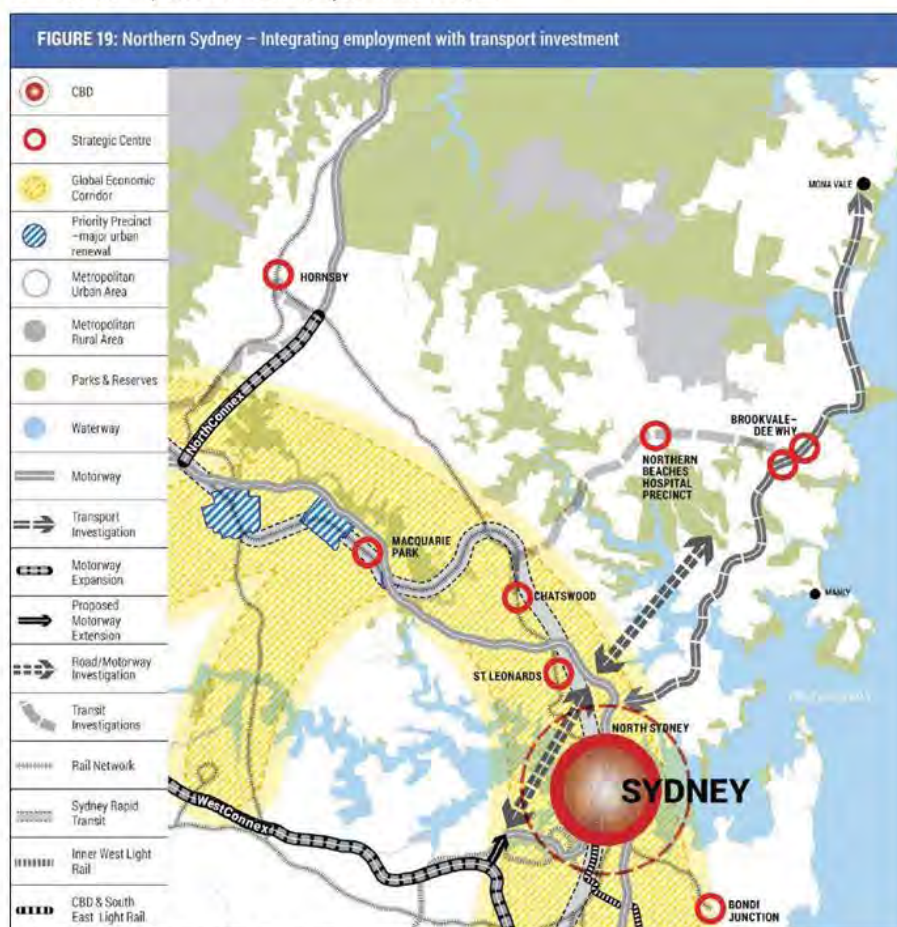
<sup>22</sup> *Growing Sydney*, p76.



been custom designed for the lifestyle and budget of single people working in the hospital and surrounding health businesses.

**Action 2.3.3** *Deliver more opportunities for affordable housing* provides that the Government will require local councils to include affordable housing in their local housing strategies, to respond to local demand.

The Planning Proposal directly responds to this action by providing a substantial supply of affordable rental housing to meet demand in the locality that will be generated by Northern Beaches Hospital. It is anticipated that Council's Housing Strategy will include strategies to address this demand (such as the inclusionary zoning mechanism proposed in Council's Hospital Precinct Structure Plan). However the hospital is opening in 2018 and any development resulting from these strategies will not be in place for several years from now.



**Figure 8: Potential Bus Rapid Transit** (Figure 19 from A Plan for Growing Sydney)

**Action 3.1.1** *Support urban renewal by directing local infrastructure to centres where there is growth* notes that the Government's investment in social infrastructure such as schools and health care improves the amenity of local centres, making them more attractive for development and business and hence more vibrant local centres.

Affordable rental housing is also a form of social infrastructure that can attract development and business, particularly in an area such as Northern Beaches where

its absence is a well-recognised constraint to business locating and expanding here. The proposal is therefore consistent with this action.

**Direction 3.1** – *Revitalise existing suburbs* also notes the need for centres to be safe and welcoming. Safety has been an important consideration in the formulation of this proposal given the high proportion of nurses who are young women and their need to travel to and from the hospital at late hours for evening shift work.

It is therefore important that a detailed assessment be made at DA stage of safety and security aspects of the proposal, with advice from Police and NSW Health. However careful consideration has been given at this planning proposal stage to ensure that the four principles of *Building Safe Communities* outlined in *Growing Sydney* will be addressed, including the intended provision of:

- two on-site managers so that at least one manager will be available to respond to any issues on a 24/7 basis;
- a shuttle bus to take nurses to and from the hospital during evening shifts;
- secure, single point of entry that is staffed at all times;
- high level of casual surveillance of entry, communal areas and internal circulation routes;
- CCTV and high quality lighting to entry and all communal areas;
- review of pedestrian route between site and hospital to identify any potential safety & security issues;
- detailed building and landscape design to eliminate potential seclusion spots and ensure unambiguous and effective delineation of public, communal and private spaces.

A range of measures to create healthy built environments are identified in **Direction 3.3**. These would also appropriately be assessed at DA stage but in general terms, the proposal promotes healthy living through:

- Location close to hospital, other health & medical employers and local shops will encourage residents to use healthy active transport (walking & cycling) to meet their day-to-day needs;
- Location close to employment, shops and public transport, together with limited provision of on-site car parking, will encourage residents to get by without the substantial expense of owning a car, thereby reducing pollution and traffic accident injuries associated with car usage;
- The close proximity of accommodation and employment means that residents will spend less time commuting and will have more time available to participate in healthy social, sporting and community activities;
- Extensive communal facilities on site will encourage social interaction and active recreational pursuits, thereby promoting good physical and mental health;
- Location of site next door to a large gym with indoor pool will also facilitate healthy activity;
- Provision of vegetable and herb gardens provides equitable access to healthy food as well as a venue for social interaction and gentle activity – as does the site's proximity to the Organic Food Markets held weekly within the Frenchs Forest Business Park at the Parkway Hotel;
- Accessibility throughout the site will enable residents with disability to fully participate in all activities.

The proposal is broadly consistent with **Direction 4.1** *Protect our natural environment and biodiversity* and **Direction 4.3** *Manage the impacts of development on the environment* because it will:

- utilise the footprint of existing built and paved areas, avoiding loss of landscaped open space and associated stormwater and groundwater impacts;
- utilise pre-fabricated building technology, thus reducing embodied energy in building materials and energy consumed in their transport;
- provide for upgrade of existing landscaped areas to improve their function as natural habitat;
- reduce vehicle pollution that would otherwise result from large numbers of nurses commuting daily to the hospital from distant areas.

*Growing Sydney* identifies specific priorities in each of the subregions making up Greater Sydney to help achieve the strategy's four goals. For the North Subregion in which the site is located, the priorities include:

- *A competitive economy - Improve subregional connections, particularly from the Northern Beaches to Global Sydney and to the Global Economic Corridor.*

This reiterates the intention noted earlier in *Growing Sydney* to investigate bus rapid transit from Brookvale/Dee Why – Chatswood along the Warringah Rd / Boundary Rd corridor which passes in front of the site.

- *Accelerate housing supply, choice and affordability and build great places to live.*

The proposal will significantly boost housing supply, choice and affordability in close proximity to employment.

As well as priorities for each goal, *Growing Sydney* identifies specific priorities for each strategic centre in the Northern Subregion. The proposal supports relevant priorities identified for the Northern Beaches Hospital Precinct as follows:

- *Support health-related land uses and infrastructure around the Northern Beaches Hospital site.*

The proposal supports health related uses by providing a substantial local source of skilled labour.

- *Work with council to protect capacity for employment growth beyond the Northern Beaches Hospital site.*

The proposal also provides skilled labour for existing and new health & medical businesses in the surrounding area, including the Frenchs Forest Business Park. The proposal maintains existing commercial floorspace and employment on the site and does not adversely impact on other commercial uses in the Business Park, nor constrain further business development within the Business Park.

- *Work with council to provide capacity for additional mixed-use development in Northern Beaches Hospital Precinct including offices, health, retail, services and housing.*

The proposal provides additional housing within the broader hospital precinct. It also supports the planned mixed use town centre adjacent to the Hospital site by providing additional customers for town centre businesses.

- *Support the preparation of a precinct structure plan in partnership with council to guide future development of the area.*

Council has prepared and adopted a structure plan for the precinct. As shown later in this report, the proposal is consistent with the structure plan.

- *Progress planning for road improvements supporting Northern Beaches Hospital Precinct, including underpasses on Warringah Road at Forest Way and Wakehurst Parkway.*



Construction of road improvements is well advanced and will assist travel between the site, the hospital and the new town centre.

- *Progress planning for a new public transport interchange servicing Northern Beaches Hospital Precinct.*

A public transport interchange would also improve local travel options and connections with the regional transport network.

- *Improve walking and cycling connections between the different parts of Northern Beaches Hospital Precinct and to its surrounding area.*

The proposal will increase walking and cycling movements in the neighbourhood, thereby providing additional surveillance and improved safety of the pedestrian network.

**In summary**, the proposal is consistent with directions and actions of *Growing Sydney* and will contribute to achievement of the four goals for achieving Sydney's vision. It is also consistent with the priorities for the North Subregion and for Northern Beaches Hospital Precinct.

### 5.2.2 Draft North District Plan 2016

The *Draft North District Plan* was issued by the Greater Sydney Commission (GSC) in November 2016 to set out how *Growing Sydney* will be implemented at the district level.

As previously noted in this report, GSC is reviewing *Growing Sydney* and has released a draft update entitled *Towards our Greater Sydney 2056*. *Towards 2056* takes into account higher population and dwelling growth estimates. The *Draft North District Plan* incorporates the updated population projections and other revisions included in *Towards 2056*. As the *District Plan* has been exhibited, it is a relevant matter for consideration for this planning proposal.

The *Draft North District Plan* adopts the following 20-year vision:

*The North District comprises geographically diverse, economically strong and environmentally aware communities who value and embrace progress, the local landscape and a great quality of life.*

It outlines a range of specific priorities, their intended outcomes and actions to achieve them under three broad priority areas – productivity, liveability and sustainability.

The Northern Beaches Hospital Precinct is identified as one of 5 strategic centres in the North District. It is envisaged to become a major centre of employment, health and economic activity with 12,000-13,000 jobs by 2036 from the current (2016) level of 9,300 jobs.<sup>23</sup>

The priorities for 'Productivity' relevantly include:

- Prioritising Northern Beaches Hospital as a catalyst for a new centre
- Accessing a greater number of metropolitan jobs and centres within 30 minutes
- Accessing local jobs, goods and services within 30 minutes

The proposal will achieve these priorities by:

- Providing local accommodation for skilled health workers, thereby supporting the hospital and existing health & medical businesses and attracting new health and medical businesses to the strategic centre;
- providing additional accommodation within 30 minutes of jobs.

<sup>23</sup> *Draft North District Plan (District Plan)*, Greater Sydney Commission, November 2016, p42.  
mark shanahan planning pty ltd October 2017



**Productivity Priority 1** is to *Protect and support employment and urban services land*. Table 3-2 suggests that this is confined to existing industrial-zoned land, as it only identifies Brookvale and Cromer. Frenchs Forest Business Park has a gross lot area of some 58 Ha and therefore would have been listed in Table 3-2 if considered to comprise 'employment and urban services land'. Nonetheless the principles relating to employment and urban services land discussed below could be considered applicable to large business parks such as Frenchs Forest.

The District Plan notes the critical role played by employment and urban services land in the efficient and effective function of the District. It therefore warns that:<sup>24</sup>

*Accordingly, relevant planning authorities should take a precautionary approach to rezoning employment and urban support lands or adding additional permissible uses that would hinder their role and function. The exception being where there is a clear direction in the Regional Plan (currently A Plan for Growing Sydney), the District Plan or an alternative strategy endorsed by the relevant planning authority.*

The proposal seeks to add a permissible use to B7 – Business Park zoned land. It was previously shown in Section 2.4 of this report that the proposed development of the site will not constrain more intensive future commercial development of neighbouring properties or other properties in the Frenchs Forest Business Park.

To the contrary, by accommodating locally a substantial supply of skilled labour, it directly addresses industry's concern about the severe lack of housing in the Northern Beaches that is affordable to key workers. In so doing, it will act as a magnet for future health and medical business development within the Business Park and areas adjoining the new town centre.

The development therefore supports rather than hinders the role and function of the Frenchs Forest Business Park. It was also shown previously in this report to be consistent with relevant objectives of the Regional Plan (*Growing Sydney*), including strengthening strategic centres and locating homes and jobs in close proximity. The proposal is therefore consistent with the intent of Productivity Priority 1 to protect capacity for jobs growth in land zoned for employment purposes.

Under **Productivity Priority 2 - Manage growth and change in strategic and district centres and, as relevant, local centres**, a range of matters to be considered by the relevant planning authority when preparing strategic plans are specified. The proposal is consistent with these considerations. Of particular relevance to this proposal are the following matters which were previously shown to be satisfied:

- *facilitate the reinforcement and/or expansion of allied health and research activities;*
- *promote the use of walking, cycling and integrated public transport solutions;*
- *reflect crime prevention through environmental design (CPTED) principles such as safety and management.*

The District Plan outlines priorities for each of the District's strategic centres. The intended outcomes for the Northern Beaches Hospital strategic centre relevantly include:

- *provide new housing, including affordable housing, to support key workers*
- *ensure walkability within the precinct and that designs support the use of active transport (walking and safe cycling)*
- *enhance the natural setting of the area by embellishing existing open space*
- *attract new, innovative health and medical related commercial premises to support the hospital*

<sup>24</sup> District Plan, p40.

- *reinforce the centre as an employment hub for the Northern Beaches, building on the existing business park east of the Wakehurst Parkway*
- *continue to work with State agencies to investigate a high frequency public transport link.*

It has been shown in this report that the proposal will contribute to each of these outcomes.

Under 3.5 *Prioritising Northern Beaches Hospital as the catalyst for a new centre*, the Northern Beaches Hospital and St Leonards are proposed to become 'health and education super precincts' - locations where the proximity of health and education assets create significant opportunity to drive economic activity and the prosperity of NSW.<sup>25</sup>

The District Plan supports and encourages the growth of health and ancillary activities in health and education super precincts and recognises the need to:<sup>26</sup>

- *plan for the expansion of these precincts*
- *protect surrounding employment areas for health and education and related land use*
- *consider flexibility of zones to accommodate ancillary uses such as health and medical research activities; private hospitals; allied health; ancillary retail, visitor, carer and aged accommodation in the right locations*
- *plan for increased access and enhanced urban amenity within and around health and education super precincts.*

The proposal is consistent with each of these intended outcomes for the super precincts. The provision of affordable rental housing for health and medical key workers fits well with the third dot point which encourages zone flexibility to accommodate suitable ancillary uses.

The discussion under priority 3.6 *Accessing a greater number of metropolitan jobs and centres within 30 minutes* reiterates the benefits of housing close to jobs (which is the core purpose of this planning proposal) and confirms that an east-west transit connection is being considered by Transport for NSW (which will further support a low rate of car ownership amongst residents of the site).<sup>27</sup>

The proposal also supports priority 3.7 *Accessing local jobs, goods and services within 30 minutes* by enabling nurses and other key workers to live close to the existing Skyline local shops, the Forestway shopping centre and the planned new town centre adjacent to the hospital. Warringah Mall, the largest shopping and service outlet on the Northern Beaches, is also readily accessible by bus.

Under 'Liveability', the District Plan notes that planning will need to accommodate projected population growth of 196,350 more people in the District by 2036, bringing the total District population to just over 1 million. This includes 32,800 more single person households by 2036 and will require 25,950 new dwellings by 2021.

The 'Liveability' actions include several to which the proposal directly contributes:

- L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets
- L3: Councils to increase housing capacity across the District
- L4: Encourage housing diversity
- L6: Support councils to achieve additional affordable housing
- L8: Undertake broad approaches to facilitate affordable housing

<sup>25</sup> District Plan, p64.

<sup>26</sup> District Plan, p64.

<sup>27</sup> District Plan, p65.

The District Plan notes that healthy liveable places achieve:<sup>28</sup>

- *housing choice by supporting affordable and appropriate housing for all*
- *urban design excellence by delivering high quality design that supports community safety, health and wellbeing, and enhances community assets and character*
- *connected communities by supporting walking, cycling and public transport movement between destinations*
- *sense of belonging and local identity by creating great places that are socially inclusive and promote respect and feelings of belonging*
- *social infrastructure provision by promoting an integrated approach to social infrastructure that includes health care, education, fresh food access, public open spaces and other community/cultural facilities*
- *community engagement delivered across all liveability outcomes by promoting community empowerment and ownership in shaping resilient cities*
- *culture and innovation by celebrating and promoting creative arts, digital technology, culture and innovation*
- *diversity of job opportunities by providing access to a range of jobs and learning/skills development*
- *environmental quality by managing the quality of and access to the natural environment.*

It has been shown in this report that the proposal is consistent with the above outcomes relating to housing and environment. It will also contribute to the cultural development outcomes by enabling more young working adults to live in the area and contribute to the local community through their participation in cultural and sporting activities. The proposal will therefore contribute significantly to the strategic centre becoming a healthier, more liveable place.

The District Plan notes the need for:<sup>29</sup>

- *supporting a supply of diverse housing types in the private market that are more affordable to key workers and moderate income households;*
- *working collectively across government, the not-for-profit and private sectors to find innovative solutions that can address housing affordability and diversity.*

This planning proposal addresses those needs by expanding the diversity of housing in the local area to meet the needs of nurses and other medical key workers, and by the collaboration of the private and not-for-profit sectors in a highly innovative affordable housing solution.

The District Plan recognises that provision of affordable housing is more than a liveability priority – it is recognised internationally as having notable productivity benefits.<sup>30</sup> This is particularly applicable to the Northern Beaches where the high cost of housing and limited public transport makes it difficult for businesses to recruit workers in low and moderate income occupations.

A target to deliver 5-10% of new housing in urban renewal projects as affordable rental housing is proposed by the District Plan. One of the aims of the target is to support essential workers to live close to their work and the proposal is squarely consistent with this aim.<sup>31</sup>

<sup>28</sup> District Plan, p74.

<sup>29</sup> District Plan, p81 & p83.

<sup>30</sup> District Plan, p98.

<sup>31</sup> District Plan, p99.

As noted previously in this report, Northern Beaches Council has adopted a target of 15% of housing within the new Frenchs Forest town centre to be affordable rental housing and 10% in rezoned land surrounding the town centre. This exceeds the 5-10% target proposed by the District Plan. However the District Plan makes the important point that these targets *should not prejudice negotiations to secure affordable housing in other locations where this target is not applicable*.<sup>32</sup>

This planning proposal must therefore be regarded as an adjunct to, not a substitute for, the affordable rental housing to be delivered by Council's inclusionary zoning proposal for the Hospital Precinct. This is supported by *Action L8: Undertake broad approaches to facilitate affordable housing*.

One of the initiatives listed under this action is:

- *more cost effective and innovative building approaches, including pre-fabricated and modular housing, collective housing, maximum car parking rates and more compact housing forms of suitable design quality*<sup>33</sup>

The use of pre-fabricated modular construction is a key element of the proposal that enables more compact housing forms to be delivered at an affordable price with a consistently high design and build quality. The provision of limited car parking is also a key element of the project to avoid unnecessary construction costs and improve environmental and health outcomes.

Liveability Priority 12 *Support planning for health infrastructure* seeks the support of planning authorities for co-location of facilities that are ancillary to health precincts. The identified facilities include *housing for health workers*. It further states that:

*Consideration should also be given to the protection of health precincts and super precincts from residential encroachment into key employment areas.*<sup>34</sup>

It was previously noted in this report that while the proposal is located within an employment area (B7 Business Park zone), it retains and expands existing commercial floorspace on the site, will not inhibit additional commercial development on surrounding sites and will act as a catalyst by attracting new health and medical businesses into the Business Park. It therefore promotes rather than compromises the continued function and viability of the employment area.

In the final part of the District Plan, 23 priorities are identified to achieve a Sustainable City. Comments are provided below on the priorities most relevant to this proposal:

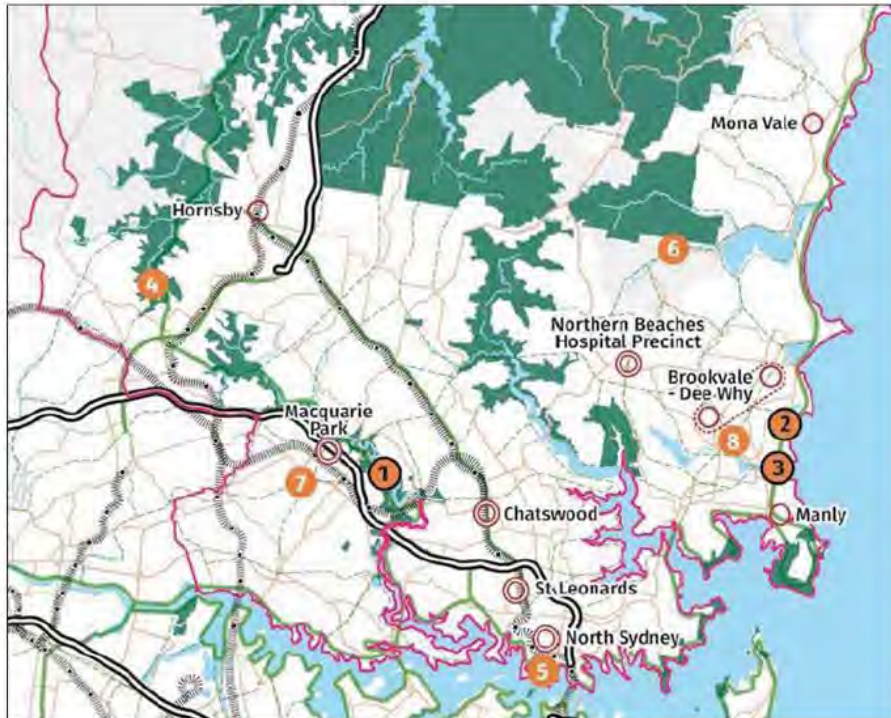
- *Avoid and minimise impacts on biodiversity*  
The site does not contain significant habitat. Works will be confined to existing structures or mostly paved areas, minimising the increase in impervious area and loss of vegetation. Appropriate measures can be required at DA stage to protect water quality of runoff from the site.
- *Delivering Sydney's Green Grid*  
The site is not located near any part of the Green Grid (refer **Figure 9**). Existing trees in the reserve fronting Warringah Rd are not affected by the proposal. As shown by the photomontages, these trees substantially screen and soften the proposal from many local viewing positions.
- *Protect, enhance and extend the urban canopy*  
Most of the existing canopy trees and other vegetation will be retained and supplemented with additional plantings.

<sup>32</sup> District Plan, p100.

<sup>33</sup> District Plan, p101.

<sup>34</sup> District Plan, p120.





**Figure 9: North District Green Grid** (from Figure 5-2, North District Plan).

- *Improve protection of ridgelines and scenic areas*

Warringah Rd generally follows a ridgeline dividing the catchments of Manly Lagoon and Narrabeen Lagoon (refer **Figure 10**). The site is close to Warringah Rd and therefore has an elevated position. The site of the new hospital is generally at a level of RL160 and the top of the hospital roof is at RL200, making the hospital visible from a wide viewing catchment. The site is at a similar level, so its 39m building height will also make it visible from distant areas.

Given the close proximity of the proposal to the hospital and its primary role in providing accommodation for hospital workers, this comparable degree of visibility is considered appropriate and acceptable. It also supports the proposal's indirect role as a magnet for health and medical businesses.

From closer positions, the proposal will have more limited visibility due to intervening trees and buildings, as demonstrated by the photomontages included with the design concept package.

The provision of affordable housing for key workers and retaining young working adults within the area are significant local concerns.<sup>35</sup> This suggests a high degree of acceptance for a development of this scale that directly addresses those concerns. This acceptance can be tested at public exhibition of the planning proposal with the assistance of the photomontages included with the development concept package. Guidance is sought from the Gateway on appropriate vantage points for preparing any additional photomontages to assist public understanding of the proposal.

<sup>35</sup> *Affordable Housing Needs Analysis*, Northern Beaches Council, December 2016.



**Figure 10: North District Catchments** (extract from Figure 5-1 District Plan).

- *Creating an efficient North District*

The proposal will incorporate leading edge energy and water efficiency measures including pre-fabricated modular construction with low embodied energy and transportation energy and high recycled material content; compact accommodation with excellent thermal properties reduces energy for heating, cooling and lighting; highly efficient centralised air-conditioning and natural ventilation systems; proximity to hospital and shops encourages walking & cycling and facilitates low car ownership and usage; shuttle bus provides efficient transport to and from hospital at late hours; extensive harvesting and re-use of rainwater for toilet flushing & irrigation; water and energy efficient fixtures & appliances.

- *Planning for a resilient North District*

Hospitals are a crucial element of the emergency response system. By enabling nurses and other health key workers to live close to the hospital, the proposal improves the resilience of the hospital, particularly in the event of



major emergencies requiring large staff numbers, by enabling staff to quickly get to work despite (for example) disruptions in the road transport network.

**Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

As previously discussed, the proposal implements recommendations of the following local strategies and strategic plans:

- *Warringah Economic Development Plan (Warringah Council 2011);*
- *Warringah Employment Study 2013 (SGS Economics & Planning);*
- *Northern Beaches Affordable Housing Needs Analysis (Northern Beaches Council 2016);*
- *Affordable Housing Policy Action Plan (Northern Beaches Council, 30/05/17).*

The proposal is also consistent with *SHAPE 2028 - Northern Beaches Draft Community Strategic Plan 2017-2028* and with the *Northern Beaches Hospital Precinct Structure Plan*, as discussed below.

**5.2.3 SHAPE 2028 - Northern Beaches Draft Community Strategic Plan 2017-2028**

SHAPE 2028 (the CSP) defines the community's vision and sets the direction for all Council future planning, budgets and actions that will be undertaken over the next decade to make the vision a reality.

The vision adopted by the CSP is:

*Northern Beaches - a safe, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment.*

Following a comprehensive structured community consultation program, SHAPE 2028 was adopted by Council as a draft in June 2017 and placed on public exhibition until November 2017. Finalisation of the draft by June 2018 will be one of the first tasks of the newly elected councillors.

The CSP is a statutory document prepared in accordance with the *Local Government Act 1993* as a key element of the 'Integrated Planning and Reporting' framework. It therefore guides all of Council's strategic planning functions, including determination of this Planning Proposal.

The CSP notes that the population of Northern Beaches is ageing (11% of the population in 2016 compared to 9% in Greater Sydney). It was previously noted in this report that the ageing population is a major factor contributing to the growing demand for health and care services in the area. Young adults aged 25-34 years are a lower proportion of the local population (12.4%) compared to Sydney (15.4%) and have been leaving the area in increasing numbers. Almost 2,000 young adults left Northern Beaches between the 2006 and 2011 census, with the lack of affordable housing options being a principal reason.<sup>36</sup>

Many nurses are within this age group and by enabling a significant number of them to live and work locally, the proposal will directly address this alarming trend.

The CSP notes that:

*Housing affordability has a profound impact on our community and the economy and is a top priority for the community and for young people in particular who call for more housing choice, and more innovative housing options, on the Northern Beaches.<sup>37</sup>*

<sup>36</sup> *Northern Beaches Draft Community Strategic Plan 2017-2028 (CSP)*, p10.

<sup>37</sup> *CSP*, p11.

As noted above, many nurses are in the young adult group and therefore are likely to be seeking an innovative, flexible, custom-designed housing option such as this which is presently not available in the area.

In relation to Transport & Infrastructure, the CSP notes: <sup>38</sup>

*Transport and traffic congestion is one of the biggest concerns and sources of frustration amongst residents and visitors.*

*It has an especially profound impact on commuters, local businesses, and members of the community who are unable to drive (e.g. young people, elderly and people with disability).*

The location of the proposal within walking and cycling distance of the hospital and shops and directly outside a bus stop – together with the proposal to provide a shuttle bus service to the hospital – addresses this issue by enabling nurses to get by without the significant expense of car ownership. This will also take a significant number of cars off the road, improving traffic conditions for other motorists. The State Government has undertaken to investigate a bus rapid transit service along Warringah Rd between Dee Why and Chatswood. If this proceeds, it will further assist residents of the site to get by without a car.

The extensive community consultation undertaken for the CSP has identified 8 inter-related outcome areas. The comments below illustrate how the proposal addresses each of these.

#### *Protection of the environment*

It has been shown in this report that the proposal does not adversely affect the environment and has environmental benefits such as taking more cars off the street.

#### *Environmental Sustainability*

In its design, construction and ongoing operation, the proposal incorporates exemplary resource conservation, energy efficiency and water saving.

#### *Places for People*

The proposal provides a substantial increase in affordable accommodation for key workers on low and moderate incomes.

#### *Community and Belonging*

By enabling young adults to live and work in the local area, they will be able to participate in community life and develop a sense of belonging to the area.

#### *Vibrant Local Economy*

By providing a substantial local source of skilled workers, the proposal will act as a catalyst for further development of health and medical businesses in the area. With a low rate of car ownership, the residents of the site will be more inclined to shop within their local area, thereby supporting local retail, service and hospitality businesses.

#### *Transport, Infrastructure and Connectivity*

The location of the site within walking and cycling distance of employment and shops and directly outside a bus stop provides a high level of connectivity. This may be further improved if a bus rapid transit service is provided along Warringah Rd.

#### *Good Governance*

Good decision making does not always involve taking the easiest decision or route of least resistance. This proposal is an opportunity for Council to demonstrate bold

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<sup>38</sup> CSP, p11.



leadership through its capacity to seize a unique opportunity that will be of substantial community benefit.

#### Participation and Partnerships

The applicant seeks the opportunity for the proposal to be publicly exhibited to test community opinion. Standard consultation techniques traditionally favour those who are 'well housed' and understandably, they tend not to support any change in the status quo. For this proposal, techniques should be explored to engage young people who may now be in high school, tertiary education or the health sector and are facing the prospect of having to leave the area to find affordable housing close to employment. They are the most important stakeholders for this proposal.

To implement the above 8 outcomes, the CSP identifies 22 goals and 71 strategies to achieve the goals. While recognising that most of the goals and strategies have some relevance to this proposal, **Table 1** provides comment on the goals and strategies most relevant to the determination of this proposal.

**Table 1: Review of relevant CSP goals & strategies**

Goal	Strategy	Comment
<b>Community Outcome: Protection of the Environment</b>		
1. Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations	b. Protect and improve ecological conditions in catchments, creeks and lagoons	Containment of works to existing structures & paved areas reduces stormwater runoff and maintains groundwater infiltration.
2. Our environment and community are resilient to natural hazards and climate change	a. Minimise the risk to life and property from storm events, floods, erosion, landslides, bushfires and impacts of climate change	The accommodation of nurses locally improves the resilience of the hospital to operate during transport disruptions and to put on extra staff during major emergencies.
<b>Community Outcome: Environmental Sustainability</b>		
5. Our built environment is developed in line with best practice sustainability principles	a. Ensure integrated land use planning balances the environmental, social and economic needs of present and future generations	The proposal provides a high level of environmental sustainability while supporting the social & economic need of key workers, particularly young adults, for affordable and appropriate housing.
	b. Create green and resilient urban environments by improving tree cover, native vegetation, landscaping, and water management systems	Proposal maintains the majority of tree cover on the site and provides for rainwater harvesting & re-use.
	c. Promote the benefits and savings of ecologically sustainable development	Proposal will provide a demonstration project for achieving exemplary ESD, high amenity and affordability.
6. Our community will continue to work towards sustainable use of resources	a. Promote and support opportunities for more sustainable living	Proposal demonstrates sustainable living through compact accommodation, active transport, energy efficient construction & operation, rainwater re-use, vege & herb gardens.
	c. Reduce waste and improve reuse and recycling	Pre-fabricated modular construction reduces building waste and includes high recycled steel content.

Goal	Strategy	Comment
<b>Community Outcome: Places for People</b>		
7. Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community	b. Provide a mix of high-quality diverse and inclusive housing options supported by sustainable infrastructure	Proposal is a unique opportunity to obtain high quality, diverse and inclusive housing. Proposal includes in-house infrastructure (extensive communal facilities & hospital shuttle bus). Main road upgrades, new town centre and future education & recreation precinct will also enhance infrastructure.
8. Our neighbourhoods inspire social interaction, inclusion and support health and wellbeing	a. Create welcoming villages and neighbourhood centres that are vibrant, accessible and support our quality of life	Key workers housed locally will contribute to vibrancy of existing & planned new town centre.
9. Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities	Proposal includes communal recreation facilities and encourages walking & cycling to work. Site has good access to rec facilities, including Warringah Aquatic Centre & Virgin Fitness Gym.	
<b>Community Outcome: Community and Belonging</b>		
12. Our community is friendly and supportive	b. Build an inclusive community and break down institutional and social barriers to enable all people, irrespective of age, gender and identity, to participate in community	Proposal enables key workers, including young adults, to live in local area and participate in local community life.
<b>Community Outcome: Vibrant Local Economy</b>		
13. Our businesses are well-connected and thrive in an environment that supports innovation and economic growth	a. Ensure that employment lands are retained and cater for a diverse range of businesses and industry.	Proposal retains & expands employment floorspace on site and does not constrain commercial expansion on surrounding sites.
15. Our economy provides a range of employment and education opportunities to match the skills and needs of the population	b. Provide diversified job growth and create industry clusters in our villages, strategic and district centres	Proposal will act as magnet for health & medical businesses, thereby supporting the planned health & education super precinct
<b>Community Outcome: Transport, Infrastructure and Connectivity</b>		
16. Our integrated transport networks meet the needs of our community	a. Advocate for improved transport options and networks	Proposal supports provision of Bus Rapid Transit along Warringah Rd to Chatswood.
	c. Facilitate and promote safe transport options that reduce car-based commuter travel	Proposal encourages walking & cycling and includes shuttle bus for hospital shift workers.
17. Our community can safely and efficiently travel within and beyond Northern Beaches	b. Facilitate and promote safe cycling and walking networks as convenient transport options	Proposal encourages walking & cycling. Pedestrian route will be reviewed to identify any security issues.
18. Our community can easily connect and communicate through reliable communication technologies	b. Facilitate environments that are supported by digital and physical communications infrastructure	Free high speed wi-fi internet service will be provided throughout the site.

Goal	Strategy	Comment
<b>Community Outcome: Good Governance</b>		
19. Our Council is transparent and trusted to make decisions that reflect the values of the community	a. Demonstrate a high standard of transparency and accountability through community involvement and strong reporting practices	The VPA legislation and Council's VPA Policy provide a transparent and accountable framework for delivery of the proposed public benefits.
<b>Community Outcome: Partnership and Participation</b>		
21. Our community is actively engaged in decision making processes	c. Undertake innovative and adaptive community engagement	Young adults have a strong stake hold in this proposal, requiring innovative methods to engage their views.
22. Our Council builds and maintains strong partnerships and advocates effectively on behalf of the community	a. Develop partnerships to deliver facilities and targeted services and programs to meet community needs	Proposal is a collaboration between business and not-for-profit community housing sector to deliver a facility that will meet the community need for key worker housing.

It is concluded that the proposal will make a substantial contribution to the CSP's vision for a *safe, inclusive and connected community that lives in balance with our extraordinary coastal and bushland environment*.

#### 5.2.4 Northern Beaches Hospital Precinct Structure Plan

As previously noted in this report, the Northern Beaches Hospital Precinct has been identified as a Strategic Centre in *A Plan for Growing Sydney* (the current regional plan for the Greater Sydney Region) and as a 'Health & Education Super Precinct' in the *Draft North District Plan*.

To accelerate planning and development of the strategic centre, Frenchs Forest has been declared a Priority Precinct by the State Government. The first priority is to finalise a structure plan to give strategic direction to land use planning in the precinct. To this end, Northern Beaches Council has prepared the *Northern Beaches Hospital Precinct Structure Plan*.

Following extensive community consultation, the Structure Plan was adopted by Council in August 2017 and referred to State Government for fast tracking of amendments to WLEP2011 through an amending SEPP. Concurrently, Council will be working with the Department of Planning & Environment on DCP amendments, Urban Design Guidelines, Section 94 contributions plan and an Infrastructure Plan.<sup>39</sup>

The Structure Plan applies to a broad area centred on the hospital and Warringah Rd which extends west to Grace Ave and east to the eastern boundary of the Frenchs Forest Business Park. The subject site is therefore within the precinct.

The Structure Plan (**Figure 12**) proposes a new town centre adjacent to the hospital on the site of the existing Forest High School (which will be relocated next to the Warringah Aquatic Centre). Existing low density residential areas surrounding the town centre will be rezoned for higher densities ranging from townhouses to multi-storey apartments.

The town centre will have mixed use development up to 40m (12 storeys) height with retail and commercial uses at ground/first floor level and apartments above. This height reflects the principle that the 41m hospital should remain the highest building in the precinct (refer **Figure 13**).

<sup>39</sup> *Northern Beaches Hospital Precinct Structure Plan* Northern Beaches Council, August 2017, (the Structure Plan), p16.



12 storey apartments are also proposed on the site of the Forestway Shopping Centre and the triangle of properties opposite Forestway. Apartments of 9-11 storeys are proposed behind the hospital, as well as 3-5 storey apartments above ground floor health-related uses along Frenchs Forest Road West.



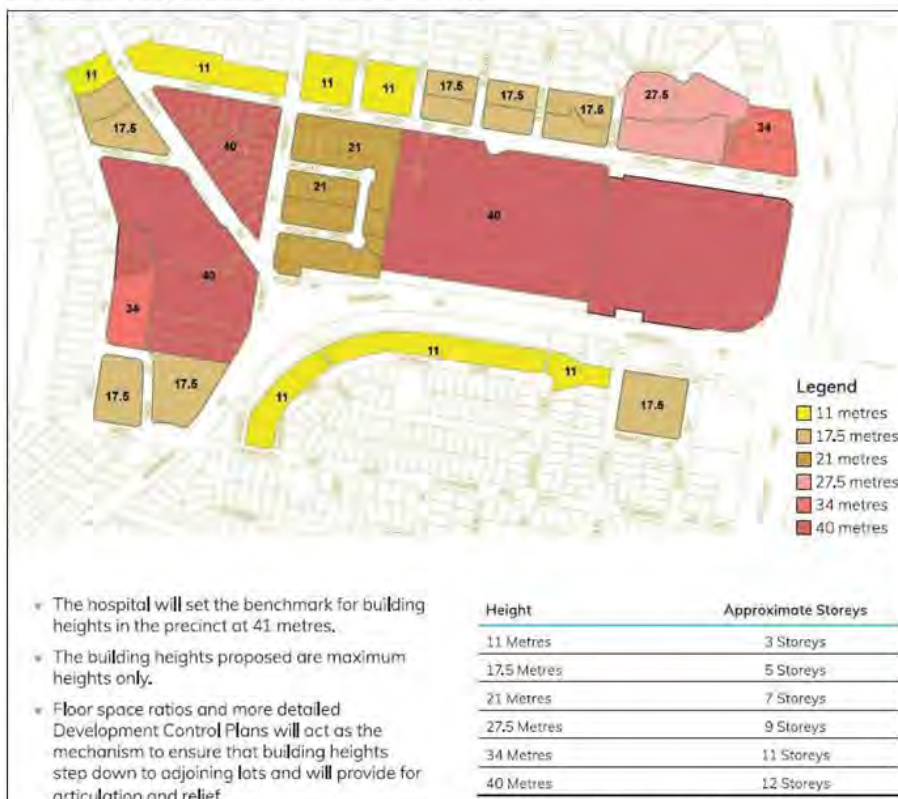
**Figure 11: Hospital Precinct Structure Plan** (Northern Beaches Council, August 2017)

The Frenchs Forest Business Park is identified in the Structure Plan as an area for 'Jobs Growth'. It was previously noted in Section 2.4 of this report that there is no height or FSR standards on the Business Park under either WLEP2011 or the DCP. Accordingly, the additional floor space required to achieve this jobs growth can be accommodated within the Business Park without any change to the LEP or DCP. However to provide the level of certainty sought by the development industry in planning major investments, height and FSR standards could be included within the LEP or DCP to provide more focused guidance.

It was noted in Section 5.1 of this report that the *Warringah Employment Study* 2013 recommended that additional floorspace be developed in the Frenchs Forest



Business Park to help take up a shortfall of floorspace in Brookvale-Dee Why (which has been 'demoted' from its earlier identification as the District's Major Centre to another Strategic Centre like Frenchs Forest).



**Figure 12: Hospital Precinct Building Heights Map** (Northern Beaches Council, August 2017)

It was also noted in Section 5.1 that the Northern Beaches Hospital site is relatively small for a Level 5 hospital – much smaller than other major hospitals such as Royal North Shore, Prince of Wales and the SAN, and smaller even than the Mona Vale Hospital site. This suggests that as demand for hospital services expand, there will be strong demand for hospital-related floorspace in adjacent areas.

There is some scope for 'boutique' health & medical uses within the proposed R3+ zone along Frenchs Forest Rd West, but the Business Park provides the only opportunity for the many uses requiring a larger floorplate. Logically, these would initially establish in the western part of the Business Park closest to the hospital and progressively extend eastwards. The subject site is in the eastern part of the Business Park and given the large area available in the western part of the Business Park, is unlikely to be required for hospital-related floorspace. However the Business Park already has a number of health, medical and disability care businesses not directly related to the hospital and over time, the eastern part of the Business Park will also be required to accommodate additional floorspace for such uses.

The need for the Business Park to accommodate overflow employment floorspace from Brookvale-Dee Why and the hospital site, together with the intention of the District Plan that Frenchs Forest develop into a health and education 'super precinct', indicates a need to accommodate substantial additional floorspace in the Business Park. If the 'park' character is to be preserved, this floorspace would need to be accommodated with higher buildings rather than larger building footprints.

It is therefore considered inevitable that in the not distant future, higher buildings will be developed in the Frenchs Forest Business Park. In time, the development will therefore be absorbed into an urban landscape of buildings of comparable height.

The Structure Plan provides for the phased delivery of 5,360 dwellings and 2,300 jobs over a 20-year timeframe (**Figure 13**). Phase 1 is the town centre and areas immediately to the north and south, Phase 2 is the area west of that through to Forest Way, and Phase 3 is on the western side of Forest Way (including Forestway Shopping Centre).



**Figure 13: Hospital Precinct Phasing Plan** (Northern Beaches Council, August 2017)

The first two phases will occur within 10 years and will accommodate up to 3,000 dwellings. Phase 3 is contingent upon delivery of transport upgrades including the Beaches Link tunnel and the Bus Rapid Transit (BRT) along Warringah Rd between Dee Why and Chatswood.

As noted previously, the BRT will be of significant benefit to the proposal but is not a necessary pre-condition for it, as the proposal will largely accommodate nurses and other hospital key workers who will walk, cycle or ride the proposed shuttle bus (or regular public bus) to and from work. The proposal therefore supports Council's advocacy of these transport upgrades.

The Structure Plan provides for an affordable housing levy of 10% of residential floorspace throughout the precinct and 15% in the town centre area. Over the full 20-year term of the Structure Plan, this is expected to deliver some 600 dwellings.<sup>40</sup>

<sup>40</sup> Structure Plan, p6.



In the first two phases (within 10 years), 300-400 affordable dwellings would therefore be expected.

Due to the speed of the pre-fabricated modular construction system, the proposal can deliver this amount of accommodation in the short term to address the immediate need that will arise upon the hospital opening in 2018.

The proposal is therefore consistent with the direction of the Structure Plan for Frenchs Forest to become an important Strategic Centre for the Northern Beaches over the next 20 years and beyond.<sup>41</sup>

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

A review of the proposal's consistency with all current SEPPs is provided at **Appendix 4**. SEPPs of particular relevance are discussed in more detail below.

No draft or deemed SEPPs are applicable.

**5.2.5 SEPP (Affordable Rental Housing) 2009**

It was noted in Section 2.4 of this report that the boarding house provisions in Division 3 of SEPPARH do not apply to any land within the B7 – Business Park zone and therefore would not apply to a future boarding house DA on this site.

In cases such as this where boarding house is a permissible use but Division 3 does not apply, the practice of the Land & Environment Court has been to use the standards of SEPPARH as a guide when the DA is being assessed.<sup>42</sup>

Accordingly, the boarding house standards and controls in Division 3 of SEPPARH were used as a reference point in developing the concept design and would appropriately be used as a guide in the subsequent assessment of a development application should this planning proposal be supported.

A summary of the concept development's compliance is provided in the following table. It shows that the development concept is substantially compliant with the standards of SEPPARH even though they technically will not apply to the site.

Clause 52 of SEPPARH prohibits the strata subdivision of boarding houses. Clause 52 is not within Division 3 and applies universally to all boarding house developments irrespective of their zoning. This will prevent the future strata subdivision of the proposed boarding house into individual units that might become owner-occupied, providing further assurance that it will remain as affordable rental accommodation.

**Table 2: SEPPARH compliance summary**

Control	Proposed	Complies?
29(1)(a) Maximum floor space ratio is "existing maximum FSR" specified in an environmental planning instrument or DCP for any form of residential development.	Not Applicable – neither WLEP2011 or WDCP specify a FSR standard.	N.A.
29(2)(a) Height – maximum height permitted under an EPI for any other development in the zone	Not Applicable – WLEP2011 does not specify a building height standard but 40m has been adopted by the Structure Plan. Proposed 40m height is same as proposed for the new town centre adjacent to hospital, the Forestway Shopping Centre site and the properties opposite Forestway.	N.A.

<sup>41</sup> Structure Plan, p4.

<sup>42</sup> See for example: *Sales Search Pty Ltd v The Hills Shire Council* [2013] NSWLEC 1052 and *Affordable Housing NSW Pty Ltd v Sydney City Council* [2012] NSWLEC 1314.



**Planning Proposal: 14 Rodborough Rd, Frenchs Forest**

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Control	Proposed	Complies?
29(2)(b) Landscaping treatment of front setback must be compatible with streetscape	The proposed landscape treatment of the front setback area is similar to neighbouring properties and will be maintained and upgraded.	Yes
29(2)(c) Sunlight: At least one communal living space to receive 3 hrs sunlight midwinter	A high proportion of the 19 communal rooms will receive over 3 hours of sunlight in mid-winter.	Yes
29(2)(d) Private open space: Minimum 20m <sup>2</sup> (at least 3m wide) for lodgers. Minimum 8m <sup>2</sup> (at least 2.5m wide) for manager.	A total of 1,786m <sup>2</sup> of private open space is provided for lodgers, consisting of podium terraces of 820m <sup>2</sup> in the north building and 470m <sup>2</sup> in the south building, 115m <sup>2</sup> rooftop terraces in each building and 14m <sup>2</sup> balconies off each of the 19 communal rooms. The podium terraces will have BBQs, seating, vege and herb gardens. Lodgers will also have access to extensive areas of landscaped open space throughout the grounds. Private courtyards can be provided adjacent to each manager's room.	Yes
29(2)(e) Car parking: Site is in an "accessible area", being adjacent to bus stop on Warringah Rd which has regular services (apart from one morning service at 9:00 on Sunday).	1 space for each manager + 0.2 spaces per boarding room = 2 + (374 x 0.2) = 77 spaces required. 144 carparking spaces are provided in the south building. Excluding the 66 existing parking spaces displaced by the south building, this provides a net gain of 78 spaces. A portion of these will be car share spaces. Parking is also provided for the shuttle bus.	Yes
29(2)(f) Minimum accommodation size: 12m <sup>2</sup> for single lodger, 16m <sup>2</sup> for doubles (excl kitchenette and en-suite bathroom)	All boarding rooms are 20.7m <sup>2</sup> (excl kitchenette and en-suite bathroom). This represents a generous double room.	Yes
30(a) Communal living room: At least one communal living room if >5 boarding rooms	A communal room is provided on each floor level (19 in total). These will be allocated for different activities so that lodgers can suit their individual preferences, including group cooking and dining; games; library/quiet relaxing; study; living room/TV.	Yes
30(b) Maximum room size: 25m <sup>2</sup> (excluding kitchenette and en-suite bathroom)	All rooms are 20.7m <sup>2</sup> (excluding kitchenette and en-suite bathroom).	Yes
30(c) Occupancy: Maximum 2 persons/room	Rooms are for a maximum of 2 persons. This would be stipulated in the PoM and enforced through a condition of consent on the subsequent DA.	Yes
30(d) Internal amenities: Adequate bathroom and kitchen facilities to be provided	En-suite bathroom and kitchenette is provided to each boarding room, as well as laundry facilities. Some communal rooms will have a full kitchen for group cooking and dining.	Yes
30(e) Boarding house manager: On-site manager required if there are 20 or more lodgers	Given that each room is legally capable of accommodating up to 2 lodgers, the maximum legal capacity is 748 lodgers. However in practice, the majority of rooms will be occupied by a single person, giving a typical occupancy of some 400 lodgers. Two on-site	Yes

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Control	Proposed	Complies?
	managers are proposed (one in each building). Given that nurses will be working evening shifts, the managers will work to a duty roster so that there is a manager available at all hours.	
30(g) Commercial use of ground floor if site in business zone & required by LEP	Site is within a business zone. Existing three-storey commercial building will be retained as office premises.	Yes
30(h) Motorbike and bicycle parking: 0.2 bicycle & motorcycle spaces per room	75 bicycle and 75 motorcycle spaces are required. Ample space is available in the car park for these and can be detailed at DA stage.	Yes
30A – Design should be compatible with character of local area	Design minimises impacts and has a scale and appearance consistent with the hospital and proposed new town centre and likely emerging character of Business Park.	Yes
52 Strata or community title subdivision of a boarding house is prohibited.	Subdivision is not proposed and can be prevented in future through a condition of consent.	Yes

#### 5.2.6 SEPP (Infrastructure) 2007

The Infrastructure SEPP has specific provisions relating to sites with frontage to classified main roads. Warringah Rd is a classified road but the site does not have direct frontage to it, being separated from the road by a 15m wide strip of public reserve zoned RE1 – Public Recreation that is densely planted with large canopy native trees. All vehicular access to the site is from the rear via a legal right-of-way to Rodborough Rd (a local cul-de-sac) across the neighbouring property to the south.

The Infrastructure SEPP is concerned to ensure that development on sites fronting main roads does not compromise the traffic safety and efficiency of the main road. As the site has no vehicular access to Warringah Rd, the proposal will not adversely affect traffic safety or efficiency of Warringah Rd.

The proposal enables a substantial number of workers to walk, cycle or catch the bus to work rather than drive from distant areas, improving the safety and efficiency of Warringah Rd and the surrounding road network.

The Infrastructure SEPP also has provisions which aim to ensure that residential developments fronting main roads will achieve acceptable internal noise levels.

The proposal will incorporate specified glazing, wall cladding and insulation treatments to ensure noise level standards are achieved. This will be assisted by the large 34m setback from Warringah Rd, the orientation of boarding room windows to the east and west rather than north towards the road, and the advanced centralised air-conditioning and natural ventilation systems.

A full acoustic assessment will be conducted at DA stage to confirm compliance with internal noise level standards.

#### 5.2.7 SEPP 65 - Design Quality of Residential Apartment Development

As noted in Section 2.4 of this report, SEPP65 establishes a consistent approach to the design and assessment of apartments. It requires apartment buildings to be designed by a qualified architect (or under their direct supervision). It specifies design principles which apply to apartment projects and requires certification from the project architect that the principles have been met.

SEPP65 also requires consideration of the detailed design requirements of the *Apartment Design Guide* when apartment projects are designed and assessed.

The proposal is for a boarding house, not a residential apartment building, and SEPP65 expressly does not apply to boarding houses (refer Clause 4 of SEPP65).

Although it would not legally apply to this proposal, the development concept has been designed by a qualified and highly experienced architect with specific expertise in modular construction. The design achieves the design principles of SEPP65, as demonstrated in **Table 3**.

This ensures that the proposal provides for a high level of urban design quality, architectural merit and amenity for residents.

**Table 3: SEPP65 Design Principles compliance summary**

Control	Proposed	Complies?
Principle 1: Context and neighbourhood character	Proposed 40m height is maximum for Precinct under Structure Plan and same as proposed for new town centre and surrounding areas. Business Park will need buildings of similar height to accommodate the additional floorspace required to meet job targets and 'super precinct' status whilst maintaining a park-like work environment at ground level.	Yes
Principle 2: Built form and scale		
Principle 3: Density	No density control applies in Business Park. Proposed buildings are set well back from site boundaries and from each other to maintain park-like sense of spaciousness.	Yes
Principle 4: Sustainability	Exemplary standard of ESD features are proposed, including rain water re-use, solar panels and natural cross ventilation via internal breezeways.	Yes
Principle 5: Landscape	Majority of existing landscaped space is retained and will be enhanced, ensuring preservation of park-like character. Roof top landscaping is provided to the upper deck of the car park and to the roof of the existing commercial building.	Yes
Principle 6: Amenity	Excellent level of amenity is achieved for lodgers without compromising amenity of surrounding properties. Shared communal facilities are located on each floor, with varied uses.	Yes
Principle 7: Safety	Safety and security has been a key consideration in the design process.	Yes
Principle 8: Housing diversity and social interaction	Provides a form of housing that will be in high demand but will not otherwise be provided in the local area. Extensive communal facilities promote social interaction within the development. Proximity and connectivity to new town centre will support interaction of lodgers with local community.	Yes
Principle 9: Aesthetics	High quality architectural treatment is proposed. The facade treatment allows the building to adapt to the sun locations and time of year. Individually adjustable perforated sunscreens serve both a practical and aesthetic function.  The architecture is intended to be recessive and to blend with the natural background of sky and clouds, with a soft green wall on the service ends of each tower, linking the buildings to the ground landscape.	Yes



**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

A review of the consistency of the Planning Proposal with current Section 117 Directions is provided in **Table 4**. Those of particular relevance are discussed in detail after the table.

The review confirms that the proposal is consistent with relevant directions.

**Table 4: Section 117 Directions compliance summary**

Direction	Consistency of Planning Proposal
<b>1. Employment and resources</b>	
1.1 Business and Industrial Zones	<b>Consistent</b> Refer to discussion following this table.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	<b>Consistent</b> Refer to discussion following this table.
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	<b>Consistent</b> The site is not affected by acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	<b>Consistent</b> The site is not affected by mine subsidence or unstable land.
4.3 Flood Prone Land	<b>Consistent</b> The site is not affected by flooding.
4.4 Planning for Bushfire Protection	<b>Consistent</b> The site is not bushfire prone land.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Not applicable
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable

Direction	Consistency of Planning Proposal
5.10 Implementation of Regional Plans	Not applicable
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	<b>Consistent</b> The proposal does not include provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority. The proposal does not identify development as designated development.
6.2 Reserving Land for Public Purposes	<b>Consistent</b> The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	<b>Consistent with intent</b> Refer to discussion following this table.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	<b>Consistent</b> Refer to discussion in Section .
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

**Direction 1.1 – Business and Industrial Zones**

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

Direction 1.1 applies to a planning proposal that will affect land within an existing or proposed business or industrial zone and therefore is applicable to this proposal which affects land within the B7 - Business Park zone.

The Direction requires that a planning proposal must comply with the following five matters. The compliance of the proposal with these matters is discussed below:

- (a) give effect to the objectives of this direction

The proposal is consistent with the objectives because:

- by providing a substantial and highly visible source of skilled labour, it will attract health sector businesses that seek ready access to skilled workers;
- it retains existing employment floorspace on the site without compromising the capacity for additional employment floorspace to be developed on surrounding properties;

- it supports the viability of the Northern Beaches Hospital Strategic Centre by providing the hospital and other health sector businesses with access to a local workforce.

*(b) retain the areas and locations of existing business and industrial zones*

The proposal retains the areas and locations of existing business zones.

*(c) not reduce the total potential floor space area for employment uses and related public services in business zones*

The proposal seeks to permit an additional use on the site (boarding house) without reducing or changing the uses that are otherwise permissible in the B7 zone. It retains existing employment floorspace on the site without compromising the capacity for additional employment floorspace to be developed on surrounding properties or elsewhere in the B7 zone.

*(d) not reduce the total potential floor space area for industrial uses in industrial zones, and*

Not applicable – site is not within industrial zone.

*(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.*

Not applicable – no new employment areas are proposed.

The Direction provides that a planning proposal may be inconsistent with the terms of this direction if certain criteria are satisfied. As the proposal is consistent with the Direction, it is not necessary to consider these matters.

#### **Direction 3.4 - Integrating Land Use and Transport**

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

The proposal seeks to provide a substantial amount of accommodation for nurses and other medical key workers in close proximity to the hospital and other health sector businesses. It is adjacent to a bus stop with services to the hospital and local shops, and includes the provision of a shuttle bus to take nurses to and from the hospital for evening shift work.

This wide choice of affordable transport options will enable nurses and key workers to get by without the significant expense of owning and running a car. The development concept accordingly proposes a commensurate provision of on-site car parking, thereby avoiding unnecessary construction costs which assists in the maintenance of rents at an affordable level.

The proposal therefore directly achieves the relevant objectives of this Direction.



**Direction 6.3 - Site Specific Provisions**

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. It applies when a planning proposal will allow a particular development to be carried out.

The requirements of the Direction are addressed below:

*A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:*

*(a) allow that land use to be carried out in the zone the land is situated on, or*

This is not necessary and is not considered appropriate, as it would allow general 'for-profit' boarding houses to be established anywhere in the business park. This may represent a more profitable use than employment floorspace, thus reducing the employment potential of the business park in contravention of the zone objectives. The proposal is specifically to provide affordable accommodation for nurses and other medical key workers and there is no benefit in permitting such a unique proposal throughout the B7 zone.

*(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*

This is not necessary and is not considered appropriate, as it would deter the proposed retention of existing commercial floorspace on the site, thereby reducing employment in the area.

*(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The proposal is to permit the land use of boarding house on the site. The possibility of also including a development standard has been flagged (a 40m maximum building height standard). If considered appropriate, this can be accommodated under Clause 2.5 of WLEP2011 which provides for specific conditions to be included in Schedule 1 that will apply to the additional use. Numeric requirements of this type have been applied in many of the sites in Schedule 1 and could be included in this case, if considered appropriate.

Alternatively, the 40m maximum building height limit could be included as a term of the proposed VPA rather than applied as a site-specific development standard.

A further alternative would be to apply the 40m building height standard to the whole of the Frenchs Forest Business Park. However this may be premature given the wholesale review of planning controls that is currently underway in the precinct.

*A planning proposal must not contain or refer to drawings that show details of the development proposal.*

A development concept scheme has been provided with the planning proposal. Given that the proposal is to facilitate a unique form of development with particular characteristics prescribed in a VPA, and not just any type or form of boarding house, the concept scheme will assist public understanding of the proposal. The planning proposal consists of the proposed amendments to Schedule 1 of WLEP2011 and these do not make any reference to the concept scheme.

If the proposal is considered inconsistent with the above requirement, it is submitted that this is of minor significance and acceptable in the unique circumstances.

### 5.3 Environmental, social and economic impact

***Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No. The site is developed with a large office building, paved car parking and perimeter garden beds and does not contain any areas of natural habitat. It is not identified in LEP or DCP maps as a native wildlife corridor or as having any significant native vegetation or high conservation habitat. Works are confined to existing buildings and paved areas, avoiding need to remove any existing vegetation.

***Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The environmental effects of the planning proposal have been minimised, as discussed throughout this report and summarised below.

*Building height & visual impact*

The development concept proposes 9 and 10-storey buildings that will be higher than existing buildings within the Business Park which are generally up to 4 storeys. However a building of this height could be approved tomorrow on this site or any other site, as the existing planning controls for the Business Park do not contain a height standard. The height of the concept development is therefore not *as a result* of the planning proposal but is a matter to be determined on its merits at DA stage.

The planning proposal is sought on the basis that a sufficient number of boarding rooms will be accommodated to make the scheme financially sustainable. That said, there are strong grounds to support the proposed height, including:

- The proposed narrow floorplates produce slimmer building forms which are less bulky and optimise amenity for residents (solar access, natural ventilation & outlook).
- The proposed height is consistent with the principle of the Hospital Precinct Structure Plan that heights throughout the precinct should not exceed the hospital (41m). The proposed 39m height is broadly consistent with the new town centre, Forestway and the site opposite Forestway, therefore will provide consistency of built form throughout the precinct.
- The identified need for more employment floorspace within Frenchs Forest Business Park suggests that heights should increase throughout the Park to accommodate more floorspace while minimising extra site coverage, thus preserving the existing park-like character.
- The proposed height does not cause any amenity impacts on neighbouring properties by way of privacy, solar access, bulk & scale. This is in part a function of large setbacks of at least 15m to front & side boundaries.
- Acceptability of visual impact can be explored at public exhibition stage with the assistance of the comprehensive photomontages that are provided with the concept scheme package. The proposal's direct functional relationship with the hospital (providing accommodation for hospital employees) provides a rationale for similar height. Over time, visual impact will be muted as buildings of comparable height are developed throughout the Business Park.

*Traffic & parking*

The proposal will enable a substantial number of hospital employees to conveniently access the hospital by walking, cycling or using the shuttle bus or public bus. Together with car share vehicles provided on-site, this will enable residents to get by without the substantial cost of owning and running a car and is a healthier alternative to commuting by car. The number of workers commuting to the hospital

by private car will be significantly reduced, thus improving traffic conditions for other road users.

#### *Environmental sustainability*

The proposal will incorporate an exemplary standard of ESD features including pre-fabricated modular construction with low embodied energy & low resource consumption; compact accommodation with excellent insulation requiring less energy for room heating, cooling & lighting; passive solar access; rainwater harvesting & re-use; solar panels; vege & herb gardens; high efficiency centralised air-con and natural ventilation systems, and commuting predominantly by walking, cycling & bus to reduce transport energy usage & greenhouse gas emissions.

The reduced utility costs will also assist in keeping running costs low, thus contributing to the financial sustainability of maintaining affordable rent levels.

#### **Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposal has substantial positive social and economic impacts including:

- Economic benefit to nurses and other health sector key workers in being able to live locally at an affordable cost, thus avoiding the expense of long distance commuting and releasing additional income to spend on other life necessities;
- Economic benefit to local medical & health sector businesses which will be able to source skilled key workers from the local area;
- Residents of the proposal will provide additional customers for local shops and service businesses, especially given their greater propensity to shop locally because of their lower levels of car ownership;
- Social benefit to nurses and other medical sector key workers in avoiding the time and stress of long distance commuting and enjoying health benefits of walking, cycling or catching bus to work;
- Social benefit to local community through additional key workers living in the local area which provides a more balanced community profile and helps address the outflow of young adults seeking affordable housing in distant areas.

### **5.4 State and Commonwealth interests**

#### **Q10. Is there adequate public infrastructure for the planning proposal?**

The site is within a strategic centre targeted for substantial additional development and accordingly, has received substantial investment in public infrastructure - most notably the hospital and major upgrades to the surrounding road network.

Additional transport infrastructure is planned (Beaches Link Tunnel) and is under investigation (Dee Why-Chatswood Bus Rapid Transit) which will also be of benefit to the proposal.

By providing local accommodation for hospital key workers, the proposal supports the efficiency and resilience of the hospital and local road network, thus optimising public funds invested in their construction.

The site is within a well-established urban area with all utility services available. The need for any local augmentation of services to support the proposal will be investigated at DA stage and is typically managed by standard conditions of consent.



**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

This planning proposal is at pre-gateway stage. No consultation with State or Commonwealth public authorities has been undertaken other than preliminary discussions with the Greater Sydney Commission (which expressed in-principle support).

Preliminary discussions have also been held with HealthScope, the company that will be operating the hospital on behalf of NSW Health. HealthScope has provided in-principle support for the proposal, as noted in the letter at **Appendix 5**.

The NSW Nurses & Midwives' Association and Australian Nursing & Midwifery Federation (NSW Branch) has also supported the proposal. The Association's letter (**Appendix 6**) notes:

The NSWNMA is concerned that there is an increasing trend for nurses and midwives traveling considerable distances to and from their place of residence to their workplace due to the current shortage of housing that is affordable. This increases the risk not only to their health, especially given shift work requirements, but also places additional stress on family relationships.

Appropriate arrangements for consultation with agencies will be specified in the gateway determination.



## 6. Mapping

Relevant mapping and figures have been provided throughout this report, including:

Figure 1: Site context	4
Figure 2: The site	8
Figure 3: Bus Route Map	11
Figure 4: Current Zoning Map	12
Figure 5: Additional Permitted Uses Map (Current)	15
Figure 6: Additional Permitted Uses Map (Proposed)	25
Figure 7: Relevant Directions in <i>A Plan for Growing Sydney</i>	35
Figure 8: Potential Bus Rapid Transit	37
Figure 9: North District Green Grid	45
Figure 10: North District Catchments	46
Figure 11: Hospital Precinct Structure Plan	52
Figure 12: Hospital Precinct Building Heights Map	53
Figure 13: Hospital Precinct Phasing Plan	54

The planning proposal involves the alteration of one map of Warringah LEP 2011 – the Additional Permitted Uses Map APU\_008A.

To illustrate this change, **Figure 5** shows the current Additional Permitted Uses Map and **Figure 6** shows the proposed Additional Permitted Uses Map.

The only other change proposed to the LEP is to the wording of Schedule 1 – Additional Permitted Uses by including an item identifying *boarding house* as an additional use that is permissible with consent on the site. If considered appropriate, this item could also specify a maximum building height of 40m.



## 7. Community consultation

Informal preliminary consultations with the following stakeholders have been held to assist the formulation of the proposal, as detailed in Section 5.4 of this report:

- Northern Beaches Council;
- Greater Sydney Commission;
- HealthScope;
- Link Housing Ltd;
- Nurses & Midwives Association;
- Urban Taskforce.

Northern Beaches Council has provided preliminary advice following a briefing on the project. Council's advice (**Appendix 7**) acknowledges the need for affordable housing and notes the proposal of the Hospital Precinct Structure Plan to require 10% of floorspace in new developments to be dedicated as affordable housing.

It further states that no change is proposed to land within the Frenchs Forest Business Park and notes that the draft North District Plan reinforces the importance of retaining and enhancing employment uses within the Business Park. It states that:

*Council will not support any planning proposal which is contrary to Council's Structure Plan and State government planning strategies.*

This report has shown that the proposal is consistent with the strategic objectives of draft North District Plan and the Hospital Precinct Structure Plan. Specifically, it enhances employment potential whilst delivering on the District Plan objectives to increase affordable rental housing close to places of work. The proposal therefore addresses the concerns raised in Council's preliminary advice and provides an opportunity for more detailed consideration by Council, the community, public authorities and other stakeholders.

Requirements for formal consultation with the community and relevant agencies will be specified in the Gateway determination.

The proposal will require public exhibition for 28 days. The proposal would satisfy the criteria for a 'low impact proposal' requiring 14 days exhibition in accordance with *A Guide to Preparing Local Environmental Plans*, were it not for the fact that the proposed residential use is inconsistent with the pattern of surrounding land uses (which are predominantly office premises).

As noted in Council's VPA Policy, Section 93G(1) of the Act requires the draft VPA to be publicly notified for a period of not less than 28 days.

If the planning proposal is supported and is granted gateway approval, a draft VPA will be prepared for exhibition concurrently with the planning proposal in accordance with Clause 25D(1A) of the Regulation.

The applicant welcomes the opportunity to discuss with Council any issues raised during exhibition of the Planning Proposal and draft VPA and provide further information as required.



## 8. Conclusion & project timeline

It is concluded that the planning proposal presented in this report has strong strategic and site-specific planning merit which warrants its support by Council.

It will provide a *unique* opportunity for ensuring that nurses and other medical key workers can live and work in the local area soon after the hospital opens in 2018.

The factors which make this proposal unique include:

- a large site within walking distance to the hospital;
- the site is underdeveloped and poorly utilised;
- the owner has a passionate determination to help the nursing profession and has the financial capacity to do it;
- the position and orientation of the site make it well suited to residential accommodation with a high level of amenity, without impacting on the amenity or the future development potential of neighbouring sites;
- the innovative pre-fabricated modular accommodation is ideally suited to the housing needs of single key workers and reduces the time and cost of construction while assuring consistently high quality design and finish;
- modular construction enables retention of the existing office building, thus maintaining employment potential on the site. The very quick and clean construction process also minimises disruption to neighbouring businesses;
- an exemplary standard of environmentally sustainable design features are proposed which will also help to reduce running costs;
- security-conscious design and generous provision of communal facilities and transport will ensure residents enjoy a safe, sociable and healthy lifestyle free of the cost and social consequences of long distance commuting.

The proposal has significant benefits for the local community and the region, including:

- Less traffic on local streets;
- A more balanced local community profile containing a substantial presence of key workers (especially young adults who have been leaving the Northern Beaches in increasing numbers in search of housing they can afford);
- A local source of skilled labour to support the efficient operation of the hospital and attract new health and medical businesses into the precinct;
- An exemplary demonstration of sustainable and affordable design.

Council's proposed inclusionary zoning scheme for the Hospital Precinct will, if implemented as proposed, provide a supply of affordable housing, but it will be delivered in small increments over many years as individual sites are redeveloped and will not necessarily be targeted to nurses and medical key workers.

The substantial benefits offered by this proposal will be maximised by its delivery as soon as possible after the hospital opens in 2018. With Council's support, the following indicative timeline could be achieved and the applicant will be encouraged to make an early start on DA documentation so that this much-needed affordable housing can be delivered at the earliest possible opportunity.

Without this proposal, many nurses and other medical key workers (especially young adults in the early stages of their career) will not be able to afford to live in the local area. Their loss will also be the community's loss if Council fails to seize this unique and innovative opportunity.



**Table 5: Indicative timeline**

Planning Proposal Stage	Indicative timeline
Planning Proposal submitted to Council	October 2017
Planning Proposal assessed by Council	November 2017
Provide further information & adjust Planning Proposal, if appropriate	November 2017
Report submitted to Council meeting	December 2017
Anticipated commencement date (date of Gateway determination)	January 2018
Preparation of required technical information & draft VPA	January-March 2018
28 days public exhibition of Planning Proposal & draft VPA and consideration of submissions	March-April 2018
Government agency consultation	March-April 2018
Consideration of proposal by Council	April-June 2018
Report to Council meeting	July 2018
Submission to Department to finalise LEP	August 2018



Link Housing Limited  
ABN 62 005 054 028

17 October 2017

Chief Executive Officer  
Northern Beaches Council  
725 Pittwater Road  
DEE WHY NSW 2099

Attention: Mark Ferguson

Re: Planning Proposal – 14 Rodborough Road, Frenchs Forest.

Dear Sir,

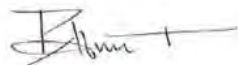
Link Housing supports increasing affordable housing supply on the Northern Beaches, an area impacted by rising property values and rental prices, which places low to moderate income households under significant stress.

The redevelopment of Kingsmede's Frenchs Forrest site for affordable housing targeting nurses' accommodation, with good proximity to Northern Beaches Hospital presents an exciting opportunity to tackle affordability locally. Link Housing welcomes the opportunity to manage the proposed affordable dwellings, which fall within our core area of operations.

Established in 1984, Link Housing is one of the oldest not-for-profit housing providers operating in NSW. We are well governed with an experienced leadership team and a proven track record of delivering high quality affordable housing services over the past 33 years. Our property management services are client focussed, responsive, timely and efficient.

Link Housing is the only Community Housing Provider operating at scale in the Northern Suburbs of Sydney. We currently manage a portfolio of 1,562 properties, of which 264 are located on the Northern Beaches. This is an exciting project and opportunity to deliver much needed affordable housing for those on low to moderate incomes.

Regards,



Paul Hunt | Chief Development Officer  
Link Housing Limited - "A better future for those in need, through safe, affordable housing"  
P: 02 9412 5116 | M: 0456 428 099  
Level 12 815 Pacific Highway, Chatswood NSW 2067  
P O Box 5124, Chatswood West NSW 2067

**Schedule 1 Occupancy principles**

(as in force October 2017 under Section 30 of the *Boarding Houses Act 2012*)

**1 State of premises**

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

**2 Rules of registrable boarding house**

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

**3 Penalties for breaches of agreement or house rules prohibited**

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

**4 Quiet enjoyment of premises**

A resident is entitled to quiet enjoyment of the premises.

**5 Inspections and repairs**

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

**6 Notice of increase of occupancy fee**

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

**7 Utility charges**

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

**8 Payment of security deposits**

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.



- (2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:
- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
  - (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
  - (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
  - (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
  - (e) any other amounts prescribed by the regulations.
- (3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.
- (4) In this clause:  
security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:
- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
  - (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
  - (c) any other matter or thing prescribed by the regulations.

#### **9 Information about occupancy termination**

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

#### **10 Notice of eviction**

- (1) A resident must not be evicted without reasonable written notice.
- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.
- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

#### **11 Use of alternative dispute resolution**

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

#### **12 Provision of written receipts**

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

**Planning Proposal: 14 Rodborough Rd, Frenchs Forest**

Appendix 4  
SEPP Compliance Summary

<b>State Environmental Planning Policy</b>	<b>Comment</b>
SEPP 1 – Development Standards	Not relevant
SEPP 14 – Coastal Wetlands	Not relevant
SEPP 19 – Bushland in Urban Areas	Not relevant
SEPP 21 – Caravan Parks	Not relevant
SEPP 26 – Littoral Rainforests	Not relevant
SEPP 30 – Intensive Agriculture	Not relevant
SEPP 33 – Hazardous & Offensive Development	Not relevant
SEPP 36 – Manufactured Home Estates	Not relevant
SEPP 44 – Koala Habitat Protection	Not relevant
SEPP 47 – Moore Park Showground	Not relevant
SEPP 50 – Canal Estate Development	Not relevant
SEPP 52 – Farm Dams and Other Works etc	Not relevant
SEPP 55 – Remediation of Land	Consistent – compliance can be enforced at DA stage
SEPP 62 – Sustainable Aquaculture	Not relevant
SEPP 64 – Advertising & Signage	Not relevant
SEPP 65 – Design Quality of Residential Apartment Development	Not applicable but proposal is generally consistent - see Section 5.2.7 of this report
SEPP 70 – Affordable Housing (Revised Schemes)	Not relevant
SEPP 71 – Coastal Protection	Not relevant
SEPP (Affordable Rental Housing) 2009	Not applicable but proposal is generally consistent - see Section 5.2.5 of this report
SEPP (BASIX) 2004	Consistent – compliance can be enforced at DA stage
SEPP (Educational Establishments & Childcare Facilities) 2017	Not relevant
SEPP (Exempt & Complying Development Codes) 2008	Not relevant
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant
SEPP (Infrastructure) 2007	Consistent – compliance can be enforced at DA stage (refer Section 5.2.6 of this report)
SEPP (Integration and Repeals) 2016	Not relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not relevant
SEPP (Kurnell Peninsula) 1989	Not relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not relevant
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant
SEPP (Penrith Lakes Scheme) 1989	Not relevant
SEPP (Rural Lands) 2008	Not relevant
SEPP (State & Regional Development) 2011	Consistent – future affordable housing DA over \$5M value would require approval of regional panel

**Planning Proposal: 14 Rodborough Rd, Frenchs Forest**

Appendix 4  
SEPP Compliance Summary

<b>State Environmental Planning Policy</b>	<b>Comment</b>
SEPP (State Significant Precincts) 2005	Not relevant
SEPP (Sydney Drinking Water Catchment) 2011	Not relevant
SEPP (Sydney Region Growth Centres) 2006	Not relevant
SEPP (Three Ports) 2013	Not relevant
SEPP (Urban Renewal) 2010	Not relevant
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant
SEPP (Western Sydney Employment Area) 2009	Not relevant
SEPP (Western Sydney Parklands) 2009	Not relevant







**NEW SOUTH WALES NURSES AND MIDWIVES' ASSOCIATION**  
AUSTRALIAN NURSING AND MIDWIFERY FEDERATION NEW SOUTH WALES BRANCH



IN REPLY PLEASE QUOTE: BH:MKE  
9 October 2017

Mr John Aspinall  
Principal  
Urbaine Architecture  
The Corso  
MANLY NSW 2095

By email: [john@urbaine.com.au](mailto:john@urbaine.com.au)

Dear Mr Aspinall

**Proposed Affordable Studio Apartment Accommodation Frenchs Forest**

We appreciate the previous opportunity to meet with you regarding your proposal for nurses' accommodation in Frenchs Forest.

The current lack of affordable housing close to workplaces is a significant problem facing many of our members. The New South Wales Nurses and Midwives' Association (NSWNMA) is supportive of a range of affordable housing options, including affordable rental housing and the ability to purchase lower cost housing. This would enable a number of nurses and midwives (and other workers who work in key service areas) to obtain safe, appropriate and affordable housing within reasonable proximity to their workplaces.

The NSWNMA is concerned that there is an increasing trend for nurses and midwives traveling considerable distances to and from their place of residence to their workplace due to the current shortage of housing that is affordable. This increases the risk not only to their health, especially given shift work requirements, but also places additional stress on family relationships.

At the meeting where you outlined the proposal for 500 studio apartments within walking distance of the nearly completed Northern Beaches Hospital. As you are aware this is the new hospital for the Northern Beaches replacing Manly Hospital and acute services at Mona Vale Hospital. Currently there are 584 nursing and midwifery members at Manly and Mona Vale Hospitals, and while there are 3,239 members residing within a 10 kilometre radius of both hospitals, many are employed at other health facilities within the Northern Beaches and Northern Sydney regions. It is our understanding that there are a number of nurses and midwives who reside outside the catchment area and travel considerable distances to work on the Northern Beaches.

We would welcome the opportunity to continue to work with you as you plan this future affordable residential development.

Yours sincerely



**Brett Holmes**  
General Secretary  
NSW Nurses and Midwives' Association

Address all correspondence to: 50 O'Dea Avenue Waterloo NSW 2017  
☎ (02) 8595 1234 • 1300 367 962 ☎ (02) 9662 1414 🌐 [www.nswnma.nsw.au](http://www.nswnma.nsw.au) ✉ [general@nswnma.nsw.au](mailto:general@nswnma.nsw.au)  
NSW Nurses and Midwives' Association ABN 63 398 164 405 | Australian Nursing and Midwifery Federation NSW Branch ABN 65 726 054 782

NORTHERN BEACHES  
COUNCIL

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)

1 August 2017

Mr John Aspinall  
Principal  
Urbaine Architecture  
Suite 6, 15 The Corso  
MANLY NSW 2095

Our Ref: 2017/244853

Dear Mr Aspinall

**14 Rodborough Road, Frenchs Forest – Affordable Housing**

I refer to your email addressed to Mr Michael Regan, dated 3 July 2017 concerning a possible additional permitted land use to allow affordable housing at 14 Rodborough Road, Frenchs Forest. Mr Regan has forwarded your email to the Administrator who has asked me to respond to you on his behalf.

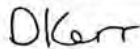
Council acknowledges the need for affordable housing in the area and has undertaken significant work as part of the preparation of the Hospital Precinct Structure Plan to establish demand for affordable housing for key workers, feasible affordable housing targets and appropriate locations for affordable housing.

To support key workers, the draft Structure Plan (as exhibited) proposed up to 10% of new dwellings to be provided as affordable rental housing throughout the precinct in those areas identified for development uplift. The draft Structure Plan does not propose any change to land within the Business Park including the subject property at 14 Rodborough Road. The draft North District Plan also reinforces the importance of retaining and enhancing employment uses within the Business Park. Council will not support any planning proposal which is contrary to Council's Structure Plan and State government planning strategies.

As previously advised, a formal planning proposal would be required to be submitted to Council for it to consider a change of permitted land use for the site. The cost of a pre-lodgement meeting for an amendment to Warringah Local Environmental Plan 2011 is \$5,000 (excluding GST) and is unable to be varied.

Should you require any further information or assistance in this matter, please contact Maxine Szeto, Senior Strategic Planner on 9942 2932.

Yours faithfully



David Kerr  
General Manager Planning, Place & Community

cc Michael Regan

3 (incl) Great Western  
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Site Location and transport options





Existing Site





Ground level - car park entry

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Ground level

**PROJECT**  
14, Rodburgh Road,  
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n.t.s.

**SCALE**  
1:1000  
SFX003

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Car park - level 1 - typical

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**SCALE**  
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**SCALE**  
1:500

**PROJECT**  
SFX004

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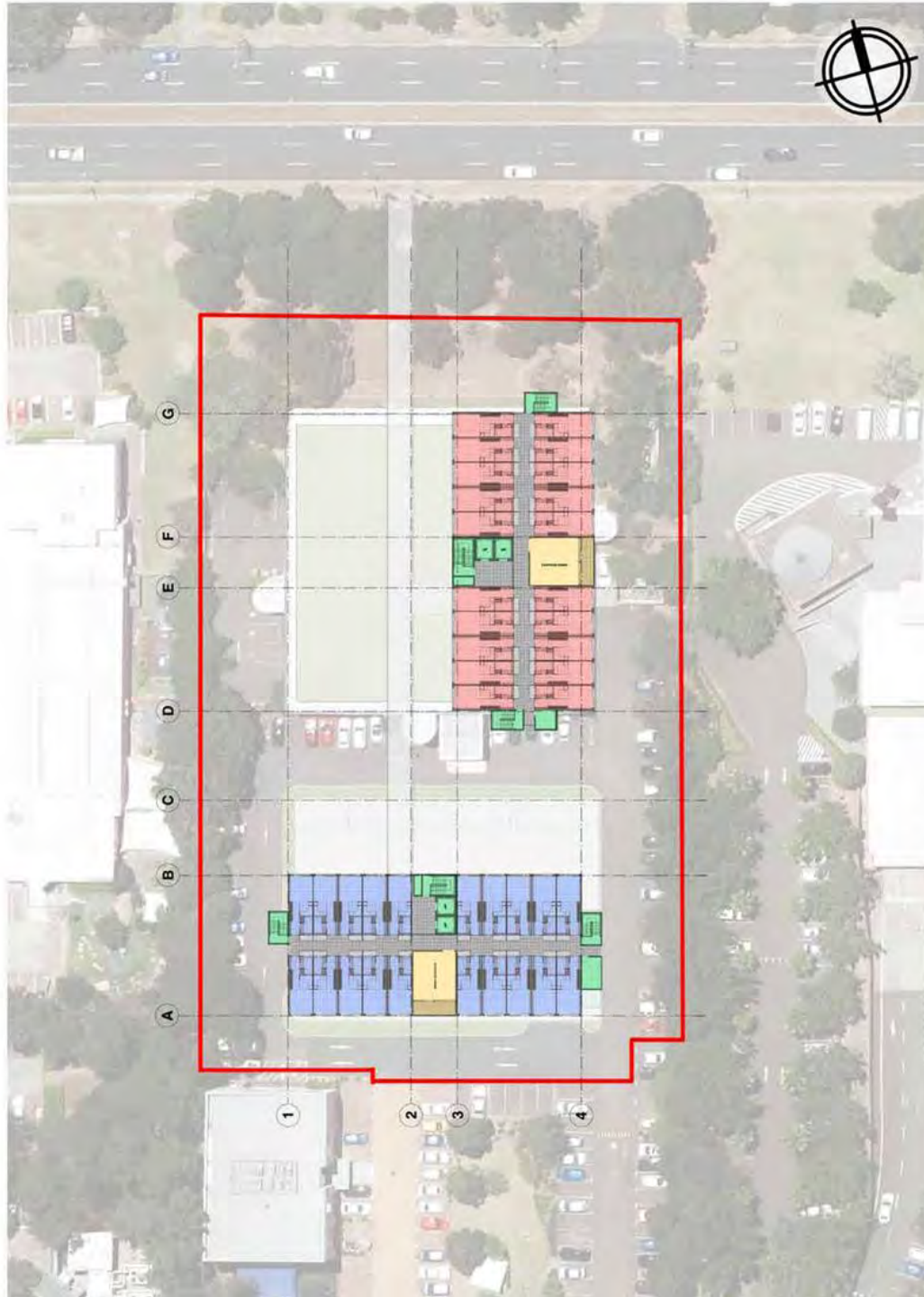
Entry level plan - top of commercial building

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PROJECT **14, Rodburgh Road,  
Frenchs Forest**  
SCALE **n.t.s.**  
SFX005

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ARCHITECT **Entry level**

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Typical residential level floor plan - above commercial building

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**SCALE**  
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SF006

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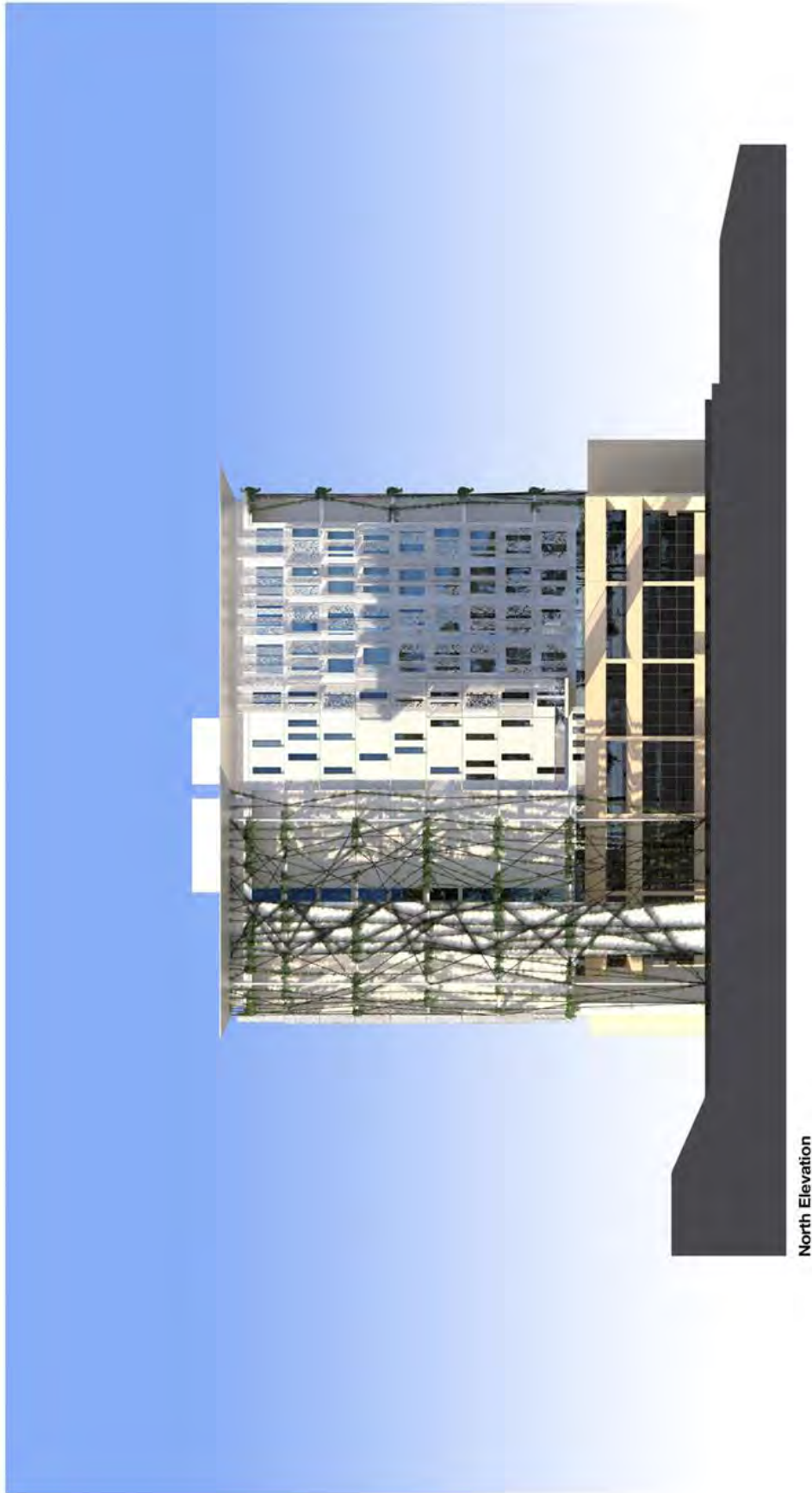
Proposed design - roof plan

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PROJECT 14, Rodburgh Road,  
Frenchs Forest  
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Roof plan

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North Elevation

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SCALE  
DATE 10/12/17  
PROJECT SFX008

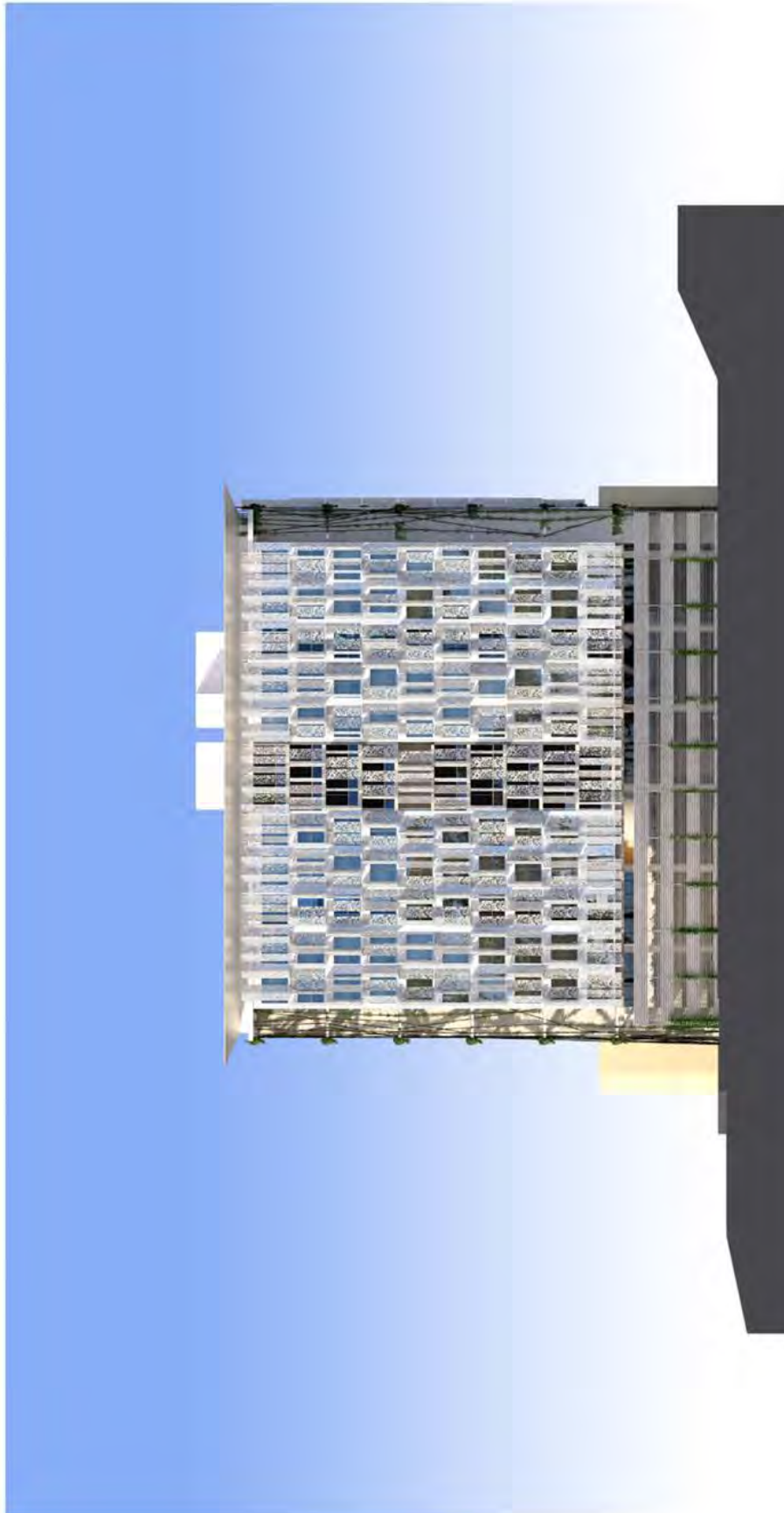
PROJECT 14, Rodburgh Road,  
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SCALE n.t.s.

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North Elevation

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South Elevation

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SCALE  
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SFX009

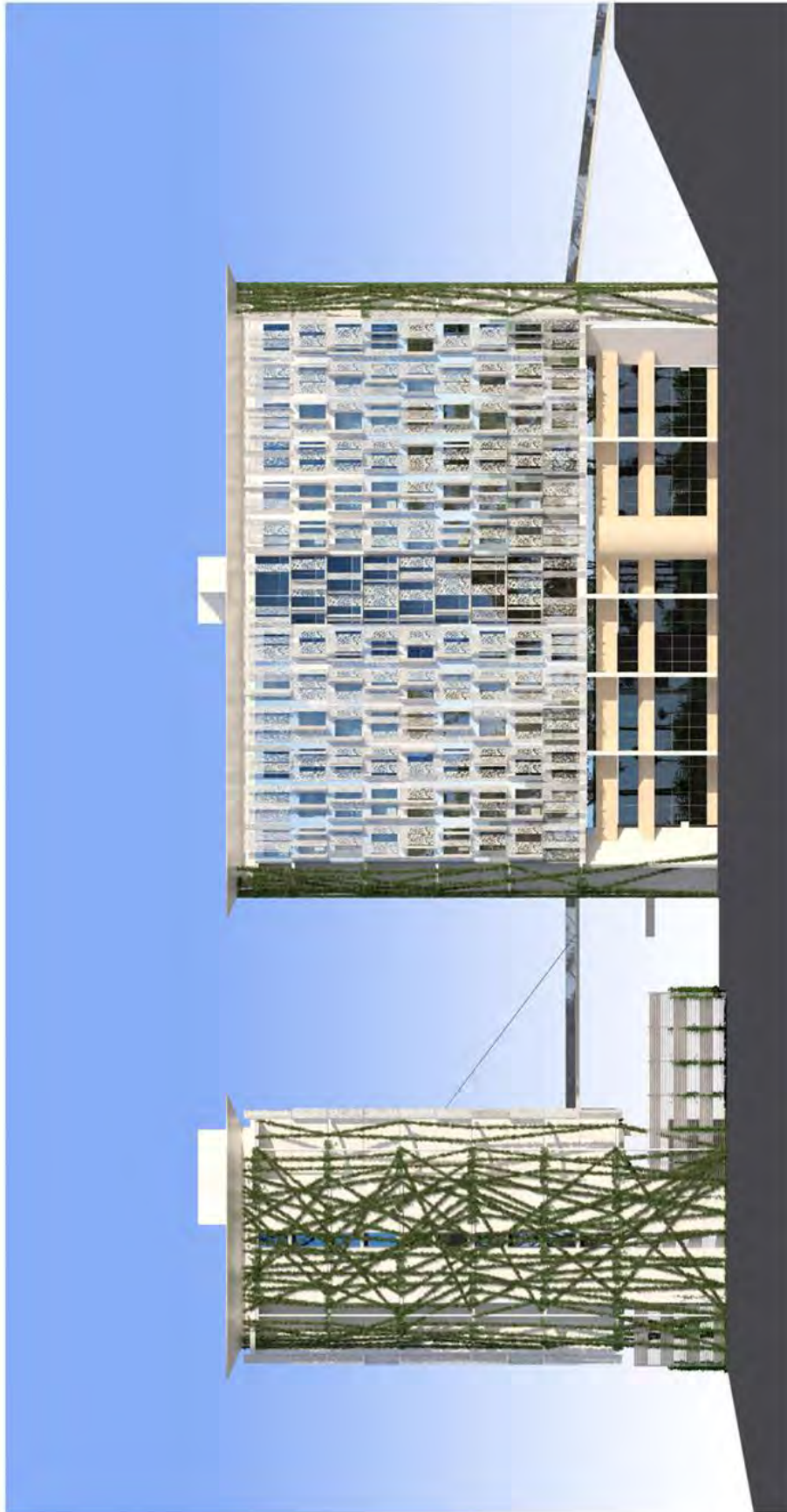
PROJECT  
14, Rodburgh Road,  
Frenchs Forest  
SCALE  
n.i.s.

CLIENT  
KINGSMED  
ARCHITECT  
South Elevation

REVISIONS  
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East Elevation

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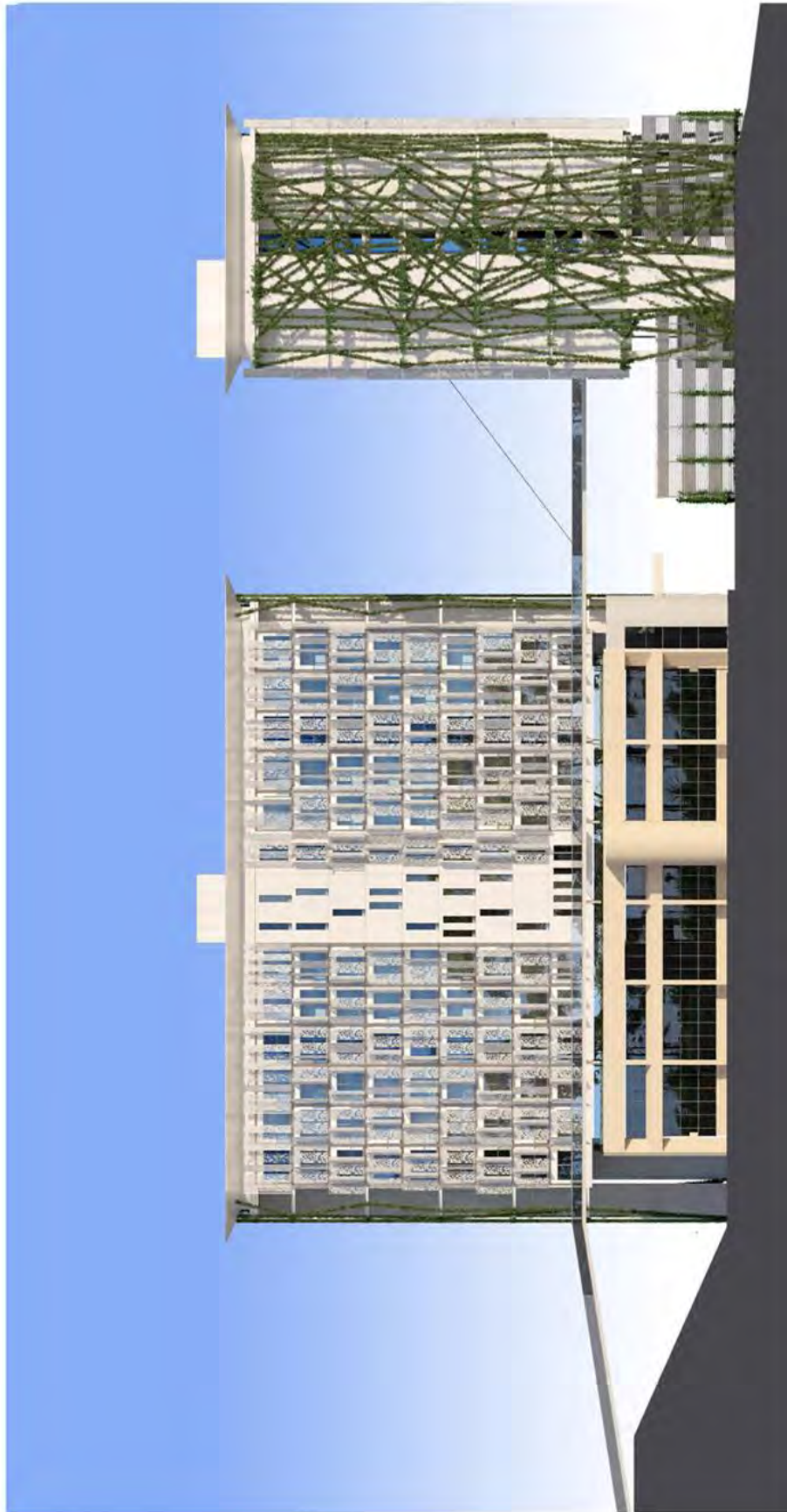
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ARCHITECTS

**KINGSMEEDE**  
East Elevation

**PROJECT**  
14, Rodburgh Road,  
Frenchs Forest  
n.t.s.

**SCALE**  
1:100  
DATE: 10/12/17

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West Elevation

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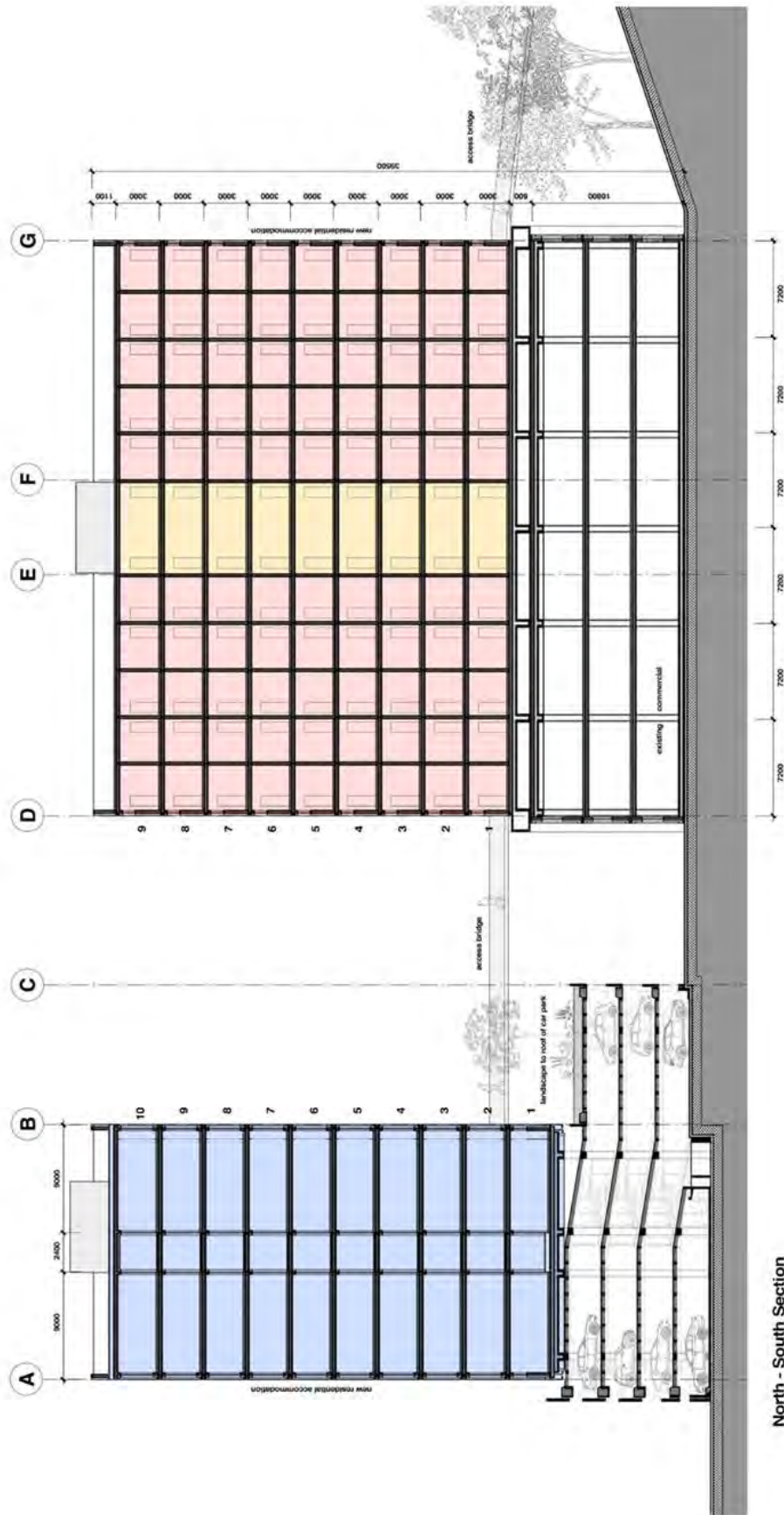
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SFX011

PROJECT  
14, Rodburgh Road,  
Frenchs Forest  
SCALE  
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ARCHITECT  
West Elevation

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North - South Section

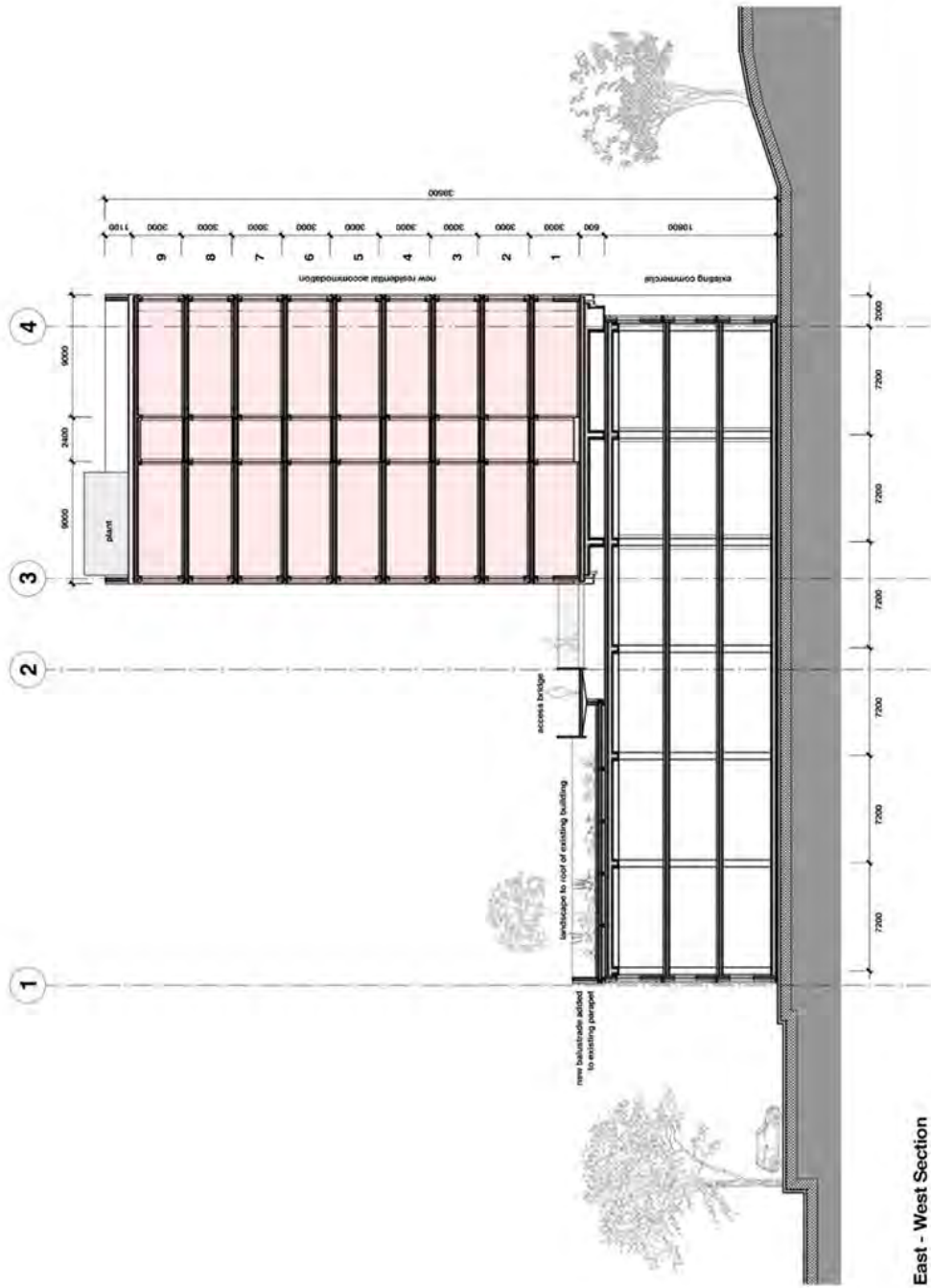
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**PROJECT** 14, Rodburgh Road,  
Frenchs Forest  
n.t.s.  
**SCALE** 1:100  
**DATE** 10/12/17  
**FILE** SFX012

**CLIENT** KINGSMEDE  
**ARCHITECT** North - South Section

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East - West Section

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**PROJECT**

**DATE**

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**14, Rodburgh Road,  
Frenchs Forest  
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**East - West Section**

**ARCHITECT**

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studio apartment section



studio apartment plan



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**INDIVIDUAL ROOM LAYOUTS**

**PROJECT**  
14, Rodburgh Road,  
Frenchs Forest  
n.t.s.

**SCALE**  
SFX014

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Montage view locations

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PROJECT: 14, Rodburgh Road,  
Frenchs Forest  
SCALE: n.i.s.  
DRAW NO: SFX015

CLIENT: KINGSMEDE  
DRAWING: Montage view locations

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Visual Impact - view 6



Visual Impact - view 5



Visual Impact - view 4

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PROJECT  
14, Rodburgh Road,  
Frenchs Forest  
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Visual impact views 4-6

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Visual Impact - view 8



Visual Impact - view 7





Visual Impact - view 9



Visual Impact - view 10



Visual Impact - view 10



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Visual impact views 9-11

**PROJECT**  
14, Rodburgh Road,  
Frenchs Forest  
n.t.s.

**SCALE**  
SFX019

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Visual Impact - view 13



Visual Impact - view 12

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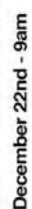
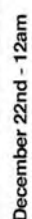
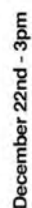
**Visual impact views 12-13**

**14, Rodburgh Road,  
Frenchs Forest**  
n.i.s.

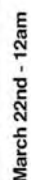
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SFX022

14, Rodburgh Road,  
Frenchs Forest  
n.t.s.

**KINGSMED**  
Shadows - March 22nd

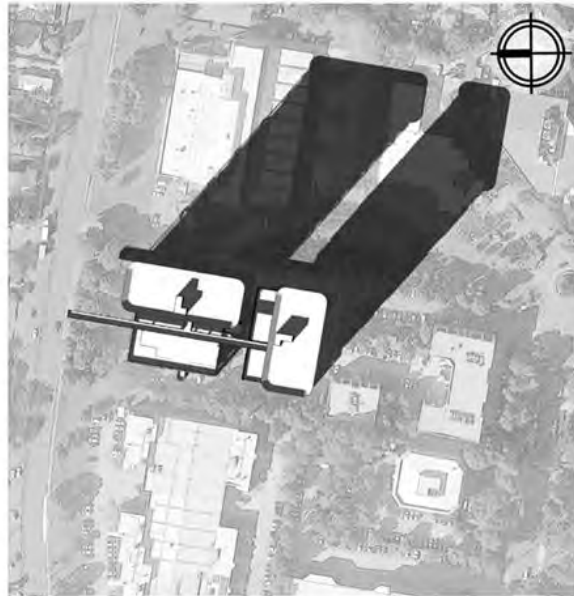
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**CONCEPT**

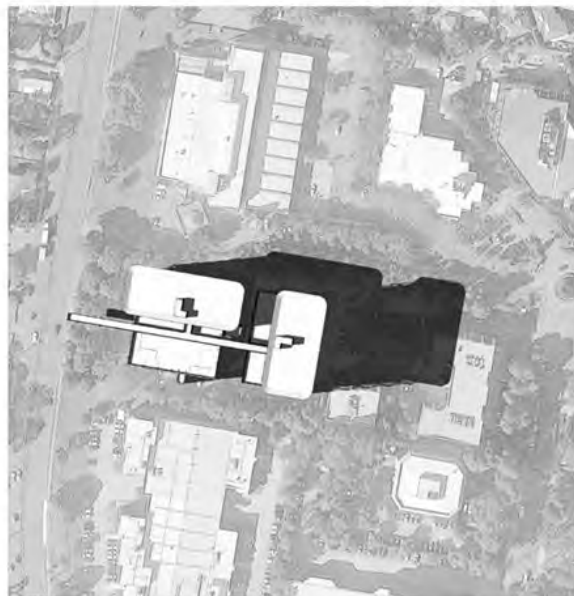
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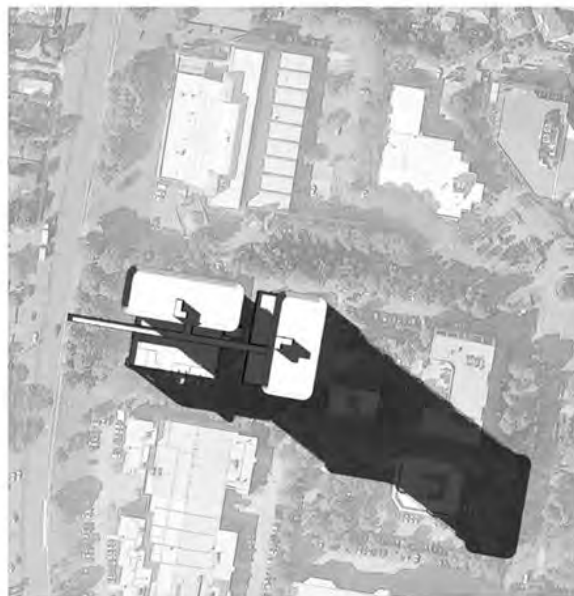
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June 22nd - 3pm



June 22nd - 12am



June 22nd - 9am

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Shadows - June 22nd

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BY

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Aerial view from South-East



Aerial view from North-West

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PROJECT  
14, Rodburgh Road,  
Frenchs Forest  
n.s.w.  
SCALE  
1:1000  
DATE  
NOV 2016

PROJECT  
14, Rodburgh Road,  
Frenchs Forest  
n.s.w.  
SCALE  
1:1000  
DATE  
NOV 2016

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Aerial views

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**Assessment of Planning Proposal against State Environmental Planning Policies (SEPPs)**

<b>SEPPs (as at December 2017)</b>		<b>Applicable</b>	<b>Consistent</b>
1	Development Standards	Yes	Yes
14	Coastal Wetlands	No	N/A
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
26	Littoral Rainforests	No	N/A
30	Intensive Agriculture	Yes	Yes
33	Hazardous and Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	Yes	Yes
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	No
62	Sustainable Aquaculture	Yes	Yes
64	Advertising and Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	No	N/A
70	Affordable Housing (Revised Schemes)	Yes	Yes
71	Coastal Protection	No	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Yes	Yes
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Educational Establishments and Child Care Facilities) 2017	Yes	Yes
	(Exempt and Complying Development Codes) 2008	Yes	Yes
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	Yes	Yes
	(Integration and Repeals) 2016	Yes	Yes
	(Kosciuszko National Park – Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes
	(Miscellaneous Consent Provisions) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Rural Lands) 2008	No	N/A
	(State and Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non-Rural Areas) 2017	Yes	Yes
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A

**Assessment of Planning Proposal against Ministerial Directions (s.117 directions)**

Directions	Applicable	Consistent
<b>1 Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	No
1.2 Rural Zones	Yes	Yes
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A
1.4 Oyster Aquaculture	No	N/A
1.5 Rural Lands	No	N/A
<b>2 Environment and Heritage</b>		
2.1 Environment Protection Zones	Yes	Yes
2.2 Coastal Protection	No	N/A
2.3 Heritage Conservation	Yes	Yes
2.4 Recreation Vehicle Areas	Yes	Yes
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	No	N/A
<b>3 Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3 Home Occupations	Yes	Yes
3.4 Integrating Land Use and Transport	Yes	No
3.5 Development Near Licensed Aerodromes	No	N/A
3.6 Shooting Ranges	No	N/A
<b>4 Hazard and Risk</b>		
4.1 Acid Sulfate Soils	No	N/A
4.2 Mine Subsidence and Unstable Land	No	N/A
4.3 Flood Prone Land	No	N/A
4.4 Planning for Bushfire Protection	No	N/A
<b>5 Housing, Infrastructure and Urban Development</b>		
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	No	N/A
5.2 Sydney Drinking Water Catchments	No	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	No	N/A
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	No	N/A
5.7 Central Coast (Revoked 10 July 2008)	No	N/A
5.8 Second Sydney Airport: Badgerys Creek	No	N/A
5.9 North West Rail Link Corridor Strategy	No	N/A
5.10 Implementation of Regional Plans	Yes	No
<b>6 Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	Yes	Yes
6.3 Site Specific Provisions	Yes	No
<b>7 Local Plan Making</b>		
7.1 Implementation of A Plan for Growing Sydney	Yes	No
7.2 Implementation of Greater Macarthur Land Release Investigation	No	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	No	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	No	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A

## Submission Evaluation

Note that x1 indicates that the theme has been raised 1 time

Issue	Comments	Response
Proposed building height	<p>Objects to the proposed building height (x9).</p> <p>The proposal will set a precedent for 40 metre height limits in the Business Park. There are no 40 metre high buildings in the Business Park (x3).</p> <p>The proposed building height will create visual impacts and be an eyesore visible from the sea and land, similar to Spit Road in Mosman (x1).</p> <p>The proposed building height is double the height of the Hospital - the storeys need to halve (x1).</p> <p>Four storeys should be the height limit (x1).</p>	<p>The Applicant's Planning Proposal seeks to apply a maximum building height on the subject site of 40 metres. The indicative development concept indicates two buildings with heights of 12 to 14 storeys (this includes the existing three (3) storey commercial office building and four (4) levels of above-ground car parking). It is noted that the Applicant's Planning Proposal report identifies a proposed building height of 9 to 10 storeys, as it does not include the commercial office building and above-ground car park. The Applicant's Planning Proposal report justifies that the proposed building height and density is:</p> <ul style="list-style-type: none"> <li><i>Consistent with the principle of the Hospital Precinct Structure Plan that heights throughout the precinct should not exceed the hospital (41m). The proposed 39m height is broadly consistent with the new town centre, Forestway and the site opposite Forestway, therefore will provide consistency of built form throughout the precinct.</i></li> <li><i>Does not cause any amenity impacts on neighbouring properties by way of privacy, solar access, bulk &amp; scale. This is in part a function of large setbacks of at least 15m to front &amp; side boundaries.</i></li> </ul> <p>Whilst the subject site and Business Park do not contain maximum building height controls, it is noted that any proposed significant change in height in the Business Park would have to be reviewed holistically.</p>
Impact on infrastructure	<p>No provision of sports fields have been identified for the future residents (x1).</p> <p>Parking requirements should be the same across all development (1 space per bedroom) to reduce on-street parking (x1).</p> <p>A large majority of residents will own cars and the Applicant's suggestion that people will walk or cycle is flawed (x1).</p> <p>The roads cannot cope with the number of people and cars. The roads are chaotic and will exacerbate with the proposal (x4).</p> <p>Road improvements are necessary. For example, provide road access off Warringah Road only, eliminate traffic jams from 4pm-6pm (weekdays) at</p>	<p>The proposal fails to identify and qualify the additional infrastructure upgrades necessary to support the additional population. In addition, the Applicant has applied for an exemption from Section 94/94A contributions, which would preclude any financial contributions to Council in order to fund required and future infrastructure works.</p> <p>It is noted that the Applicant's Planning Proposal does not justify the level of impact the proposal will have on active and passive public open space requirements.</p> <p>In regards to traffic and transport impacts, the Applicant's Planning Proposal suggests that traffic and congestion on surrounding roads will reduce as residents will likely walk, cycle or use the proposed shuttle bus service to the Hospital. It is noted that Rodborough Road and Allambie Road are at capacity and further traffic improvements are necessary, should the proposal proceed. More importantly, no traffic modelling has been provided which identify the broader traffic and transport impacts of the proposed use in a holistic manner.</p> <p>In regards to parking requirements, the Applicant's Planning Proposal proposes above ground parking in the south building for 144 cars, 75 motorcycle spaces and 75 bicycle spaces. A proportion of these will be car share spaces. Notwithstanding this, parking rates are set by State Government policy, which cannot be altered by Council. Detailed parking rates are a matter for consideration at the Development Application stage.</p>



Issue	Comments	Response
	<p>Rodborough Road, and improve the roundabout at the intersection of Allambie Road with two lanes in every direction or traffic lights (x4).</p> <p>The subject site does not provide safe walking routes being located close to the crest of a hill, and being a considerable walk to traffic lights and the need to cross a six lane arterial road, A pedestrian bridge is required (x1).</p>	<p>In regards to safety concerns for future residents, Council staff note that there are safety concerns regarding the walkability of routes from the subject site. The Applicant's proposal of a shuttle bus service, which is reliant on a VPA, is considered inadequate to resolve this safety concern, and the need for a shuttle bus service is only inherent of the site's inappropriate location i.e. not within walking distance of the Hospital.</p>
Proposed land use (boarding house)	<p>Objects to a boarding house (x4).</p> <p>The proposal will have social impacts and create a ghetto environment, social issues and crime (x1).</p> <p>Support for a boarding house provided the unit sizes are larger i.e. 30% of the units are to be two bedrooms with larger kitchens and bathrooms (x1).</p> <p>The proposal does not guarantee that lodgers will only be from the Hospital (x2).</p>	<p>The Applicant's Planning Proposal seeks to permit an additional permitted land use on the subject site for a 'boarding house'. The Planning Proposal states that the proposed amendment to land use controls aims to facilitate development which achieves:</p> <ul style="list-style-type: none"> <li><i>A more balanced local community profile containing a substantial presence of key workers (especially young adults who have been leaving the Northern Beaches in increasing numbers in search of housing they can afford).</i></li> </ul> <p>Council supports affordable housing in Frenchs Forest and has identified appropriate locations in Council's Structure Plan. This type of affordable housing development is highly encouraged within the areas designated for residential land use in the Structure Plan, particularly the future town centre which identifies a 15% affordable rental housing target.</p> <p>It is noted that there is a common misconception that boarding houses create ghetto environments, social issues and crime. These negative perceptions are outdated and there is no conclusive evidence to suggest that all boarding houses create negative social environments.</p> <p>In regards to unit sizes, the definition of a boarding house requires a single room to be provided, which can be shared.</p> <p>In regards to the proposal and criteria for lodgers, this is dependent on a VPA, which is subject to separate negotiations between Council and the Developer. It is noted that a VPA is a voluntary, legal mechanism used to bind the Developer to deliver certain public benefits. Both parties (Council and the Developer) must agree to the public benefits proposed in the VPA.</p>
Impact on local character	<p>Objects to the proposal due to the impact on local character (x3).</p> <p>The proposal is out of character with the area, which are predominantly single level homes (x3).</p> <p>The proposal is too big and overpowering,</p>	<p>The subject site is located within the Frenchs Forest Business Park, which is characterised by office and commercial premises. Adjoining the Business Park are one and two storey detached dwellings.</p> <p>The proposed development for a boarding house up to 40 metres in height is considered inconsistent with the surrounding development.</p>

Issue	Comments	Response
	compared to the existing buildings in the locality (x1).	
Inconsistency with the Structure Plan	<p>The proposal is inconsistent with Council's Structure Plan (x2).</p> <p>The subject site is located outside the Hospital precinct, as identified in the Structure Plan (x1).</p> <p>The staging proposed in the Structure Plan was identified for a reason and the proposal is located outside the staged growth (x1).</p>	<p>The proposal is inconsistent with the Structure Plan, which identifies jobs growth for the Frenchs Forest Business Park.</p> <p>The Structure Plan does not identify any residential development within the Business Park including the subject site.</p>
Precedent	The proposal will set a precedent for further high rise development (x2).	<p>The proposal has the potential to set a precedent, increasing pressure to allow other sites in the B7 Business Park zone in Frenchs Forest to be redeveloped for 'boarding houses' or other inappropriate residential uses, when more appropriate locations have been identified through Council's Structure Plan.</p> <p>In addition, the proposal could also set an unwanted precedent for planning proposals to be lodged which are inconsistent with Council's Structure Plan. If this occurs, this will undermine the strategic intent and vision for Frenchs Forest. Ad hoc Planning Proposals undermine the orderly planning process and Council's ability to deliver the required infrastructure.</p>
Other concerns	<p>Notes that there are cuts to the Northern Beaches bus services, particularly from Manly to Macquarie University (x1).</p> <p>Concern is raised regarding the proposed building material comprising modular construction as this is not considered visually appealing, as well as wall cladding, which has fire safety implications (x1).</p> <p>Concern is raised about the principles of charities, in general (x1).</p>	<p>It is noted that the recent bus service changes are the responsibility of the NSW State Government.</p> <p>It is noted that building materials are a matter of consideration at the development application stage.</p> <p>Council notes the views raised about the principles of charities, in general.</p>



21 August 2017

The General Manager  
Northern Beaches Council

By Email: [Neil.Cocks@northernbeaches.nsw.gov.au](mailto:Neil.Cocks@northernbeaches.nsw.gov.au)

**Attention** Neil Cocks – Manager Strategic and Place Planning

Dear Mr Cocks,

**28 Lockwood Avenue, Belrose: Statement of Proposed Public Benefits to be included in a future VPA**

Willandra Associates is the applicant for the recently submitted Planning Proposal Application for 28 Lockwood Avenue, Belrose (PEX2017/0007). We appreciate Council's initial comments and discussion regarding the intention to enter into a Voluntary Planning Agreement (VPA). In response, this letter provides a brief statement of potential public benefits proposed to be delivered through a future VPA process, in association with the submitted Planning Proposal.

**1. Pedestrian Connections**

The subject site previously contained the Belrose Library, which has since been relocated. Due to the previous use, the site contains well established pedestrian links from Lockwood Avenue to Glenrose Place. These provide efficient and safe connections from the residential areas to the south and west of the site, specifically to Glenrose Village Shopping Centre and the Glen Street Cultural Hub. The formalisation of a pedestrian link and the associated public benefits may be offered through a future VPA process.

**2. Plaza**

The Concept Master Plan prepared by DKO Architects and submitted with the Planning Proposal Application demonstrates the ability to provide a plaza concept adjoining commercial land uses, located near Glenrose Place. There is the opportunity to offer a high-quality, structured public open space, in the form of a plaza. A plaza would improve public domain to Glenrose Place. The Applicant would propose to design and construct the final plaza in line with Council requirements.

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### 3. Green Space

The current Planning Proposal Application and Concept Master Plan indicate the retention of the landscaped area in the south-eastern corner of the site. This land may be offered as a land dedication for a park to retain the natural setting and enhance the character of the locality.


### 4. Affordable Housing

Council's recently adopted Affordable Housing Policy seeks for affordable rental housing to be incorporated with planning proposals for urban renewal. There is potential for a percentage of the development to be provided as affordable rental housing.

The proposed public benefits will be subject to future negotiation and dependent on the preliminary outcomes of the submitted Planning Proposal. The above benefits are all considered to provide positive planning outcomes for the community in accordance with Council's Community Strategic Plan and Affordable Housing Policy.

We trust that the above assists in Council's and the public's consideration of the Planning Proposal. Subject to Council feedback in relation to the proposed benefits, the Applicant intends to submit a formal offer to enter into a planning agreement pursuant to Section 93F of the EP&A Act 1979, which outlines the details of the proposed benefits and identifies the circumstances which have given rise to the offer. Please do not hesitate to contact me on (02) 4929 6442 should you wish to discuss anything further.

Yours sincerely,  
**Willana Associates Pty Ltd**



**Nicholas Dowman**  
Senior Project Planner



## DRAFT PLANNING PROPOSAL

28 Lockwood Avenue, Belrose

November 2017

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## Part 1 – Intended Outcomes

The intended outcome of the Planning Proposal is to amend Warringah Local Environmental Plan 2011 (WLEP2011) for land known as 28 Lockwood Avenue, Belrose (Lot 1 DP1199795) to:

- Permit Residential flat buildings and multi dwelling housing only on that part of the land fronting Lockwood Avenue, Belrose.
- Prohibit the granting of development consent for a residential flat building or multi dwelling housing on the land unless floorspace equivalent to a minimum floorspace ratio of 0.5:1 is also provided for commercial premises on the site.

The proposal seeks to ensure that future site development is consistent with the B2 Local Centre zone objectives whilst acknowledging the streetscape characteristics of Lockwood Avenue.

## Part 2 – Explanation of Provisions

The proposed amendment to WLEP2011 is:

- Amend Schedule 1 Additional Permitted Uses to include Residential flat buildings and multi dwellings
- Amend Schedule 1 Additional Permitted Uses Map as follows:

Map Sheet	Map Identification Number
Additional Permitted Uses Map APU_010A	1800_COM_APU_010A_010_@@@

- Insert an additional clause stating that consent must not be granted for a residential flat building unless a minimum Floor Space Ratio of 0.5:1 is provided on the site for commercial premises. Such a provision provides that a residential building cannot be the sole land use on the site and to remain consistent with the B2 Local Centre zone objectives.

## Part 3 – Justification

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report, however due regard has been given to the Belrose Revitalisation Project and Masterplan prepared in 2013.

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

The land is currently zoned B2 Local Centre under the WLEP2011. The Planning Proposal is the only means by which additional uses can be made permissible on the site.

### Section B – Relationship to strategic planning framework

#### 3. Is the Planning Proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

##### A Plan for Growing Sydney

The Planning Proposal has been reviewed against the relevant Outcomes of the *A Plan for Growing Sydney*, the current Metropolitan Plan for Sydney. Released in 2014, the Plan identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

The Planning Proposal is consistent with a number of general goals of *A Plan for Growing Sydney*, in that it would: deliver new and more diverse housing; respond to a recognised need (and market demand) for housing in the locality, and provide new homes in close proximity to existing infrastructure and services.

##### Draft North District Plan

The Planning Proposal is consistent with a number of general directions/ priorities in the draft North District Plan (as revised November 2017). 28 Lockwood Avenue is identified in this plan as a local centre. In this regard the proposal will allow for employment generating use of the site while allowing for a redevelopment which is consistent with the local character of the Belrose centre.

#### 4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

A review has been undertaken of the Planning Proposal against certain policies and plans of Northern Beaches Council (including the former Warringah Council) as follows:

##### **1. Warringah Employment Lands Study 2013**

The *Warringah Employment Lands Study* was prepared for Warringah Council in 2013 by SGS Economics and Planning Pty Ltd. In this study, its 'Employment Precincts Context Plan' identified the Belrose Local Centre as a 'small village'. In relation to neighbourhood/ centres based planning, the study promotes 'co-location of employment uses with residential components so that people can work and live in an active urban environment'. The Planning



Proposal is consistent with study, seeking an active mix of living and working urban environments. Further, the Planning Proposal supports Strategy 8 of this study to 'revitalise neighbourhood centres'.

## **2. Warringah Community Strategic Plan**

The Warringah Community Strategic Plan was formally adopted by Council in 2013. The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal support the Community Strategic Plan by enabling appropriate opportunity for employment growth within and around established centres that are well serviced by public infrastructure and transport. In particular, the Planning Proposal is considered to support the growth of the economy in a sustainable way by providing some flexibility in the future redevelopment of the land to allow additional residential development types consistent with the character of the area. The Planning Proposal also still assists in supporting the local employment sector by providing employment close to where people live.

## **3. Warringah Local Environmental Plan 2011**

The site is currently zoned B2 Local Centre under WLEP2011. The objectives of the current zoning have been considered in relation to the proposed additional uses in the table below:

<b>WLEP 2011</b>				
<b>B2 Local Centre Zone</b>				
<b>Objective</b>	<b>Consistent</b>		<b>N/A</b>	<b>Comment</b>
	<b>Yes</b>	<b>No</b>		
To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.	✓			The proposal will maintain the existing permissibility of a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area while also allowing residential flat buildings and multi dwelling housing as additional use for buildings fronting Lockwood Avenue, Belrose.  The proposal will restrict the future redevelopment of the total site for residential purposes by requiring a minimum level of commercial floorspace as part of any future redevelopment.
To encourage employment opportunities in accessible locations.	✓			The proposal encourages a mix of residential and employment opportunities considered appropriate in this location.
To maximise public transport patronage and encourage walking and cycling.	✓			The proposed additional uses will allow for facilities and services to be provided within walking distance of public transport.

To provide an environment for pedestrians that is safe, comfortable and interesting.				The Planning Proposal is to be accompanied by a Voluntary Planning Proposal including pedestrian connections generally in accordance with the Proponents submitted Statement of Public Benefit.
To create urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.			✓	The amended Planning Proposal provides for an urban form that relates favourably in scale and in architectural and landscape treatment to neighbouring land uses and to the natural environment.
To minimise conflict between land uses in the zone and adjoining zones and ensure the amenity of any adjoining or nearby residential land uses.			✓	The amended Planning Proposal minimises conflict between land uses in the zone by limiting the extent to which additional permissible uses are sought. Conflict between land uses and adjoining zones is also minimised and the maintenance of existing development standards ensures the amenity of any adjoining or nearby residential land uses.

**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is consistent with applicable State Environmental Planning Policies as shown in the following table.

**Table 1. Compliance with State Environmental Planning Policies (SEPPs)**

<b>SEPPs (as at September 2017)</b>		<b>Applicable</b>	<b>Consistent</b>
1	Development Standards	YES	YES
14	Coastal Wetlands	NO	N/A
19	Bushland in Urban Areas	YES	YES
21	Caravan Parks	YES	YES
26	Littoral Rainforests	NO	N/A
30	Intensive Agriculture	NO	N/A
33	Hazardous and Offensive Development	YES	YES
36	Manufactured Home Estates	NO	N/A
44	Koala Habitat Protection	YES	YES
47	Moore Park Showground	NO	N/A
50	Canal Estate Development	YES	YES
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
55	Remediation of Land	YES	YES
62	Sustainable Aquaculture	YES	YES
64	Advertising and Signage	YES	YES
65	Design Quality of Residential Apartment Development	YES	YES
70	Affordable Housing (Revised Schemes)	YES	YES
71	Coastal Protection	NO	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	NO	N/A
	(Affordable Rental Housing) 2009	YES	YES
	(Building Sustainability Index: BASIX) 2004	YES	YES
	(Exempt and Complying Development Codes) 2008	YES	YES
	(Housing for Seniors or People with a Disability) 2004	YES	YES
	(Infrastructure) 2007	YES	YES
	(Integration and Repeals) 2016	NO	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	NO	N/A
	(Kurnell Peninsula) 1989	NO	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	YES	YES
	(Miscellaneous Consent Provisions) 2007	YES	YES
	(Penrith Lakes Scheme) 1989	NO	N/A
	(Rural Lands) 2008	NO	N/A
	(State and Regional Development) 2011	YES	YES
	(State Significant Precincts) 2005	YES	YES
	(Sydney Drinking Water Catchment) 2011	NO	N/A
	(Sydney Region Growth Centres) 2006	NO	N/A
	(Three Ports) 2013	NO	N/A
	(Urban Renewal) 2010	NO	N/A
	(Western Sydney Employment Area) 2009	NO	N/A
	(Western Sydney Parklands) 2009	NO	N/A

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Yes. The Planning Proposal is consistent with applicable Section 117 Directions (as shown in Attachment 1). Comments on each of the applicable s. 117 Directions are provided in Table 2 below.



**Table 2. Ministerial s.117 directions**

Ministerial Direction	Comment
<b>1. Employment and Resources</b>	
<b>1.1 Business and Industrial Zones</b>	
<p>A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning</p>	<p>The proposal will not alter the existing zoning of the site or the existing development standards for the site. The proposal will allow for a greater level of services and more diverse residential use whilst maintaining an appropriate requirement for commercial floor space associated with a local centre.</p>
<b>2 Environment and Heritage</b>	
<b>2.3 Heritage Conservation</b>	
<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an</p>	<p>The subject property is not currently heritage listed, nor is it known to encompass any structures or archaeology worthy of conservation by way of related provisions in the Planning Proposal or any future LEP amendment.</p> <p>In addition, the proposed additional permitted uses will not alter any existing development standards that apply to the site.</p>

<b>3 Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b>	
<p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</li> <li>(b) not contain provisions which will reduce the permissible residential density of land.</li> </ul>	<p>The proposal will not alter the existing B2 Local Centre zoning of the site.</p> <p>The proposal will allow for a greater level of services and more diverse residential use whilst maintaining an appropriate requirement for commercial floor space associated with a local centre.</p> <p>The proposal does not result in any reduction in the permissible residential density of land nor will the proposal reduce the potential for future development of the site for residential purposes.</p>
<b>6 Local Plan Making</b>	
<b>6.3 Site Specific Provisions</b>	
<p>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> <li>(a) allow that land use to be carried out in the zone the land is situated on, or</li> <li>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</li> <li>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>A planning proposal must not contain or refer to drawings that show details of the development proposal.</p> </li></ul>	<p>The Planning Proposal will allow for additional uses to be permitted on the site by listing the uses in Schedule 1 of the WLEP2011. In particular, it is considered appropriate to allow for more flexibility in the range of residential accommodation types by limiting it to shop top housing across the whole site.</p>

7 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
	<p>The NSW Government's 'A Plan for Growing Sydney' identified the following key priorities:</p> <p>The Planning Proposal will provide a balanced planning regime for the site that will both support and encourage additional employment opportunities and Local Centre use in conjunction the a range of residential accommodation types.</p>

### Section C – Environmental, social and economic impact

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

No. While the site is well vegetated the land contains no mapped critical habitats, threatened species and or ecological communities. A number of trees on the site are of high landscape significance, contributing significantly to the character of this Local Centre, working in unison with tree planting on adjoining land uses. Concept Plans accompanying the Planning Proposal show the retention of these trees as well as additional planting to augment the landscape character of the Local Centre in future.

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

There are no specific environmental effects likely as a result of the Planning Proposal. While there are no known potential sources of contamination on the subject land the site adjoins a Service Station. A preliminary site investigation is identified as a requirement for further study associated with the Planning Proposal.

The Planning Proposal is unlikely to result in any land use conflicts with the immediate vicinity and therefore it is not expected to limit the ongoing use of the surrounding lands for the range of uses permitted in both the current B2 Local Centres zoning and the R2 Low Density Residential zoning. The proposal will complement the existing residential streetscape of Lockwood Avenue as well as allowing for opportunities for a range of non-residential uses associated with the Local Centre towards Glenrose Avenue and Glen Street. The changing environment of the area allows for a greater range and mix of future residential and commercial uses which will support the viability of the Belrose Local Centre.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal will contribute to a diversifying of the local economy by providing for greater and more appropriate flexibility of residential development types for the site and protecting employment opportunities which make a positive contribution to the local community by supporting local businesses and the community.



**Section D – State and Commonwealth interests****10. Is there adequate public infrastructure for the planning proposal?**

The additional permitted uses will not result in an increase in demand for public infrastructure.

**Traffic and Parking**

This Planning Proposal as recommended does not propose any change to development standards (e.g. height) that would increase the development capacity and likely traffic generation potential of the site. The proposed additional permitted uses envisage a more flexible range of residential development types rather than any significant increase in dwelling numbers. In this regard further detailed consideration of traffic and parking impacts would be considered in future Development Application assessment.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

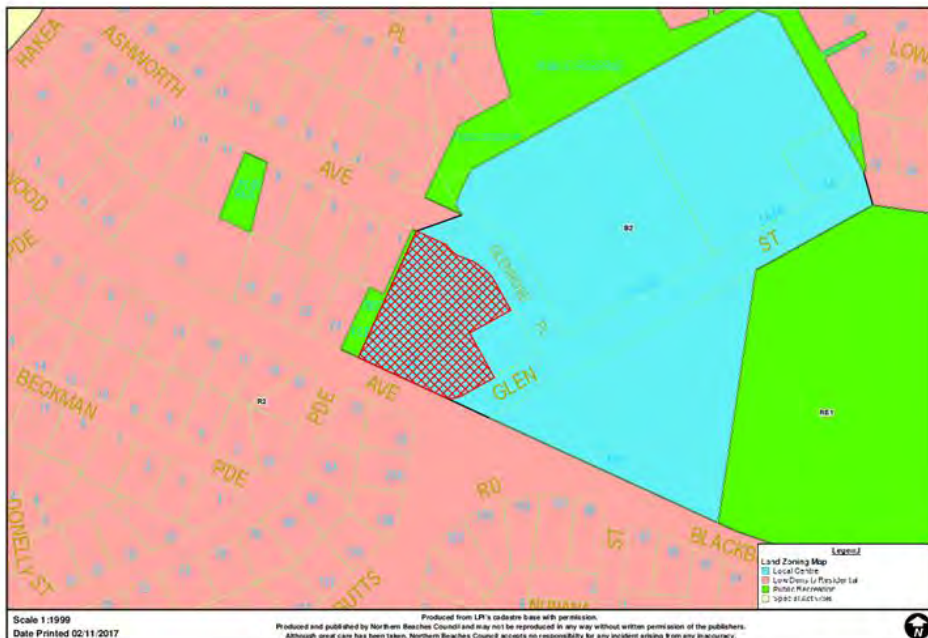
No formal consultation has been undertaken with other State or commonwealth authorities. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with initial Gateway determination. In particular the Environment Protection Authority is to be consulted to ensure any contamination investigations in accordance with Environment Protection Authority's requirements.

## Part 4 – Maps

Map 1 – Site Identification and locality - Aerial Photo



Map 2 - Current Zoning and subject site shown as hatched



## Part 5 – Community Consultation

Council placed the applicant's planning proposal on non-statutory public exhibition in accordance with Council's Community Engagement Policy from Saturday 26 August to Sunday 10 September 2017 (2 weeks). Notification included:

- A public notice in the Manly Daily notifying of the public exhibition on Saturday 26 August 2017;
- Letters to 209 land owners and occupiers in the vicinity of the subject site; and
- Electronic copies of the exhibition material on Council's website.

Two hundred and three (203) submissions were received opposing the proposal in response to the public exhibition period. Council's response to the submission is contained within the attached Council report of 24 October 2017. Two (2) submissions were received supporting the proposal.

The matters raised were of such significance, that the Planning Proposal as lodged by the proponent was not supported. The current Planning Proposal is an amended proposal involving no change to existing height controls on the site.

The Gateway determination will confirm the public consultation that must be undertaken. It is recommended that government agencies to be consulted include the Environment Protection Authority as the site adjoins a Service Station.



## Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway determination	December 2017
Issue of Gateway determination	January 2018
Government agency consultation (if required)	January/ February 2018
Public exhibition period	March 2018
Consideration of submissions	March/ April 2018
Report to Council to determine Planning Proposal	May 2018
Submit Planning Proposal to the Department of Planning & Environment for determination	May 2018

## Attachment 1 – Ministerial s.117 directions

Directions		Applicable	Consistent
<b>1</b>	<b>Employment and Resources</b>		
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A
<b>2</b>	<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	NO	N/A
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	NO	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	NO	N/A
<b>3</b>	<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	NO	N/A
3.4	Integrating Land Use and Transport	NO	N/A
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A
<b>4</b>	<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	NO	N/A
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	NO	N/A
4.4	Planning for Bushfire Protection	NO	N/A
<b>5</b>	<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NO	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1)	NO	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	NO	N/A
<b>6</b>	<b>Local Plan Making</b>		
6.1	Approval and Referral Requirements	NO	N/A
6.2	Reserving Land for Public Purposes	NO	N/A
6.3	Site Specific Provisions	YES	YES
<b>7</b>	<b>Metropolitan Planning</b>		
7.1	Implementation of A Plan for Growing Sydney	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A

Submission Matrix — Summary of Comments Based on Key Issues

Issue	Submission Content - Total 205 Submissions
<p>Out of character with area</p> <p>(113 or 55% of submitters raised this issue in their submission)</p>	<ul style="list-style-type: none"> <li>The Proposal is unsympathetic with, or disregards the low density/ single-level/ traditional family homes/ a place of many open, generous green spaces and large trees for the enjoyment of the local community/ a Village neighbourhood</li> <li>This proposal does not reflect community values / Quality of life will be impacted/ Existing ambience (not over-developed, green family friendly atmosphere and great community spirit and peaceful) will be lost; Council must preserve and protect the current status quo/ protect from unsightly high rise developments/ maintain integrity of the local environment and the interests of the community; Belrose is not a transient neighbourhood</li> <li>Ease of access and parking around the area and close proximity to bushland are valued parts of the desired character</li> <li>The proposed footprint / building will look completely out of place in this area and would completely change the look and feel of the area</li> <li>Belrose should not be compared to Dee Why or Brookvale and its established medium to high density housing/ We live in Frenchs Forest/Belrose because we don't want to live in a piece of "Chatswood look-alike" / Moving from a green tree filled area to a concrete jungle (looking like Hong Kong/ Singapore type lifestyle)</li> <li>The Proposal would change the nature of the entire western part of Frenchs Forest and a lot of Belrose forever.</li> <li>We are already facing massive changes with plenty of high-rise apartments going up near the hospital. We have little choice but to accept that this area will become highly developed but leave Belrose for those residents who do not want to live in that kind of environment. Do we have to see this happen in all of our quieter areas. There are not many suburbs left like this.</li> <li>3 storey flats do not fit in with the typical dwellings in the Belrose area / No units over 3 storeys exist around Frenchs Forest, Belrose or Davidson.</li> <li>A 15m high apartment building is out of scale, lack of privacy for most houses in the surrounding area; Multi dwelling/multi storey building or anything over 3 stories is out of keeping with the low density residential nature of the area and the surrounding buildings; Little high density housing at present/</li> <li>The proposed scale of the development is out of context/ does not integrate with the local environs/ local centre/ surrounding residential areas/ The proposal would dominate the new Glenrose Shopping Centre (being single above ground level) with the proposed 15m being higher than the shops by some 4m;</li> <li>This is a village shopping centre which services the suburbs of Davidson &amp; Belrose and needs to be kept that way.</li> <li>The proposal would spoil all the planning that the council has made to make this area a friendly, social hub for the people of the area.</li> <li>The proposal does not provide sufficient context to the surrounding area. Proximity of the site to services and facilities (shops, recreation education, community, public transport) is not in our view a reason to bypass community planning for a specific and unprecedented development.</li> <li>This proposal undermines all the good that has been done so far to make Glenrose a community centre.</li> <li>Proposal is inconsistent with recent redevelopment (Glenrose Shopping Centre, Glen Street Theatre and Library cultural precinct) which improve the area, tastefully and sympathetically designed to be a local neighbourhood 'community hub', with sufficient parking and safe pedestrian environments which encourage locals to gather &amp; move around to various places by foot. If this development goes ahead, the area would become off limits to all but the residents, &amp; the lovely green space would be lost. This would therefore defeat the whole purpose of planning the area to be fully 'community-friendly' rather than just for particular individuals.</li> <li>The proposal would have a negative social impact on the community's social cohesion/ there are many associated problems that come with high density living areas; Experience living near large housing blocks is increased noise, disruption, crime rate, rubbish production and lowered quality of life.</li> <li>There are more appropriate places for 15m housing blocks, closer to public transport, schools, hospitals and services that are not as available here</li> <li>Two storey townhouses mixed with single story dwellings would be far more appropriate; An attractive "Close" at this site would be much more desirable</li> <li>The area lends itself to a creative, innovative progressive and exciting solution in harmony with the area similar to Glen St Theatre.</li> <li>This site would be better utilised as a low lying small business part of the Glenrose Precinct / a multi-purpose community facility / a play area or town square</li> <li>Such a development would have a significant adverse impact on surrounding houses – some of which have already been disadvantaged by the size / height of the new Glenrose Shopping Centre/ Need to strike a balance between residential and community services.</li> </ul>



	<ul style="list-style-type: none"> <li>The Proposal does not provide adequate accommodation for Retirees considering downsizing somewhere local with the same character.</li> <li>The Planning Proposal does not achieve an appropriate built form and scale having regard to the size, topography and surrounding context of the site. We feel the proposal is attempting to "reverse engineer" the size of the site to force a proposed re-zoning; i.e. the size of the site should not be driving zoning amendments for the purposes of commercial profitability.</li> <li>Increased housing in such a small area will cause increased traffic, pollution noise in the area.</li> <li>The Proposal presents a danger to children &amp; families getting to &amp; from 2 preschools and the primary school in the immediate vicinity.</li> <li>The area offers tranquility and a sense of rurality that the surrounding areas were losing through development, and an escape from the city vibe, high rises and 'manicured' landscaped blocks. Development must add to the value of the area and not detract from it.</li> <li>While more housing options are needed, this site is not the right location or fit.</li> <li>The Proposal will destroy the suburbs' DNA struggles with the roads and infrastructure put in place 40 years ago;</li> </ul>
Excessive height  (102 or 50% of submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Do not increase existing height limits in this area; A low rise (no more than 3 levels) development is more in keeping and can be supported by the local roads</li> <li>The proposed 15m height is 77% / 6.5m higher than allowable / 3 - 5 storeys is overdevelopment and too high</li> <li>15m height is far too tall for the surrounding development and area/ will result in extra flats; very bulky negative visual impact; too overpowering; will dwarf surrounding buildings; disproportionate (40% increase); not reflect residents community/lifestyle and amenity values</li> <li>The impacts of the height extends for the total mass of the building</li> <li>Removing 1 storey may be close to a good community option for the site</li> <li>Need to retain 8.5m especially to the west of the site adjoining residential homes &amp; a kindergarden. Any part of the development which may reach up to 3 storeys &amp; a probable 11.5m should be in the centre of the site or towards the Service Station</li> <li>The height of the old library was a large enough footprint.</li> <li>A more reasonable increase would be to 12m (41% above existing) more in keeping with nearby retail and community facilities.</li> <li>The proposal does not satisfy the objectives of this height standard to minimise visual impact, disruption of views, loss of privacy and loss of solar access with unreasonable visual impact that is not like anything in Belrose</li> <li>The height will cast further shadows at this intersection; it will overlook houses and a preschool. Perhaps townhouses would be more appropriate height</li> <li>The proposal does not satisfy the objectives of this height standard to ensure that buildings are compatible with the height and scale of surrounding and nearby developments. Both 54 Glen Street and Glenrose Shopping Centre are well below 15m with sizable setbacks from other residential buildings.</li> <li>There are no unit developments over 3 stories anywhere in the Frenchs Forest, Belrose or Davidson area. No residential buildings in the surrounding area exceed 2 storeys.</li> <li>15m is not in keeping with the B2 zoning</li> <li>Council needs to stick to the current restrictions as developers will be continually seeking more and more and end up turning the area into another Chatswood.</li> <li>Not only is the height inappropriate for Lockwood Ave but also for the whole area of Belrose, Davidson and Frenchs Forest</li> <li>Should high rise apartment living be the intended direction of Belrose, then this should be expertly planned in consultation with the local community, and not by opportunistic and profit driven developers</li> <li>15m (5 stories) inappropriate for our community/area including consideration of vicinity/adjacency to new library and Glenrose village all of which seem lower than 15 metres/ Glenrose Shopping Centre is at the current height of 11.64m approved after years of consultation and changes</li> <li>The proposal should be either no higher than the highest buildings; lower if the development is considered to be more bulky than those other buildings; or no higher than the height of the new shopping centre</li> <li>Request that proposal be reframed in keeping with the local built environment (particularly the roof line)</li> </ul>

	<ul style="list-style-type: none"> <li>This will take our privacy away from our back yard and also will be taking extra park land away from the area.</li> <li>Request 9m maximum as this reflects the tone of the neighbourhood and future dwellings in the area should remain at this height.</li> <li>The height restriction is in place to save the community from such proposals and should not be ignored</li> <li>The height of the building should not be able to be increased due to the stresses on the infrastructure in the area. The schools, roads and free facilities such as the library will be under huge pressure from such a huge amount of people in the area.</li> </ul>
Excessive density (33 or 16% of submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>A lesser number of apartments (20 or 25 max) should be considered alongside a better designed local green space for all families to utilise whilst promoting minimum extra traffic considerations/ reduce the number of apartments to be constructed by half</li> <li>Too dense for the size of the site and the existing infrastructure constraints/ The site area would normally be for just 3-4 houses</li> <li>63 apartments and over 2500 square metres of commercial space together with 15m maximum height is not a community benefit (akin to 'overpopulation is good for the economy because sales go up'). It seeks to increase property value and is not good for the community.</li> <li>The number of dwellings and type of property proposed are completely at odds with all dwellings in all surrounding streets for some distance. 63 dwellings comprising of a mix of 1, 2 &amp; 3 bed apartments and multi dwelling housing is absurd under current zoning which prohibits all residential accommodation, except for shop top housing.</li> <li>63 units would overpopulate the area / will have a significant negative impact to the area such as traffic, massing of the development, streetscape of Lockwood Avenue, etc. This development should have more vistas from Lockwood Ave to Glenrose Place &amp; Glenrose Shopping Centre. The massing of the development needs to be broken up to allow more accessibility (pedestrians movement) &amp; air flow thru' maintaining established heights and retaining the streetscape of Lockwood Ave.</li> <li>Increased density is not needed in a suburb that is basically full and established as a peaceful relaxed leafy low density environment.</li> <li>The proposal claims to include a 'variety of dwelling types'. Where are the single level detached houses?</li> <li>63 dwellings is more than intended as "shop top" and is out of keeping with any other development within the existing environs. The difference between the original "shop top" proposal and the 63 dwelling proposal through its 4/3 level design and heavy footprint will have adverse impacts on the local environs. The higher density residential outcome sought in the Proposal does not offer support to the Glen Street Theatre revitalisation and the Glenrose Shopping Centre. The success or otherwise of both the theatre and shopping centre developments cannot and should not be predicated on future higher density housing on the old library site. Both amenities are designed to service the entire community as a whole. The project will not result in a net community benefit. 63 dwellings will be detrimental to the local environs and opportunistic and profit driven. A smaller "shop top" development would be supported which we believe was the public perception provided originally by the developer.</li> <li>No other area in the vicinity will have the housing density comparable to the proposal in this location.</li> </ul>
Excessive traffic/parking generation and Safety Issues (79 or 39% of submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Belrose has no traffic signals, is a peaceful, single lane, leafy neighbourhood which would not cope with the prospect of an extra 120+ vehicles</li> <li>Parking is already at a premium around 28 Lockwood Ave / streets are already at capacity. Glenrose Village Centre parking quickly fills up when there is no further parking available in the very small carpark area at Energize Gym &amp; Glen St Theatre &amp; when Lionel Watts Reserve has weekend sports and kerbside parking is full in Blackbutts Rd &amp; Glen St. This then has an overflow which spills in to other surrounding streets. Currently there are 6 entry &amp; exit points where the Caltex Service station, Gym carpark &amp; Glenrose Village come together in Glen St. At any given time there can be cars, motorbikes, pushbikes, buses and delivery trucks which include Double B trucks heading in or out of the Unloading dock in Glenrose Place and these are all situated very close to one of the two pedestrian crossings in Glen Street. To entertain the idea that there will be no adverse traffic or parking issues is ludicrous.</li> <li>Delays of 15-20 minutes are common in Glen St when buses are trying to navigate past parked cars on either side of the street. Proposal would greatly increase vehicular traffic in the area / will create too much traffic onto Glenrose Place/Glen St, which is already congested / it already can take 30 min to access Forest Way each morning from Glen or Adam Streets.</li> <li>For 30m along front of the library there are children on bikes, children walking to tennis, teenagers walking to the shops and many pedestrians going to nearby facilities. 63 apartment would put pedestrians and young children in danger</li> <li>In addition the junction where the servo, shopping centre, theatre converge is already a hazard for cars and more importantly pedestrians using the crossing.</li> </ul>

	<ul style="list-style-type: none"> <li>• The sporting field's library and theatre need more parking than provided already. Fix these issues before imposing more vehicle congestion on the area.</li> <li>• Existing car parking would be utilised by residents who own more than one car/ visiting "friends" would park on Lockwood or in the shopping centre.</li> <li>• The proposed number of dwellings, parking spaces and access location should be clearly stated in the Proposal.</li> <li>• More cars and services will make the more dangerous and more difficult for buses</li> <li>• The influx of 200 cars would be a major safety issue. Adding unnecessary traffic to a high pedestrian zone is a pedestrian (particularly child) safety issue. The proposal does not encourage a safe environment for using the Glen St Cultural Hub and Lionel Watts Oval.</li> <li>• Too many people and cars in an already crowded area. Infrastructure cannot deal with huge apartment buildings and the people and traffic they bring. Build something like this in Brookvale where we at least have roads to cope.</li> <li>• There is also limited parking on weekends when the sports fields are used and weekend mornings when there are more children and pedestrian traffic than usual.</li> <li>• Pedestrian and street flow is important now that the library at Glen Street has also been opened. The driveway access in and out near the service station can be "an accident waiting to happen".</li> <li>• Traffic currently is dangerous at the entrance to Woolworths/service station/library/gym. The proposed additional apartments and cars becomes an even bigger safety concern.</li> <li>• Street parking restrictions will need to be considered with this development in light of traffic and parking issues when the Glenrose shopping centre was being built</li> <li>• Off street parking needs of this building won't be met by the parking thus creating a lot of parking in the surrounding streets.</li> <li>• Increased traffic and congestion in Lockwood Ave, Blackbutts Rd and Glen Street is a concern as most future occupants will add 1 or 2 vehicles to the surrounding roads. Glen Street was never widened for the extra traffic ensued by extending Glenrose Village Shopping Centre plus extra services and relocation of the Library.</li> <li>• Vehicular access via Glenrose Place for on-site basement parking is an accident waiting to happen having observed the current vehicle access to the Shopping Centre via Glenrose Place with a busy loading dock and many near misses have witnessed involving large trucks / cars conflicting with pedestrians</li> <li>• The likely traffic increase will negatively impact on residents already facing long delays in trying to exit this area in morning peak hour along Glen St and Blackbutts Rd to Forestway and on to Warringah Rd.</li> <li>• The crossing in Lockwood Avenue would become even more dangerous for pedestrians and the many school children that use the crossing</li> <li>• Parking would become impossible for the many Church goers at St Stephens Church.</li> <li>• It is hard to see how the small roads around this area can support additional traffic. It is already a high traffic area coming off of Blackbutts Rd to Lockwood or turning off/on turn Lockwood from Glen Street</li> <li>• The limit to the main traffic roads has been reached so this proposal is unacceptable with the traffic generated by 63 extra dwellings following the redevelopment of the Glenrose Village which was initially refused partly on the grounds of unacceptable traffic generated by the proposal.</li> <li>• Glenrose Place is also a significant pedestrian entry point into Ashworth Avenue, including young children. The proposal does not appropriately minimise impacts regards appropriate residential/commercial interface</li> <li>• Traffic would increase to an unsafe proportion particularly with the already busy traffic areas with shops, professional suites, gym, theatre, Caltex servo, preschool, library for both vehicles and pedestrians.</li> <li>• Glen Street is already in desperate need of widening</li> <li>• Will visitors in the proposed development be expected to park in the Woolworths parking lot? What will Woolworths do if this eventuates? Invoke restrictions, barriers to entry, start charging?</li> <li>• Since the completion of the Glenrose shopping centre and Belrose library, a noticeable increase in traffic has occurred on local streets, including Glen St, Lockwood Ave and Blackbutts Road. Adding a significant number of dwellings (and thus vehicles) will make this traffic load much worse. The number of parked vehicles in local streets (as above but also along Athol St and Kalgal St) has also noticeably increased, and adding additional dwellings and commercial properties will make this problem worse.</li> </ul>
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<ul style="list-style-type: none"> <li>• Already there are problems with traffic held up entering and exiting the very busy petrol station, entering and exiting the popular shopping centre and also many pedestrians crossing Glen Street and Glenrose Place.</li> <li>• Whilst acknowledging the need for more medium density housing, this needs to occur along existing good public transport corridors, which this area is not!</li> </ul>	<ul style="list-style-type: none"> <li>• Judging by the photomontage/ artist impression this is a grossly overdevelopment for this site and our village feel/ is ghastly/ a monstrosity</li> <li>• It is not agreed that the design concept provides a framework that responds intelligently and sensitively to its location and urban context given that there are currently no buildings of this scale within the local area/ do not agree this is prepared following 'a detailed analysis of the Site and surrounding locality'</li> <li>• Inadequate documentation is provided to support statements made such as "minimal and appropriate environmental impacts and allows a more appropriate residential/commercial interface" and "provides the opportunity to retain existing vegetation and pedestrian links" "Develop without adverse traffic or parking impacts", "Maintain the residential amenity of existing properties surrounding the site"</li> <li>• The Concept Plan appears to misrepresent the actual site and the surrounding local character, traffic / is misleading</li> <li>• The proposed buildings are angular and harsh to look at compared to the complimentary new buildings that have considered colour and shape.</li> <li>• I think the floor plan of the building/ footprint takes up far too much of the total land space and needs to be scaled back/ need to soften the street scape view for residents and passers-by/ a small area of parkland proposed is insufficient compared to the amount being taken away</li> <li>• The view from Lockwood Ave fails to show the existing mature trees that elsewhere are stated to remain. These trees are in one document stated to be retained but this is not shown in the concept plans</li> <li>• Certainty of Public Benefits offered is queried /Lack of certainty in terms of such benefits is unacceptable. In this regard the pedestrian connections should be mandatory as it appears most unfortunate that the land was sold without a public easement to that effect. Access is greatly reduced in the absence of these connections. The suggestion of a 'Plaza' is nothing more than a means of customer access to shopfronts with minimal public amenity. The retentions of a wooded area in the South Eastern corner of the site should be considered mandatory. It provides important native fauna habitat and setback from the Service Station. The public benefit from the children's playground on former Library site should have been recognised in the Proposal. Development considered an exaggerated ambit claim</li> <li>• The suggested benefits of the proposed buildings are disputed: greenspace would be demolished by removal of many trees.</li> <li>• The suggested 'plaza' is questionable as a benefit, especially when the Glenrose shopping centre and the construction of the new library provides to the publics' current and futures needs. The draft drawing of "plaza" contains overuse of concrete stairways/ The plaza area is not a benefit to local community, only to residents</li> <li>• Regards an offer of a pedestrian link through the site, this already exists along the North West in the pocket reserve and pathway and will have to remain on this Council land with no input from the development.</li> <li>• Concept Plans indicate a lower ground floor space predominately allocated to a gym with two small retail spaces. There are already 4 gyms within 1 km of this site the provision of additional gym is not keeping with the needs of the community. The floor space should be better allocated to a community facility. The FSR should not be changed.</li> <li>• There should be more emphasis on retaining and enhancing open space on the western boundary alongside existing residential homes that have always bordered on the B2 zoned site.</li> <li>• Property owners within a reasonable radius impacted by the proposal should be compensated.</li> <li>• The proposed building alignment is far too close to Lockwood Avenue.</li> <li>• Concept Plans don't show what 15m height looks like and don't clearly reference other nearby buildings in Lockwood Avenue. The height from roof top to kerb should be the same.</li> <li>• Sustainable design elements should be incorporated into future designs including northerly orientation, eaves or external shutters, well insulated windows and walls and non-combustible construction materials ;photo voltaic panels and/or solar hot water panels to demonstrate practical energy efficiency and low cost living as a model for future developments in the state.</li> <li>• Quality Workmanship needs to be guaranteed including sufficiently wide walkways and consideration of safety aspects of the pedestrian crossings, and drainage.</li> </ul>
<p>Concept Plans (39 or 29% of submitters raised this issue in their submission)</p>	

Precedence (6 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>This proposal sets a precedent for the height of further proposals; if approved, will no doubt create an undesirable precedent for other similar applications</li> <li>Examples given of other development as precedence for development envisaged in the Planning Proposal are inappropriate. The cited developments at Forestville overlook arterial and busy secondary roads whereas Lockwood Ave and Glen St are completely different suburban roads and not major thoroughfares. It is also questioned whether the example provided included both residential and commercial use as indicated in the Planning Proposal. Differences in height controls also cited</li> <li>(Forestville Town Centre – 12m height and Belrose Centre -8.5m). Also Forestville is noted as being better serviced (3x the bus frequency) by public transport</li> <li>More appropriate local comparisons may include 54 Glen Street (3 business and 9 unit. 8.5m); Seniors Living site on corner of Pringle Ave and Drew Place (6 units and compatible height); former Nursery at 32 Blackbutts Rd (6 townhouses, 2 storey)/ units such as above the shops at the corner of Yindela St and Pound Ave in Davidson (2 storey)</li> <li>Proposal should not be approved to accommodate developers when normal residents cannot achieve the same.</li> <li>The Proposal's reference to existing approved building heights as a precedence does not consider the well documented disputes and amendments for the now completed Glenrose Village including objections and denied permissions to build to these heights on that neighbouring site.</li> <li>If a building of the scale that is being proposed here was deemed to be appropriate, then some explanation is required as to why these height restrictions were not lifted during the recent redevelopment at Glenrose Village? Given how recently those changes took place, surely this sets your precedent, as there has been no material change in circumstances during the intervening period?</li> <li>Whilst investment and development within the suburb has been welcomed, we feel that this request far exceeds any preceding venture and would set a worrying precedent for this area moving forward.</li> <li>Although Glenrose Village exceeds the stipulated height limits in some parts and is fully commercial, it is in no way up to the proposed 15m height proposed in this application.</li> </ul>
Development History (24 or 12% of submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Developer was aware of the height constraints at the time of purchase/ the developer should not have purchased the site with a view to such major departure from long standing zoning requirements</li> <li>Queries are raised regards the ownership of the land and it's sale including any agreements with the Purchaser/ process from the sale of the land to the planning considered disgraceful and secretive</li> <li>Previous community concerns with redevelopment of the Glenrose Shopping Centre are mentioned as a positive outcome in which initial concerns were heard and validated in the first proposal with amended plans approved for a more appropriate development</li> <li>The library was sold off and new fantastic one was built that fits in with the surrounding area but this development does not fit in with the area.</li> <li>It was understood that this was supposed to be a "town centre" of mostly commercial use - retail, professional offices/suites and the like with some possible residential use. To increase height and residential space is contrary to the original plan and zoning and will have a negative impact on the area especially with considerably increased residential proportion of development.</li> <li>Using what was a public space for commercial gain is wrong, regardless of what "good" the profit used for, it's fundamentally wrong/ the community is being ripped off by yet another dodgy council deal.</li> <li>Council should have dealt with the redevelopment of the site/ asset prior to its disposal and queries are raised as to whether council has been diligent in relation to its duty of care to constituents. It is submitted that the land has been sold for an amount that is less than half of what the worth would be if this plan is approved. It is suggested that further action may be taken in relation to the Council's handling and responsibilities of the sale and any lack of due diligence regards the public interest and an otherwise higher sale price. Perhaps it may be considered that Council has not met Best Practice requirements and are responsible to its constituents for the loss of income that would most certainly have some public benefit</li> <li>Further investigation is sought to support the Proposal including further consultation as to why this previously public land parcel was sold by Council in a manner that ensures developer exploitation is avoided.</li> <li>Proposal is an ambit ask of the developer</li> <li>The former library site, including a small children's playground should be left as a park/ retained as a green area for everyone with the playground for the local kids/</li> </ul>

	<p>there has to be provision made for availability of open space and communal park area with play equipment/ the site could be turned it into a community centre</p> <ul style="list-style-type: none"> <li>The old library site is a large block and the development there very much needs to deliver the commercial space that used to exist at the old Glenrose shops. This needs to be the focus for this development</li> <li>The former Belrose library should be heritage listed as it holds strong cultural heritage values within the local community being used since 1979 holding many memories for most local of Belrose. The old library building is considered a prime and rare example of Government architecture of the 1970s.</li> </ul>
Loss of Vegetation and Biodiversity (13 or 6% of submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>The existing library site encompasses a number of mature trees, distributed in small stands. It is difficult to envisage that these trees can or will be retained given the size and footprint of the re-proposal. As many tall trees on the sites as possible should be retained particularly in the south west corner as well as trees and vegetation running along Lockwood Ave</li> <li>Loss of existing mature vegetation in the SE corner of the site is concern as it supports and contributes to essential buffers for noise from the shopping centre and carpark entry. Nesting kookaburras are also observed in these trees</li> <li>The suburb cannot afford to lose any more trees/ Too many mature trees are already lost as a result of the Northern Beaches Hospital road upgrade project</li> <li>The preservation of mature trees should take priority over height issues.</li> <li>The submission claims that there is no native animal habitat but provides no study.</li> <li>Biodiversity- assessment is required given the established vegetation onsite, connectivity with native vegetation including nearby National Park and records of various threatened species (NSW Bionet Atlas) in the vicinity; habitat for native animals including Kookaburra nestings are also cited in submissions Comment:</li> </ul>
Pedestrian access (8 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Pedestrian connections through the site are long established and should be retained. However concern is raised that new pedestrian connection would be of lesser public benefit i.e. through a concrete jungle.</li> <li>More detailed consideration is required to improve future access to local areas from Ashworth Ave/tennis courts/ Windara Reserve etc. and generally address access to the Shopping Centre, and new Library area from the immediate West. Belrose is a small, quiet, leafy, single lane suburb with no traffic lights. Elderly and young alike walk from Ashworth Avenue and surrounding streets, parents with prams, or persons in motorised mobility units use the footpaths and crossings.</li> <li>The currently fencing surrounding the site cuts off a well-used pedestrian walkway in Glenrose Place to access Glenrose shopping centre. Can this be addressed so it is not such a hazard for pedestrians?</li> </ul>
Public transport (7 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>The Proposal's comments regarding transport links are considered overstated. Lack of direct buses to Manly, Dee Why or Brookvale are not acknowledged</li> <li>The current services are not suitable to cater for higher density of living.</li> <li>Services already overcrowded during peak hour with at least 100+ more residents the infrastructure is not there</li> <li>There are limited to buses to the city and Chatswood, these buses are already with many people further down the line unable to fit on to the bus. Adding more units will only make this overcrowding worse, this development should not be approved with without corresponding improvements in public transport in the area.</li> <li>The Proposal makes reference to the new B-line bus initiative, which is located many kilometres away from Belrose so as to make it completely irrelevant to this Proposal.</li> </ul>
Need for Accessible and Affordable Housing (3 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>It is important that at least some of the proposed dwellings are built to be accessible to people with limited mobility (including seniors) or who use wheelchairs. Given the site is so close to shops and amenities, this location would be ideal for wheelchair users. There is a great shortage of housing suitable for people with a disability and this development could be part of a solution. (link provided to Liveable Housing Guidelines -LHA)</li> <li>Affordable housing at this location in Frenchs Forest is highly unlikely.</li> <li>Need to ensure some of the units are quarantined for affordable housing/ low cost housing provided close to public transport and shops is appropriate/ Social Impact assessment is required.</li> </ul>
Consultation process	<ul style="list-style-type: none"> <li>Inadequate consultation and insufficient information</li> <li>Lack to time to respond to what is being proposed</li> </ul>



(5 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Not enough publicity has been given this Proposal</li> <li>Mainly Daily not received in some instances</li> <li>Details of what constitutes 'preliminary consultation' sought</li> </ul>
Zone Objectives  (5 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Proposal does not align with LEP Zone B2 Local Centre objectives as it substantially increases the number, density and height of the residential units. Contrary to Zone Objectives the proposal focuses on high density residential use and does not support diversified use sought in the zone objectives; does not create an environment for pedestrians that is safe, comfortable and interesting (see traffic and safety concerns below); does not minimise conflict between land uses in the zone and adjoining zones and ensures the amenity of any adjoining or nearby residential land use (noting site abuts residence at 1 Ashworth Avenue); proposed height and footprint not in keeping with surrounding properties and is of a scale which has not been approved anywhere else in the Belrose community.</li> <li>The Proposal does not clearly demonstrate that it is the best means of achieving objectives or intended outcomes of the zone. In this regard it is noted that the B2 Zone Objectives do not overtly support residential accommodation.</li> <li>Options for an alternate (residential) zone already existing are noted.</li> </ul>
Strategic Context  (7 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Council should not be allowed to grant permission to build 4 and 5 story dwellings on this site outside of its 3 identified growth areas (Frenchs Forest, Ingleside and Brookvale/Dee Why) which are focussed to support the State's Plan for a Growing Sydney. Belrose is not considered a high priority for Northern Beaches development.</li> <li>There has not been any strategic study done on the impact such a big development will have on the surrounding area/ Claims that the proposal supports 'more homes near jobs' is not supported or evidenced, nor is there any study regards assertions that its 'located with access to jobs, services, housing and public transport (reducing) the number of trips generated by future development of the site'.</li> <li>Allowing residential development would compromise the zoning objectives of the local centre/ To additionally permit multi dwelling housing and residential flat buildings would reduce the land allocated to a local commercial centre and the scope for local employment</li> <li>Land zoned B2 Local centre is already limited in the locality and rezoning this land to allow residential development would reduce the limited area of land allocated to commercial use and community services. This would be contrary to the planning controls and not in the public interest in providing such land to serve the local community in terms of businesses and services. The subject site is suitably located and accessible for the ground floor use of commercial and related uses.</li> <li>The proposal would reduce the available land for employment uses in the local centre. Belrose is reliant on its local centres (Zone B2) to provide local employment opportunities and commercial services and facilities to residents and visitors.</li> <li>While the NSW Plan for a Growing Sydney looks at balancing Housing, Environment, Economy and Communities this Proposal fails on every one of the other criteria as there will be a negative impact on the Environment (tree loss); no Economic benefit (apart from Developer); and no Community benefit (except for persons who purchase a dwelling)</li> </ul>
Commercial land and Employment  (2 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Optional clause for minimum requirement for commercial floorspace - The basis if this clause is not understood with regard to a perceived lack of adequate market research and constraints on demand in the area for the substantial commercial floorspace proposed.</li> <li>Economic Impact - assessment is required to justify the additional commercial floorspace in direct competition with other additional floorspace in nearby district centres including 3-8 km from the site. Potential economic impacts on Glenrose Centre also requires assessment including range of existing tenancies and the wide scope of potential future uses permitted in the zone. While Proposal states 'complementary to existing facilities ... such as a Gym' it is note that a Gym is already provided. Detailed consideration under the Draft North District Plan (section 3.4.3 - Productivity Priority 3) required including supply and demand for commercial floorspace, accessibility, impacts on viability and vitality, public domain and net benefits.</li> </ul>
Stormwater  (2 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Stormwater and Drainage problems in Ashworth Avenue cul-de-sac are raised and concern raised regards the impact of the proposal on the stormwater system which has already been compromised by the development of the Glenrose Village area.</li> </ul>
Impact on Schools  (1 submission)	<ul style="list-style-type: none"> <li>Given increasing demand for Schools in area, the proposed development will negatively impact our struggling school system</li> </ul>

Service Station (3 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>The proposed development is inappropriate given the potential risks adjoining a Service Station</li> <li>Support for the development conditional on the service station site being incorporated into future redevelopment. The removal of the service station for residential development is preferred given the potential explosive nature of current use so close to a dense residential development and minimise accident risk from vehicles leaving the station.</li> </ul>
Kindergarten (2 submitters raised this issue in their submission)	<ul style="list-style-type: none"> <li>Access to kindergarten is inadequate and should allow a wider area as the map clearly shows that the full pathway should be accessible. The developers have appeared unaware of the needs of the kindergarten</li> <li>Any future demolition and building process is a concern regards health and safety impact on the kindergarten playground during extended periods of the day including dust, noise, contamination and unauthorised access.</li> <li>The hoarding and fencing of the site has made the kindergarten very difficult to access. This will only become worse during development including visiting families, staff and deliveries.</li> <li>Updated site address and signage on Lockwood Ave and Glenrose Place is required to direct people to the kindergarten. There is no address for the Kindergarten that adequately allows access the kindergarten as access through Ashworth Ave cause congestion in that street. This could be a major issue if there were cause for us to have to call an ambulance or fire services.</li> <li>Since the sale of the land, enrolments at the kindergarten have sharply declined with parent's stating their concerns regarding the adjacent development</li> </ul>
Support for Planning Proposal (2 submitters raised no objection in their submission)	<ul style="list-style-type: none"> <li>Support for 4-8 storey apartment building 'low rise housing' with common area and parking for residents.</li> <li>The Proposal is in character with area - the area needs more housing options and this is an ideal site for higher-density living.</li> </ul>



## **Ralston Avenue Updated Planning Proposal and Draft Voluntary Planning Agreement**

Assessment and Attachment Booklet  
December 2017

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## Attachment 1 - Assessment of Planning Proposal

The below information supplements the Report to Council dated 19 December 2017.

### Objectives or intended outcomes

The Planning Proposal seeks to amend Warringah Local Environmental Plan 2011 (WLEP 2011) to enable the subdivision and redevelopment of 136.62 hectares of land owned by MLALC (**MLALC Site**) at Ralston Avenue, Belrose, to:

- R2 Low Density Residential - 17.27 hectares (12.6% of the site) with a yield of 156 lots, based upon a minimum lot size of 600 square metres and a maximum building height of 8.5 metres (referred to as the **Development Site**)
- RE1 Public Recreation - 0.3 hectares (0.2% of the site) for a public park (referred to as the **Public Park**)
- E3 Environmental Management - 119.05 hectares (87.2% of the site) to be retained as natural bushland with Asset Protection Zones and recreation trails adjacent to the future residential land (referred to as the **E3 Environmental Management area**)

See Council's Report for a project background and site description.

Council's assessment is supported by technical studies and correspondence as detailed in 12.

Background Supporting Information or on Council's website at

<http://yoursay.northernbeaches.nsw.gov.au/Ralston-planning-proposal>.

### Explanation of provisions

The explanation of provisions provided in the 2014 Joint Regional Planning Panel – Sydney Region East (JRPP) assessment would still apply. These include amendments to the WLEP 2011 Zoning Map; Height of Buildings Map; Land Application Map; Lot Size Map and Landslip Risk Map. An amendment would also be required to the Warringah Local Environmental Plan 2000 (WLEP 2000) C8 Locality boundary to exclude the area identified as Lot 1 DP 1139826.

Should the Planning Proposal proceed, the WLEP 2011 *Zoning Map* may also need to designate areas for special infrastructure including:

- Easements owned and managed by TransGrid
- Stormwater Management Facilities

### Justification

The proposal includes information about the consistency with the strategic planning framework.

Council's assessment of this information is provided below.

### Mapping

The proposal includes sufficient draft mapping and aerial photographs.

### Community consultation (including agencies consulted)

For a summary, see the Council Report. For details, see:

- Attachment 2 – Public Authority and Utility Responses
- Attachment 5 – Voluntary Planning Agreement Feedback and Response
- Attachment 6 – Community Feedback and Response

## Section A - Need for the Planning Proposal

### 1. Origin of Planning Proposal

#### *Q1. Is the planning proposal a result of any strategic study or report?*

The Planning Proposal arose from the Proponent seeking to develop part of the subject site for residential purposes.

It is not the result of any strategic study or report. Council does not have an endorsed Local Housing Strategy.

The 12 Premier's priorities and 18 State priorities referenced by the Proponent were a consideration of District Planning<sup>1</sup>. Council's assessment addresses consistency with the draft North District Plan (November 2016) and Revised draft North District Plan (October 2017), so these priorities are not reconsidered in this report.

### 2. Objectives and Intended outcomes

#### *Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal provides a means of achieving the objective, assumed to be the Proponent's 'aim', as follows:

*To amend Warringah Local Environmental Plan 2011 to enable the subdivision and redevelopment of land owned by the MLALC at Ralston Avenue, Belrose for low density residential housing, public open space and bushfire protection. It aims to redevelop 17.27 hectares (or 12.6% of the total site area) to deliver 156 residential lots and a 3,000m<sup>2</sup> public park as shown in the indicative subdivision layout plan. The remaining 119.05 hectares will be retained as natural bushland with Asset Protection Zones and recreation trails adjacent to the future residential land.*

The Proponent's 'intended outcomes' from the Updated Planning Proposal are as follows:

1. *Utilise the existing assets of the MLALC through the release of land for the wider economic, cultural and social benefits of the Metropolitan Aboriginal community to meet the objectives of the provision of housing, education and employment.*
2. *Allowing land owned under freehold title through the NSW Land Rights Act 1983 to be more than just symbolic, and provide economic opportunity for the Aboriginal people through the development of their own land.*
3. *To provide a landmark development which has the highest regards for urban design and master planning, and at the same time deliver capacity and economic self-sufficiency. The aim is to develop individual house lots for release on the open market.*
4. *Provide compatible land use zones that will create additional low density housing opportunities to meet the existing and likely future needs of the local community.*
5. *Integrate the site with the broader local community through improved accessibility and connections between the adjoining established residential areas and the Garigal National Park.*
6. *Avoid unacceptable impacts on the character and amenity of the adjoining and surrounding residential development by developing a range of controls that will facilitate housing that is consistent with the surrounding development and compatible with the bushland setting.*
7. *Develop an integrated design solution for the site that incorporates the unique ecological and hydrological features.*

Council's assessment of the intended outcomes can be summarised as follows:

- **Supporting the Aboriginal Community (outcomes 1 & 2):** The Planning Proposal is not the only means of achieving the intended outcomes to support the Aboriginal Community.

<sup>1</sup> Draft North District Plan, pg 13

- **Development of the site (outcomes 3 to 8):** The Planning Proposal provides a means of achieving the intended outcome to develop the site for low density housing opportunities. This assessment questions whether the proposed land use zones are compatible with the bushland setting and surrounding development.

## Section B - Relationship to Strategic Planning Framework

### 3. Regional and District Plans

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

#### 3.1 A Plan for Growing Sydney

The Planning Proposal is considered **partially consistent** with the following Directions within A Plan for Growing Sydney:

- Goal 3: A great place to live with communities that are strong, healthy and well connected
  - **Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney:** The proposal will provide a new Park and recreation facilities, improve linkages with the National Park and retain a large portion of the site as natural bushland.
  - **Direction 3.3: Create healthy built environments:** The proposal includes multi-use paths, connections to the National Park, public open space and recreation facilities. The site is within proximity of local retail facilities and public transport, encouraging walking and cycling as means of access.

The Planning Proposal is considered only partially consistent with the above Directions as NPWS does not support increased recreational access to the National Park. As well, the proposal will result in the clearing/modification of at least 25 hectares of bushland highly valued by the community.

The Planning Proposal is considered **inconsistent** with the following Directions within *A Plan for Growing Sydney*:

- Goal 2: A city of housing choice, with homes that meet our needs and lifestyles
  - **Direction 2.1: Accelerate housing supply across Sydney:** This Direction states that the Government will use the subregional planning process to identify areas for additional housing and encourage housing in locations that are feasible for development.
    - The proposal is inconsistent as although it will contribute to housing supply, the site is not considered feasible for residential development by Council's Bushfire Consultant (Blackash), the RFS and TransGrid. The site is not part of the Priority Precincts program and has not been identified in any subregional planning process for the provision of additional housing. There are no plans to support this growth with infrastructure such as transport and schools.
  - **Direction 2.3: Improve housing choice to suit different needs and lifestyles:** This Direction encourages innovative, smaller, well-designed homes to suit a range of lifestyles and budgets. It acknowledges local housing strategies as the first step towards coordinating local and State-funded infrastructure.
    - The proposal is inconsistent as although the Proponent can only offer low density housing in accordance with the Gateway Determination, the provision of detached housing does not contribute to an improvement in housing choice. The isolated nature of the site does not deliver opportunities for affordable housing. The proposal has not been identified through a local housing strategy.
- Goal 3: A great place to live with communities that are strong, healthy and well connected



- **Direction 3.1: Revitalise existing suburbs:** This Direction suggests directing new housing to existing urban areas to protect the environment and reduce impacts. It prioritises housing in or near centres in established urban areas.
    - The proposal is inconsistent as proposed site is within bushland adjacent to, not within an existing, established urban area. It would result in significant environmental impacts.
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources
  - **Direction 4.1: Protect our natural environment and biodiversity:** This Direction encourages a strategic approach to housing and economic development, rather than site-by-site decision making, to manage long-term biodiversity and promote environmental resilience.
    - The proposal is inconsistent in that it is an isolated proposal. It does not comply with local planning controls that limit development to protect high conservation value areas, native vegetation and biodiversity. The current proposal for Biodiversity Certification is not resolved. Council and OEH do not support the proposal due to the likelihood of significant impacts on biodiversity and threatened species.
  - **Direction 4.2: Build Sydney's resilience to natural hazards:** This Direction recognises that bushfires pose the most severe risk to community safety. It encourages a risk-based approach to strategic planning and highlights the importance of halting development in high risk areas that can't be safely evacuated.
    - Both the RFS and Council's Bushfire Consultant (Blackash) conclude the proposal would place inappropriate development (i.e. housing) in a hazardous area. It is likely to place firefighters and a new community within an unacceptable area of risk.
- North Sub-Region Priorities
  - **Promote early strategic consideration of bushfire... in relation to any future development in the subregion:** As above, the proposal is likely to place firefighters and a new community within an unacceptable area of risk.

On balance, the Planning Proposal is considered inconsistent with *A Plan for Growing Sydney*.

### 3.2 Draft Regional and District Plans

Consideration has also been given to the Greater Sydney Commission's draft Greater Sydney Region Plan (draft Regional Plan - DRP) and Revised draft North District Plan (RDDP), replacing the draft North District Plan referenced above.

The RDDP is a guide for implementing Greater Sydney Region Plan at a District level and is a bridge between regional and local planning. The intent is to inform the assessment of planning proposals as well as community strategic plans and policies.

Consistency of the Updated Planning Proposal is discussed below with reference to both draft documents as their themes, objectives and Planning Priorities are interrelated. Both documents are on exhibition until 15 December 2017.

#### Theme 1. Infrastructure and Collaboration

The draft Plans propose growth aligned with infrastructure such as transport, schools, and health facilities. The proposal is inconsistent in that it has not been identified by a strategic or collaborative approach with State and local governments. The site is not considered a cost-effective location for

growth based on existing and future infrastructure capacity, due to impacts on the Sydney East Substation. It is not within a Collaboration Area unlike the Frenchs Forest Hospital Precinct. The proposed growth is not supported by a Place Strategy and Infrastructure Plan.

#### **Theme 2. Liveability**

The proposal is consistent as it proposes recreational facilities and formalises recreational access to private land. It is also consistent in that the proposal would facilitate the ability of MLALC to derive economic use of Aboriginal land acquired under the *Aboriginal Lands Rights Act 1983*.

However, the proposal is inconsistent with the Liveability theme in that:

- The site is not considered suitable for residential development due to unacceptable risks to life and property. The draft Plans recognise that not all areas are appropriate for development and local amenity constraints require careful consideration.
- There is no proposal to provide affordable housing which is the primary focus of the draft Plan's approach to improve liveability
- Site constraints, particularly bushfire risk, would not allow for a diversity in housing mix and prevent inclusive development for people of all ages
- The proposal has the potential to detract from local amenity
- It proposes land release outside of the Priority Growth Area program which is well progressed to provide additional housing supply
- It has not been identified through a housing strategy, which is the main tool for understanding the need and planning for housing and infrastructure delivery
- It would have adverse impacts on natural heritage valued by the community
- The proposal is not needed to deliver Council's five-year housing target of 3,400 which reflects delivery potential under current planning controls
- The mechanisms for delivering public benefits have not been agreed early in the planning process, as Council does not support the draft VPA
- The proposal would impact on the natural heritage of the area by impacting the landscape including a ridgeline

#### **Theme 4 – Productivity**

The proposal does not propose a centre or employment lands, so this theme is not assessed in detail. It is noted however, that:

- To achieve Productivity in the draft Plan, investments in infrastructure are required that are integrated with targeted land use decisions. As above, the proposal is not within a Collaboration Area unlike the Frenchs Forest Hospital Precinct. The proposal has not been identified by a strategic or collaborative approach with State and local governments.
- NPWS have concerns regarding impact on the Garigal National Park, recognised in the RDDP as one of the region's natural attractions contributing to a booming tourist industry. If realised, impacts on the National Park could adversely impact tourism which is a major contributor to the local economy.
- Although the proposal would increase housing, considered as economic infrastructure, the proposed housing is not within a walkable distance of a strategic centre.

#### **Theme 4 – Sustainability**

It is unclear whether the site comprises the 'metropolitan rural lands' (as identified in Figure 48 of the DRP) or an 'urban area' (as identified in figure 50 of the DRP). For this assessment, the proposed site is assumed to be part of the 'metropolitan rural lands' as requested by Council.

The proposal is considered inconsistent with this theme for the following reasons:

- The site would be highly exposed and vulnerable to significant bushfire risks making it unable to withstand shocks and stresses, especially with respect to impacts from climate change including heatwaves and extreme heat.
- The Plans recommend avoiding placing new communities in areas exposed to existing and potential natural hazards increasing risk to life and property.
- The proposal to clear land for asset protection zones would have adverse impacts on bushland, its ecological processes and systems.
- It proposes the clearing/modification of at least 25 hectares of natural bushland, considered to be 'green infrastructure' which provides clean air and water, cooler urban environments and habitat.
- It would limit the opportunity for this site to be used as an 'offset' for the expansion of Sydney's urban footprint into the south west south west and north west, and major transport infrastructure like the Outer Sydney Orbital corridor and the Western Sydney Airport
- It would impact on a scenic landscape, including a ridgeline, which creates an attractive visual setting
- If the site is considered a Metropolitan Rural Area, it is inconsistent in that:
  - It proposes the intensification of residential development not consistent with the values of the Metropolitan Rural Area
  - It is important for recreation and tourism and attracts people who want to live in these environments
  - Priority Growth Areas in the Western Parkland City generally provide a long-term supply of land for the growth of Greater Sydney and eliminate the need for urban expansion into the Metropolitan Rural Area.
- It proposes urban development which has adverse impacts on the health of waterways, considered as 'green infrastructure', which support ecosystems that benefit from continuing protection and management. It is not consistent with local land use planning controls to protect environmentally sensitive waterways and the ad-hoc nature of the proposal means that cumulative impacts are not able to be assessed.

#### 4. Local Strategy

##### ***Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

Council does not have a relevant local strategy endorsed by the Department of Planning and Environment and the proposal is not responding to any change in circumstances.

The following local strategic plans and their relevance is discussed below:

- **Warringah Draft Warringah Housing Strategy 2011:** This Strategy was developed with extensive community consultation to implement the NSW Government's housing target for Warringah in the *Metropolitan Plan for Sydney to 2031*. In 2011, Warringah Council voted to stop work on the Housing Strategy until the State Government committed to funding the extra transport and infrastructure costs. The proposal is inconsistent as no additional land release was proposed in the draft Strategy.



- **Draft Community Strategic Plan SHAPE 2028:** The new Northern Beaches Council has developed a Draft **Community Strategic Plan (CSP)** based on two stages of community engagement from September 2016 to April 2017 engaging over two thousand community members. The draft Plan was on public exhibition from July to November 2017, to allow the newly elected Council to participate in conversations with the community before finalising the CSP. The final stage of engagement focused on developing key measures and indicators. On balance, the planning proposal is inconsistent with the following draft goals:
  - **Goal 1: Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations:** Inconsistent in that the proposal will clear/modify at least 25 hectares of native bushland which is valued by the community. There is no guarantee the proposal can protect and improve the ecological conditions in catchments. It's recognised the proposal will provide sustainable access to the environment through the provision of trails.
  - **Goal 2 Our environment and community are resilient to natural hazards and climate change:** Inconsistent in that the proposal will risk the life and property of the new inhabitants' due to the inability to safely evacuate the development.
  - **Goal 5 Our built environment is developed in line with best practice sustainability principles:** Inconsistent in that the proposal will not result in a resilient urban environment due to the inability to safely evacuate the development.
  - **Goal 7 Our urban planning reflects the unique character of our villages and natural environment and is responsive to the evolving needs of our community:** The proposal proposes growth which is inconsistent with local values.
- **Oxford Falls Belrose North Strategic Review (Strategic Review):** This Strategic Review was initiated by the Minister for Planning in August 2011 in response to submissions received during the exhibition of the draft WLEP 2011. The Strategic Review is a two-stage process. Stage 1 is complete and recommended the site be zoned E3 Environmental Management to transfer from WLEP2000 to WLEP2011. The Department of Planning and Environment have recently requested Council to progress Stage 2, including an investigation of future development potential of four sites for Urban Development (Oxford Falls West, Red Hill, Lizard Rock, Cromer Golf Club) and the suitability of residential zones in the proposed E4 Environmental Living areas. The proposal is inconsistent with the Strategic Review in that the site has not been identified as having future development potential in Stage 1 of the Strategic Review. Although this initial stage did not intend to significantly change the urban development potential of land in Oxford Falls Valley and Belrose North, the MLALC site has not been earmarked for future investigations in the scope of works for the Stage 2.

Local Provisions and Policies and their relevance is summarised below. More detail is provided in Attachment 3 – Council's Natural Environment and Climate Change Referral Response:

- **Warringah Local Environmental Plan 2000 (WLEP 2000):** The planning proposal is inconsistent with the following provisions WLEP 2000: Clause 56 Retaining unique environmental features on sites; Clause 57 Protection of existing flora and Clause 60 Watercourses and aquatic habitat.
- **Warringah Council Policy ENVPL 005 Bushland Policy:** On balance, the planning proposal is inconsistent with the Warringah Bushland Policy. It is however acknowledged that the policy includes provision for negotiation of offsets and investigating offset schemes such as biobanking and Biodiversity Certification.

- **Warringah Council Policy Protection of Waterways and Riparian Lands:** The proposal requires the removal of remnant flora including canopy trees and understory vegetation within and adjacent to riparian lands. The proposal is likely to lead to degradation of downstream environments due to stormwater quality and quantity impacts. The proposed development is considered to not comply with Council's policy.
- **Warringah Council Policy Water Management Policy:** The water quality objectives for the proposed development do not comply with the requirements of the Policy. As such the proposal is likely to lead to degradation of downstream environments due to impacts associated with stormwater quality and quantity.

On balance, the planning proposal is considered inconsistent with local biodiversity/environment planning controls, local strategies and policies.

## 5. State Environmental Planning Policies (SEPPs)

### ***Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The proposal is inconsistent with the following key State Environmental Planning Policies (SEPPs):

- **SEPP No 19—Bushland in Urban Areas:** The proposal is inconsistent with the specific aims of this SEPP as it will result in the clearing/modification of at least 25 hectares of native bushland with associated impacts on rare and endangered flora and fauna; native flora and fauna habitat and stabilisation of soil and natural drainage lines. Although formalised access is proposed to facilitate public enjoyment of the privately-owned bushland, unauthorised informal access has meant the site is highly valued by the community for recreation and education. Development of the site will not protect and enhance the quality of the bushland compatible with its conservation. OEH does not support the proposal and recommends it not progress. Council is not satisfied that the proposal will result in significant environmental, economic or social benefits that outweigh the value of the bushland.
- **SEPP (Infrastructure) 2007:** The proposal is inconsistent with this SEPP as it has not addressed likely impacts on an electricity transmission network and associated concerns of an electricity supply authority (i.e. TransGrid) for development immediately adjacent to an electricity substation. TransGrid objects to the proposal due to the unacceptable safety risk to the public, and the need to maintain the highest level of security for the Sydney East substation which supplies bulk power to the people of Sydney.

The proposal is not inconsistent with the following SEPPs:

- **SEPP No 44—Koala Habitat Protection:** The Proponent's Ecological Assessment (Travers Bushfire & Ecology - April 2017) concludes that despite the presence of potential koala habitat, koala habitation of the proposed development area is considered unlikely based on existing records. The proposed development is not considered to comprise Core Koala Habitat as defined under SEPP 44.
- **SEPP No 55—Remediation of Land:** The Stage 1 Environmental Site Assessment (April 2013) concluded that the site is suitable for residential purposes. Council's Environmental Health division recommends further site testing and sampling prior to development approval.
- **SEPP (Building Sustainability Index: BASIX) 2004:** Compliance with this SEPP would be reviewed at the development application stage.

The following SEPPs are relevant as they have the potential to allow developments that are incompatible with the intended outcomes of the proposal:

- SEPP (Affordable Rental Housing) 2009
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Housing for Seniors or People with a Disability) 2004

The Proponent suggests that uses other than the 156 residential lots will be restricted through a community title management structure. If the proposal were to proceed, additional local provisions may also be required to restrict developments that could compromise bushfire evacuation procedures and/or adversely impact the surrounding environment.

In summary, the planning proposal is considered inconsistent with key SEPPs: SEPP No 19—Bushland in Urban Areas and SEPP (Infrastructure) 2007.

## 6. Ministerial Directions (s117 Directions)

### ***Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?***

The Planning Proposal is ***inconsistent*** with the following s.117 Directions (see **Error! Reference source not found.**):

- **2.1 Environmental Protection Zones:** The proposal will change current planning standards that apply the land which protect the environment by restricting residential development to 1 dwelling per 20 hectares.
- **4.4 Planning for Bushfire Protection:** The NSW RFS and Council's Bushfire Consultant consider that the proposal is not consistent with this Direction as it does not achieve the primary objectives: to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage the sound management of bush fire prone areas.
- **6.3 Site Specific Provisions:** If the Planning Proposal were to proceed in its current form, site specific provisions may be required:
  - To restrict certain developments permissible under SEPPs from the R2 Low Density Residential Zone that will significantly increase occupation of the site (e.g. secondary dwellings, bed and breakfast accommodation, boarding houses, childcare centres, educational establishments, group homes, hospitals and places of public worship). In addition, these uses (with the exception of secondary dwellings) are Special Fire Protection Purpose (SFPP) developments as listed in Section 100B (6) of the *Rural Fires Act 1997* with occupants known to be vulnerable to effects of bush fire, often difficult to evacuate and more susceptible to smoke impacts. This is unless Council is satisfied that the Community Title Arrangement would suitably restrict these developments.
  - To align objectives and permissible land uses with the intended use of the E3 Environmental Management zone (a biobank site where the primary use is conservation). This is unless the proposed E3 Environmental Management area could be zoned E2 Environmental Conservation which is more compatible with this purpose.
- **7.1 Implementation of A Plan for Growing Sydney:** The Planning Proposal is inconsistent with A Plan for Growing Sydney as discussed above. It would undermine the achievement of its planning principles; directions; and priorities.

The Planning Proposal is ***partially consistent*** with the following s.117 Directions:



- **2.3 Heritage Conservation:** Whilst OEH are not satisfied that Aboriginal cultural heritage issues have been adequately addressed, the proponent has recently submitted an Aboriginal Archaeological & Cultural Assessment (AACHA – Dominic Steele Consulting), which includes Aboriginal community consultation. If the Planning Proposal were to proceed, the AACHA would need to be referred to OEH for comment.
- **3.1 Residential Zones:** Partially consistent in that the proposal will broaden the choice of locations available in the housing market. However, the provision of more detached style houses will not broaden the choice of building types (acknowledging the conditions of the gateway determination). It is also questionable whether the development is of 'good design' as although the minimum lot size fits with adjoining areas, these areas reflect older subdivision patterns that did not factor in bushfire and native vegetation considerations.
- **3.4 Integrating Land Use and Transport:** Consistent in that the proposal will provide walking and cycling access to jobs, housing and public transport. If the proposal were to proceed, the Proponent would be required to include the upgrade of Wyatt Avenue and ensure all roads along the potential bus route can be adequately accessed by buses.
- **6.1 Approval and Referral Requirements:** At this stage, the planning proposal does not propose any provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. However:
  - The proposal is not supported by RFS and OEH, NPWS and TranGrid.
  - Referral to the Commonwealth Government will be required should further ecological surveys detect the New Holland Mouse on site.
  - Approval by the NSW Minister may be required for 'Red Flag' variations outlined in the Proponent's Biodiversity Certification Assessment and Biocertification Strategy .
  - RMS support is contingent on a VPA being entered into.

The following Ministerial Directions were not considered significant to this assessment:

- **4.1 Acid Sulphate Soils:** No acid sulphate soils were found to exist on the site.
- **4.2 Mine Subsidence and Unstable Land:** No evidence of instability was observed within the proposed residential area.
- **6.2 Reserving Land for Public Purposes:** The Planning Proposal proposes the creation of land for public purposes (i.e. the Park) to be managed by Council. If the proposal were to proceed, Council approval would be required to dedicate this land.

In summary, the Planning Proposal is inconsistent with applicable s117 Ministerial Directions: 2.1 Environmental Protection Zones; 4.4 Planning for Bushfire Protection; 6.3 Site Specific Provisions and 7.1 Implementation of A Plan for Growing Sydney.

#### a) Strategic Merit Assessment

See discussion in Council Report.

#### b) Site Specific Merit Assessment

*i. Does the proposal have site-specific merit, having regard to the natural environment (including known significant environmental values, resources or hazards?)*

*ii. Does the proposal have site-specific merit, having regard to the current uses, approved uses, and likely future uses of land in the vicinity of the proposal?*

*iii. Does the proposal have site-specific merit, having regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?*

See discussion in Council Report.

## Section C – Environmental, social and economic impact

### 7. Threatened Species and Biodiversity

*Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

See discussion in Council Report.

### 8. Other Environmental Effects

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

Refer to the Council Report for a discussion on impacts on the National Park; Aboriginal Heritage; Bushfire Risk and Proximity to the Sydney East Substation and associated infrastructure. Water management issues are discussed in 'Stormwater Infrastructure'.

#### 8.1 Contamination

The Stage 1 Environmental Site Assessment lodged with the original Planning Proposal dated April 2013 identified that the likelihood for contamination is low. It concluded that the site is suitable for residential purposes. Should the proposal proceed, Council's Environmental Health division recommends further contamination site testing and sampling prior to Development Approval to ensure the suitability of the site for its proposed use.

#### 8.2 Topography

The preliminary geotechnical advice lodged with the original Planning Proposal describes the site as being located 'on top of a ridge, with gentle slopes of less than 5 degrees within the proposed residential development area. Immediately outside the proposed residential area, the slopes become steeper up to approximately 15 degrees before essentially becoming a cliff face'. No evidence of instability was observed within the proposed residential area.

The topography of the site presents two main issues, being:

- The proposal requires APZs on land steeper than 18 degrees. RFS do not support these circumstances as management practices are difficult, the clearing of large areas of vegetation destabilises the slope causing erosion and the advantage of an APZ is reduced as the canopy fuels are more readily available to a fire.
- The residential development would be located on a ridgetop, and development of ridgetops is inconsistent with Sustainability Priority 7 of the Draft North District Plan, as discussed above.

In their response to public authority and community submissions (October 2017), the Proponent disputes the RFS claim that the proposal requires APZs on land steeper than 18 degrees. Regardless of this technicality, Council's Bushfire Consultant has confirmed that the presence of deep valleys surrounding the Development Site contributes to an increased bushfire risk.

## 9. Social and Economic Impacts

*Has the planning proposal adequately addressed any social and economic effects?*

See discussion in Council Report.

## Section D – State and Commonwealth interests

### 10. Public Infrastructure

*Is there adequate public infrastructure for the planning proposal?*

Refer to the Council Report for a discussion on Traffic and Transport Infrastructure; Stormwater Management Infrastructure and Utility Services.

### 11. Public Authority and Utility Responses

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

See discussion in Council Report.

### 12. Background Supporting Information

All documents available for download at: <http://yoursay.northernbeaches.nsw.gov.au/Ralston-planning-proposal/documents>

November 2017 – Council Assessment

1. Council Report dated 19 December 2017
2. Attachment 1 - Assessment of Planning Proposal
3. Attachment 2 – Public Authority and Utility Responses
4. Attachment 3 – Council's Natural Environment and Climate Change Referral Response
5. Attachment 4 – Council's Internal Referral Responses
6. Attachment 5 – Voluntary Planning Agreement Feedback and Response
7. Attachment 6 – Community Feedback and Response

October 2017 – Proponent's response to public and authority submissions

8. Response to public submissions and public authority comments (Urbis) – 25 October 2017
9. Revised Transport, Traffic and Assessment Report (Transport and Traffic Planning Associates) - September 2017
10. Noise Impact Assessment of TransGrid Substation (TTM) - October 2017
11. Response to RFS's October 2017 Referral Response (Travers Bushfire and Ecology) - October 2017
12. Aboriginal Archaeological & Cultural Heritage Assessment (Dominic Steele Consulting Archaeology) – 1 November 2017

June-October 2017 – public and authority submissions

12. Yoursay Northern Beaches online submissions
13. Yoursay Northern Beaches online submissions - long submissions
14. Submissions from public exhibition by email - post or through drop in session
15. Referral Response – Transport for NSW – 20 June 2017
16. Referral Response – Office of Environment and Heritage – 26 June 2017
17. Referral Response – Sydney Water – 21 August 2017
18. Referral Response – Ausgrid – 12 July 2017



19. Referral Response – TransGrid – 13 July 2017
20. Referral Response – Roads and Maritime Services – 18 July 2017
21. Strategic Bushfire Review (Blackash Consulting) – 20 September 2017
22. Referral Response – Rural Fire Services – 18 October 2017
23. Gateway Determination – Oxford Falls Strategic Land Review – October 2017

April 2017 – Updated Planning Proposal and draft VPA

24. Supplementary Planning Report and Updated Planning Proposal – Urbis - 28 April 2017
25. Appendix A1 - Gateway determination - 28 April 2017
26. Appendix A2 - Extension of the Gateway Determination - 28 April 2017
27. Appendix B - Bushfire Protection Assessment – Travers Bushfire & Ecology (TBE) 28 April 2017
28. Appendix C - Fuel Management Plan - Travers Bushfire & Ecology (TBE) 28 April 2017
29. Appendix D - Ecological Assessment – Travers Bushfire & Ecology (TBE) 28 April 2017
30. Appendix E - Indicative Subdivision Plan - 28 April 2017
31. Appendix F1 - Zoning Map - Total Site - 28 April 2017
32. Appendix F2 - Zoning Map - Areas - 28 April 2017
33. Appendix F3 - Zoning Map - Aerial - 28 April 2017
34. Appendix F4 - Height of Buildings - 28 April 2017

2015-2016 - Post Gateway Public Authority Correspondence and Further Studies

1. Referral Response - NSW Rural Fire Service - 20 February 2015
2. Referral Response - Office of Environment and Heritage - 27 February 2015
3. Referral Response - Roads & Maritime Services (RMS) 10 March 2015
4. Applicants Public Authority Response - Ralston Avenue Planning Proposal - 18 May 2015 - 2015/143220
5. Letter from RFS - in reply to the Applicant's response to RFS submission - 26 June 2015
6. 2nd Letter from RFS - in reply to the Applicant's response to RFS submission - 9 July 2015
7. Letter from Office Environmental Heritage - in reply to the Applicant's response to OEH submission - 30 June 2015
8. Applicants response to RFS - Travers - 11 August 2015
9. OEH advice - Ralston Avenue Biodiversity Certification - 9 February 2016
10. Transport for NSW referral comments - Ralston Avenue Planning Proposal - 3 March 2016
11. Applicant's response to Transport for NSW referral comments - 9 March 2016
12. Bushfire Peer Review (Blackash Consulting) - April 2016
13. Referral Response - NSW Rural Fire Service - 23 Sep 2016
14. Applicants Response to Blackash Bushfire Consulting Report Dec 9 2016
15. Applicants Response to the NSW Rural Fire Service (RFS) Nov 3 2016

April 2013 - Original Planning Proposal

16. Appendix A Concept Plan (Hassell) – January 2013
17. Appendix C Open Space and Recreation Study (Gondwana Consulting) – November 2012
18. Appendix D Infrastructure Services and Water Management Strategy (Warren Smith & Partners) – November 2012

19. Appendix D Electromagnetic Field Impact Assessment (Medshield Products International) – January 2013
20. Appendix F Assessment of Traffic Implications (Transport and Traffic Planning Associates) – April 2013
21. Appendix H Economic Impact Assessment (Hill PDA) – November 2012
22. Appendix I Housing Needs Study (Hill PDA) – November 2012
23. Appendix J Aboriginal Archaeological Assessment (Dominic Steele Consulting Archaeology) – April 2013
24. Appendix K Stage 1 Environmental Site Assessment (Environmental Investigations - April 2013) Contamination Assessment
25. Appendix L Geotechnical Assessment (Pells Sullivan Meynink) - April 2013
26. Appendix M Social Impact Assessment (Hill PDA) – November 2012
27. Appendix N Electrical Services Strategy (DEP Consulting) – November 2012
28. Appendix O Consultation Report (consultant unknown) – March 2013
29. Appendix P Survey Plan – April 2013
30. Appendix Q Pre-Lodgement Letter and Response (Urbis) – April 2013

## Attachment 2 – Public Authority and Utility Responses

Authority	Date	Support	Planning Proposal & VPA Comments	Council
Transport for NSW	20/06/2017	With Conditions	<ul style="list-style-type: none"> <li>The Planning Proposal has addressed TfNSW's earlier correspondence by providing a "perimeter Road" between Ralston Avenue and Wyatt Avenue to facilitate the extension of bus services.</li> <li>To accommodate future bus services: <ul style="list-style-type: none"> <li>Bus capable roads must be provided within the site and all adjoining external connections</li> <li>Funding and relevant criteria must be met under the TfNSW Growth Services program</li> </ul> </li> <li>Approval of the subdivision application should be subject to the following public road reserve requirements: <ul style="list-style-type: none"> <li>Transit lanes of 3.5m width;</li> <li>Kerbside/parking lane of 3.0m width for bus parking;</li> <li>Road widths to permit 14.5m bus turning without crossing the centreline; and</li> <li>A shared pathway of 2.5m width including appropriate clearances from the roadway</li> </ul> </li> <li>Item 3 of the proposed VPA should be extended to include the upgrade of Wyatt Avenue (approx. 320m from the intersection with Contentin Road to the western property boundary of 26 Wyatt Avenue) to ensure all roads along the potential bus route can be adequately accessed by buses. The contribution value for Item 3 should be adjusted to incorporate the estimated cost to undertake this upgrade.</li> </ul>	Council cannot guarantee the VPA will be entered into. Should the planning proposal proceed, Council will ensure the proposed conditions are implemented either through the VPA or as conditions of consent for the subdivision application
Roads and Maritime Services	18/07/2017 & 28/07/2017	With Conditions	<ul style="list-style-type: none"> <li>The Planning Proposal has addressed RMS's earlier correspondence through preparation of a VPA including provision of a seagull treatment at the Ralston Ave/Forest Way intersection</li> <li>The draft Voluntary Planning Agreement should include an additional condition that the developer / Proponent will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for the construction of the proposed seagull treatment works. The draft Voluntary Planning Agreement is to be entered into with the Consent Authority prior to the making of the LEP and/or the Development Application Stage.</li> <li>RMS support is contingent on a VPA being entered into.</li> </ul>	Council cannot guarantee that a VPA will be entered into. Should the planning proposal proceed, Council will ensure the proposed conditions are implemented either through the VPA or as conditions of consent for the subdivision application.
Office of Environment & Heritage & National Parks and Wildlife Services	26/06/2017	NPWS – No support OEH – Cannot support in its current form	<p>OEH has significant concerns regarding this proposal and cannot support it in its current form. In brief, the issues are:</p> <ul style="list-style-type: none"> <li>Approximately 30 hectares of native vegetation is to be cleared, plus a further area for bushfire asset protection will be substantially modified</li> <li>The extent of clearing will result in significant impacts on threatened species and their habitat. These species are the Eastern Pygmy Possum, Red-crowned Toadlet, Giant</li> </ul>	<ul style="list-style-type: none"> <li>OEH comments are consistent with Council's assessment).</li> <li>OEH refers to the clearing of approximately 30 hectares while Council's assessment refers to the clearing/modification of at least 25</li> </ul>



Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<ul style="list-style-type: none"> <li>Burrowing Frog, Rosenberg's Goanna, <i>Grevillea caleyi</i> and <i>Tetratheca glandulosa</i></li> <li>The clearing will result in impacts on ROTAP species (<i>Eucalyptus luehmanna</i> and <i>Angophora crassifolia</i>)</li> <li>The strategy for compensating for loss of biodiversity and proposed conservation measures (i.e. as proposed under Biodiversity Certification) remains unclear, despite references to possible biobanking of land and transfer of lands to the OEH estate or co-management of the land. The Biodiversity Certification Strategy is not up to date and it does not form part of the exhibition package</li> <li>OEH has not been consulted about the possible transfer of lands or co-management and no agreement has been reached</li> <li>Aboriginal cultural heritage issues identified in previous advice have not been adequately addressed</li> <li>Adjoining park issues (Garigal National Park) have not been addressed including unauthorised access into the park and bushfire management.</li> <li>The draft Voluntary Planning Agreement does not contain any proposed arrangements for biobanking or dedicating the land to national park.</li> <li>NPWS advises that it does not support the proposal and recommends that it not progress due to additional issues for National Park management, including: The potential very large increase in impacts on the NP visitors, fauna (including threatened species) and NP management (including fox baiting) of domestic pets, particularly dogs and cats; the effect of stormwater discharge into the NP which could also have impacts on fauna species such as the threatened Red-crowned Toadlet and Giant Burrowing Frog; the difficulty of implementing and enforcing the proposed mitigating measure to ban cats; increased resourcing required for bushfire asset protection within Garigal National Park; the impacts of intensive fuel management measures in APZs on erosion and weed management in the adjoining conservation areas and Garigal NP.</li> </ul>	<p>hectares. Council's estimate is based on the total 28.91ha floristic impacts, excluding the 3.57ha of cleared area (Table 1, pg iv, Ecological Assessment, Travers, 2017). Otherwise, the estimate is taken from the 17.57-hectare R2 Low Density Residential Zone (assumed to be cleared), plus the 10.64 hectares of APZs in the E3 Environmental Management zone (including TransGrid Easements) which is assumed to be modified.</p> <p>- See Council's assessment in Section C – Environmental, social and economic impact- Council does not support the draft VPA</p>
RFS	18 October 2017	Cannot support in its current form	<ul style="list-style-type: none"> <li>The NSW Rural Fire Service (NSW RFS) has further reviewed the modified proposal and supplementary report, and advises that the proposed rezoning of the site to allow significant residential development is not supported. The revised submission and minor plan modifications do not adequately address the issues previously raised by the NSW RFS, and do not significantly reduce the bush fire risk to potential future residents.</li> <li>The report prepared by Eco Logical Australia attempts to quantify the value of the proposal proceeding with a better outcome being achieved for the existing residential development on the interface, against the current situation if the proposal did not proceed. The report proposes that future new development would serve as a buffer to the existing residential housing and electrical substation concluding that the risk from bush fire to the community would be reduced overall.</li> <li>The report showed that any benefit to the existing community including the Sydney East Substation would be limited, and is reliant upon bush fire hazard reduction works on private</li> </ul>	<p>- RFS comments are consistent with Council's Strategic Bushfire Review (Blackash, September 2017).</p>

Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<p>lands, which could be undertaken even if the proposal did not proceed. The report also showed that potential future occupants of the developed site would have an inadequate response time to safely and effectively evacuate the site in the event of a wild fire.</p> <ul style="list-style-type: none"> <li>• The NSW RFS considers that the proposal as amended is not consistent with s.117(2) <i>Environmental Planning and Assessment Act 1979</i> as it does not achieve the primary objectives: to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas; and to encourage the sound management of bush fire prone areas.</li> <li>• The Planning Proposal fails to demonstrate how the rezoning will: <ul style="list-style-type: none"> <li>○ not increase the risk to life from bush fires, including firefighters;</li> <li>○ not place inappropriate development in areas exposed to an unacceptable bush fire risk;</li> <li>○ ensure that appropriate bush fire protection measures can be afforded to properties at risk;</li> <li>○ minimise negative impacts on the surrounding environment;</li> <li>○ ensure that provision is made for adequate evacuation for the community; and</li> <li>○ ensure that development is capable of complying with Planning for Bush Fire Protection 2006 (PBP).</li> </ul> </li> <li>• The proposal cannot meet the aims and objectives of Planning for Bush Fire Protection 2006 (PBP) - (to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire). Concerns are also held in relation to the ability of the conceptual subdivision design and layout to meet the future requirements of PBP as follows: <ul style="list-style-type: none"> <li>○ The proposal requires APZs on land steeper than 18 degrees where on-going management practices are difficult. Clearing of large areas of vegetation destabilises the slope causing erosion and the advantage of an APZ is reduced as the canopy fuels are more readily available to a fire.</li> <li>○ Some dwellings will be located on the interface where slopes exceeding 20 degrees. The current building standards do not provide deemed-to-satisfy provisions for the determination of the maximum desired bushfire attack level (BAL 29) in these situations.</li> <li>○ The site is vulnerable at several pinch points along the perimeter road, potentially isolating the peninsula in the event of wild fire. Safe evacuation may not be available and with no refuge space.</li> <li>○ The proposed mitigation works to reduce bush fire risk to the site would place increased demand on resources and would not be sustainable.</li> <li>○ The proposed construction of new fire trails linking with existing fire trails is not supported as the extensive engineering works would further impact the environment.</li> </ul> </li> </ul>	

Authority	Date	Support	Planning Proposal & VPA Comments	Council
TransGrid	13 July 2017	<p>Objects to the rezoning of the subject site</p>	<ul style="list-style-type: none"> <li>The proposed development is likely to result in unsustainable and problematic bush fire risk management of the landscape for the NSW RFS and future land owners. This would place our own firefighting resources under increased pressure as well as placing firefighters and a new community within an unacceptable area of risk.</li> <li>Accordingly, our original concerns expressed in our previous correspondence to Council in September 2016 (RFS Reference LEP/0129) still apply. The NSW RFS considers that the Planning Proposal should not proceed in its current form.</li> </ul> <p>TransGrid objects to the rezoning of the subject site as a residential development due to the unacceptable safety risk to the public, and the need to maintain the highest level of security for this essential infrastructure which serves to supply bulk power to the people of Sydney. The specific reasons for this objection are:</p> <ul style="list-style-type: none"> <li>No consideration or mention of TransGrid's existing land rights including registered easements acquired to ensure safety and security of public and for operation and maintenance of transmission lines. One of these easements traverses the development site and has not been taken into account in the development</li> <li>The proposed development would constrain TransGrid's access to transmission lines structures to the north which is accessed via a track.</li> <li>It is unacceptable to constrain TransGrid's access to its easements and is a situation that is not acceptable for essential public infrastructure</li> <li>The proposed Wyatt Avenue perimeter road and evacuation route crosses under the transmission lines through TransGrid's easements. It is possible that an increase in height to the transmission lines may be required to ensure a safe clearance distance to the lines</li> <li>It is worth noting that TransGrid requires accessways that have the capacity to withstand the 40 tonne load capacity of its large maintenance vehicles.</li> <li>TransGrid will generally only de-energise a transmission line due to bushfire if a demand is made by the Rural Fire Service under the provisions of Section 44 of the Rural Fires Act. It would take several hours to isolate and make safe the transmission line and would not assist with short run fires what could take between 10 minutes to an hour to reach the site.</li> <li>The potential for shutting down TransGrid's power lines in the event of a large residential fire or bushfire to allow safe egress of the community would cause significant operational issues and load shedding consequences. Any required de-energising of TransGrid's supply lines will have major implication to electricity supply across Sydney, possibly leading to a widespread loss of supply to the Northern Beaches, Ku-ring-gai and other areas North of Sydney's CBD.</li> <li>TransGrid maintains an Asset Protection Zone (APZ) and would oppose any development which could increase its maintenance costs through APZ management.</li> <li>TransGrid note the proposal would likely result in unacceptable noise levels for future residents due to the proximity of dwellings to this major infrastructure. The distance between many of the proposed lots and the substation is inadequate and the proposal site</li> </ul>	<p>Noted. The proposal is inconsistent with SEPP (Infrastructure) 2007 as discussed in Council's assessment.</p> <p>Should the Planning Proposal proceed:</p> <ul style="list-style-type: none"> <li>amendments to the zoning map required to acknowledge and facilitate access to TransGrid's registered easements</li> <li>subdivision layout plan may require an amendment to accommodate existing easements</li> <li>housing near the substation should be removed from the proposal due to noise, safety and security reasons</li> <li>access to the bushland park should be restricted to prevent activities such as ball games and kite flying which could cause damage to TransGrid's essential infrastructure and be a danger to the public</li> <li>drainage on the north of the site may need further investigation</li> </ul>



Authority	Date	Support	Planning Proposal & VPA Comments	Council
Sydney Water	21 August 2017	With Conditions	<p>may not be able to accommodate a suitable noise buffer. A noise study has not been undertaken to determine the extent of noise impacts, and TransGrid will not be liable for the cost of any noise mitigation measures should the rezoning proceed</p> <ul style="list-style-type: none"> <li>Drainage to the north of the site may need to be investigated</li> </ul> <p>Water</p> <ul style="list-style-type: none"> <li>The proposed site is outside of the existing water supply zones.</li> <li>However, the trunk water systems from the adjacent Belrose Water Supply zone have adequate capacity to serve the proposed development of 156 low-density residential lots.</li> <li>Detailed requirements will be provided when the development applications on the rezoned sites are referred to Sydney Water at Section 73 application phase.</li> </ul> <p>Wastewater</p> <ul style="list-style-type: none"> <li>The proposed site is outside of the existing wastewater servicing areas.</li> <li>However, the adjacent Belrose Scamp system has adequate capacity to serve the proposed development.</li> <li>Detailed requirements will be provided when the development applications on the rezoned sites are referred to Sydney Water at Section 73 application phase.</li> </ul>	Noted. Should the Planning Proposal proceed, a condition will be required at DA stage to include a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> .
Ausgrid	12 July 2017	With Conditions	<p>Ausgrid consents to the development subject to the following conditions:</p> <ul style="list-style-type: none"> <li><b>Electricity supply</b> - the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.</li> <li><b>Conduit Installation</b> - The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.</li> <li><b>Vegetation</b> - All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.</li> <li><b>Overhead Powerlines</b> - The developer is to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected to be entering and leaving the site, during construction and for ongoing occupation.</li> <li><b>Underground Cables</b> - The developer is to ensure that roads are suitable for the expected additional traffic loads without causing damage to Ausgrid's underground assets within exiting portions or Wyatt Avenue, Ralston Avenue and Elm Avenue. They must also locate and record the depth of all known underground services prior to any excavation and ensure that driveways and construction activities in the footpath area do not interfere with existing cables.</li> <li><b>Bushfire Mitigation and Access Constraints with Fallen Conductors</b> - Ausgrid manages bushfire risks through its Bushfire Risk Management Plan and by managing vegetation in accordance with ISSC3 - Guideline for the Management of Vegetation in the Vicinity of</li> </ul>	<p>Should the planning proposal proceed, Council will ensure the proposed conditions are implemented either through the VPA or as conditions of consent for the subdivision application.</p> <p>Council's Bushfire Consultant has concluded that the proposal fails to address issues associated with access to the site and evacuation from the site in the event of a bushfire. The proposal also fails to address concerns associated with the risk associated with arcing to ground from the 330kva power lines and disruption of planned evacuation routes.</p> <p>Consequently, Council does not consider that the proposal can satisfy Ausgrid's requirements for</p>



Authority	Date	Support	Planning Proposal & VPA Comments	Council
			<p>Electricity Assets. However, there are still some inherent risks with having electrical assets in bushfire prone areas. In the unlikely event that a conductor breaks or a pole or tower fails, that brings the conductors down to the ground, there is a risk of a fire starting where suitable fuel sources are available. Flames burning under powerlines can conduct electricity down to the ground. For this reason, Ausgrid strongly recommends that a second path of egress from the development (such as the Wyatt Ave extension) be suitably designed, constructed and maintained to allow the community in the proposed subdivision area to evacuate the area. <b>Ausgrid recommends that the developer conducts an investigation to determine that under all reasonably expected incidents, at least one evacuation path is always available from the proposed subdivision, and emergency services are also able to gain access at the same time.</b></p> <ul style="list-style-type: none"> <li>Activities within or near to the Electricity Easement (Proposed Extension of Ralston Ave) – this Easement was acquired for the 132,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets, provide adequate working space for construction and maintenance and controlling works or activities which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network. A number of conditions apply for activities within this Easement.</li> <li>The developer may be required to enter into a commercial agreement with Ausgrid for the relinquishment of the 132kV underground cable easement due to the developers proposal to dedicate a significant portion of this easement as public road, and install other utility services across and/or along the easement.</li> </ul>	<p>bushfire mitigation and access constraints for fallen conductors.</p>

## Attachment 3 – Council’s Natural Environment and Climate Change Referral Response

Please see the following referral response from Council’s Natural Environment and Climate Change (NECC) section in relation to the proposal.

A detailed review and commentary is appended for further reference.

### A3.1 Recommendation

Council’s Natural Environment and Climate Change section does not support the Planning Proposal due to the large scale of direct and potential indirect impacts upon biodiversity including the likelihood of significant impacts on local populations of threatened species.

The proposal is considered to be inconsistent with the following biodiversity related controls:

- Clauses 56, 58 and 60 of *Warringah Local Environment Plan 2000*, and
- Council’s Bushland Policy
- Council’s Protection of Waterways and Riparian Lands Policy
- Council’s Water Management Policy

Where the consent authority (the NSW Department of Planning and Environment) determines that the Planning Proposal should proceed, the following recommendations are made:

- That the applicant agrees to adequately avoid, mitigate and then offset all environmental impacts through a formal process such as Biodiversity Certification, biobanking and or establishment of a biodiversity stewardship agreement under the pending *NSW Biodiversity Conservation Act 2016*.
- That the Department of Planning and Environment consider taking the role of applicant planning authority as required under the current Biodiversity Certification arrangements.
- That the development footprint is modified to avoid impacts on identified ‘Red Flags’ and where this is not possible, Red Flag variations will need to be sought from the NSW Minister for the Environment. Further consideration should be given to reducing the bulk and scale and design of the development to reduce environmental impacts and improve or maintain biodiversity values.
- That further surveys are undertaken to confirm the presence or absence of New Holland Mouse prior to subdivision. Referral to the Commonwealth is required where this species is detected.
- That any future impact assessment reporting (where required) does not rely upon unproven mitigation measures in determining the degree of the effect on threatened species and ecological communities on the site.
- That any future fire trail construction requirements (if required), under-scrubbing or trail upgrades within in the proposed offset areas be subject to further assessment and included in offset calculations
- That offset requirements are met within the Northern Beaches Local Government Area including the required external offsets that are additional to those identified in the proposed conservation area (i.e. E3 Environmental Management area).



- That the proposed conservation lands (i.e. E3 Environmental Management area) be zoned E2, consistent with zone objectives, permissible land uses and intended use of this land (an offset).
- That the Warringah Development Control Plan Part E – the Natural Environment be updated with relevant controls and mapping based on the findings of technical reports submitted with the Planning Proposal.

#### **Appendix - Detailed Referral Response**

##### **A3.2 Background**

Previous concerns raised by Council staff in 2013 related to the scale of impacts upon the natural environment including impacts on various threatened species and communities. In response to Council's concerns, the applicant has since undertaken further detailed survey and assessment of the site including provision of various expert reports which seek to address threatened species matters.

In order to address the scale of such impacts, Council and the Warringah Development Assessment Panel (WDAP) previously provided conditional support (e.g. further studies and concurrences) for the proposal including the application of Biodiversity Certification. In relation to the application of Biodiversity Certification, Section 126M (4) of the *Threatened Species Conservation Act 1995* (TSC Act) states '*The Minister may require an applicant to submit evidence that any person or body identified in the Biodiversity Certification strategy as a proposed party to the Biodiversity Certification consents to being made a party to the Biodiversity Certification*'. Advice from the NSW Office of Environment and Heritage (OEH) confirmed that Council (as the relevant 'planning authority') would need to agree to the proposal and support an application being made to the Minister. It is relevant to note that in December 2013, the former elected Councillors for Warringah had voted not to forward the Ralston Avenue Planning Proposal to the Department of Planning for Gateway Determination, meaning that Council did not support the proposal.

Consultation with NSW OEH in 2015 included recommendations that the Planning Proposal be reconsidered and that Council instead proceed with Biocertification. In 2016, it was noted that (in the absence an approved Biocertification application) OEH are unlikely to support the Planning Proposal given the significant environmental impacts that would result from the rezoning.

Given the application requirements under 126M (4) of the TSC Act (as above), Council has deferred further consideration of the proposed Biodiversity Certification Agreement until following public exhibition of the Planning Proposal. On the basis that Council did not support the Planning Proposal previously, the Department of Planning and Environment may consider taking the role of applicant planning authority for Biocertification.

##### **A3.3 Impacts of the Planning Proposal**

In relation to impacts upon biodiversity, the Ecological Assessment by Travers Bushfire and Ecology (April 2017) identifies clearing/modification of at least 25 hectares of native vegetation including;

- 0.86 ha (8,600m<sup>2</sup>) of the Coastal Upland Swamp - Endangered Ecological Community (EEC)
- 0.61 ha (6,100m<sup>2</sup>) of the Duffys Forest EEC
- Loss of approximately 151 plants of the Vulnerable (TSC Act) plant, *Tetratheca glandulosa*
- Loss of habitat and potential indirect impacts to the Critically Endangered plant, *Grevillea caleyi* (no loss of recorded plants)

- Impacts to the known habitat of 10 threatened fauna species with four (4) species considered to offer a constraint to development:
  - Rosenberg's Goanna (*Varanus rosenbergi*);
  - Eastern Pygmy Possum (*Cercartetus nanus*);
  - Red-crowned Toadlet (*Pseudophryne australis*); and
  - Giant Burrowing Frog (*Heleioporus australiacus*).

The following three threatened fauna species were also considered to have habitat on the site:

- Southern Brown Bandicoot (*Isodon obesulus*);
- Spotted-tailed Quoll (*Dasyurus maculatus*); and
- New Holland Mouse (*Pseudomys novaehollandiae*)

The Ecological Assessment (Travers 2017) notes that an unidentified mouse species has been detected by remote cameras and recommends further survey is required to confirm the presence or absence of the Commonwealth listed threatened species, the New Holland Mouse prior to subdivision. Referral to the Commonwealth Government will be required should New Holland Mouse be detected on site.

Council's NECC section consider that the Planning Proposal would likely have a significant impact on local populations (threatened species) and local occurrences of EEC's as defined under Section 5A of the *Environmental Planning and Assessment Act 1979*<sup>2</sup>.

#### A3.4 Proposed Biodiversity Offsets

The ecology report recognizes the proposed development is in a location of ecological sensitivity, however, that the proposed offset areas are a major contribution to the adjoining National Park estate. As part of the proposed offsets, a total of 119.05 ha is proposed to be zoned E3 – Environmental Management and preferably subject to a future biobanking agreement. The adequacy of proposed offsets in addressing impacts (as above) is proposed to be assessed via the Biodiversity Certification Assessment Methodology (BCAM). A preliminary assessment in accordance with BCAM has been undertaken by Ecological Australia (2015) which is proposed to be updated, mostly to address the additional Asset Protection Zones (APZs) included in the current proposal.

Based on the Biodiversity Certification Assessment Methodology, the Planning Proposal requires a number of 'Red Flag' variations which require approval by the NSW Minister for the Environment before Biodiversity Certification could be conferred. According to the Biodiversity Certification Assessment Methodology (DECCW 2011) 'Red Flags' are areas which have high biodiversity conservation value threatened species habitat.

Council notes that in order to address the requirements of Biodiversity Certification, external offsets additional to those identified in the proposed conservation area (i.e. E3 Environmental Management area ) are needed (Travers 2017).

<sup>2</sup> Applicable at the time of this assessment (although now repealed)

### A3.5 Proposed Mitigation Measures

In addition to the proposed offsets, recommended mitigation measures in the Ecology Assessment and associated expert reports are summarised below with responding commentary from Council:

- Implementation of the Fuel Management Plan & Vegetation Management Plan (to be prepared) to ensure the protection of all key habitat features for protection within the APZ.

The Fuel Management Plan identifies that the proposed APZ's (approximately 10ha) are to be managed at a fuel load of 4 tonnes per hectare. This level of fuel load is at the upper limit permitted within an 'Inner Protection Area' (IPA) of an APZ as per Planning for Bushfire Protection 2006. The capacity of an IPA to be sensitively managed is subject to doubt and the intensity of fuel management within the APZ's will need to be determined based on conditions issued by the NSW Rural Fire Services.

The Fuel Management Plan and Bushfire Protection Assessment recommend the construction of fire trails within the offset areas required to manage the peripheral landscape. Where such fire trails are required, Council has concerns that key habitat features would likely be impacted and that these impacts have not yet been assessed. The peripheral landscape includes notable steep slopes which may require substantial engineering solutions for the construction of new fire trails. Furthermore, table 10 of the Fuel Management Plan identifies under-scrubbing as a tactic to be deployed in the Strategic Fire Advantage Zones which is inconsistent with management of these areas as offsets.

- Management of stormwater, groundwater and surface discharges and water quality to maintain pre-development conditions;

In relation to the assessment of impacts on threatened frogs (Red-crowned Toadlet and Giant Burrowing Frog) and the Coastal Upland Swamp, the assessments of significance and expert report relies upon assumptions that pre-development hydrological conditions can be maintained into the future. The Ecological Assessment (Travers 2017) identifies that indirect impacts such as those caused by stormwater have only been considered at a high level.

The same applies to the Infrastructure Services Strategy (Warren Smith and Partners, 2012) which only provides a generic overview of the proposed stormwater management. The nutrient reduction targets in section 5.1 do not comply with the Stormwater Quality Objectives of Council's Water Management Policy, which establishes no-impact criteria for sensitive receiving environments. This will likely require significant additional areas to be reserved for stormwater management facilities.

Based on Council's experience with other medium to large scale residential subdivisions and development on the Northern Beaches, hydrological impacts will likely extend downstream of the development irrespective of the installation of best practice water management facilities. It is acknowledged that stormwater management facilities can reduce but would not eliminate hydrological impacts. Literature (see references in the NSW and Commonwealth Threatened Species Profiles) suggests that Giant Burrowing Frog and Red-crowned Toadlet are sensitive to such impacts downstream of residential development and in some cases may no longer occur in such locations.



- The protection and enhancement of Eastern Pygmy-possum habitat (in the offset areas) including installation of nest boxes

Supported

- Staged clearing of habitat features and fauna rescue during clearing

Supported

- Restrictions on future owners preventing the ownership of cats by an 88b covenant

Supported, noting the difficulty in relation to enforcement and likelihood of future legal challenges. Due to the level of uncertainty, this mitigation measure should not be used to consider the degree of effect on threatened species such as Eastern Pygmy Possum.

- Provision of a fauna overpass/land bridge across Mona Vale Road or Forestway (to be provided by other agencies, not as a condition of consent).

Not a feasible mitigation measure in relation to the current proposal.

### A3.6 Significance of Impacts

The Ecological Assessment (Travers 2017) includes 'Assessments of Significance' prepared under S.5A of the *Environmental Planning and Assessment Act 1979*. In accordance with adopted 'Threatened species assessment guidelines' (DEC 2007), "*Proposed measures that mitigate, improve or compensate for the action, development or activity should not be considered in determining the degree of the effect on threatened species, populations or ecological communities, unless the measure has been used successfully for that species in a similar situation.*" As such, the unproven mitigation measures proposed (eg stormwater controls or restrictions on cat ownership) should not be considered in determining the degree of the effect on threatened species.

It is noted that Assessment of Significance (Travers 2017) and conclusions within the expert reports rely on the effectiveness of some recommended mitigation measures in identifying whether the proposal would constitute a significant impact on threatened species. As described in the section above, Council's experience with these mitigation measures raises doubt in relation to their effectiveness.

As above, Council's NECC section consider that the Planning Proposal would likely have a significant impact on local populations (threatened species) and local occurrences of EEC's as defined under Section 5A of the *Environmental Planning and Assessment Act 1979*.

### A3.7 Consistency with relevant biodiversity/environment planning controls and policy

The following Council (former Warringah) controls, NSW and Council policy are considered relevant to Biodiversity and the Planning Proposal.

Plans/Strategy/ Study	Value / Control	Council Response
WLEP 2000 Clause 56 Retaining unique environmental features on sites	Development is to be designed to retain and complement any distinctive environmental features of its site and on adjoining and nearby land.  In particular, development is to be designed to incorporate or be sympathetic to environmental features such as rock outcrops, remnant bushland and watercourses.	The proposal requires the removal of a substantial portion of remnant bushland  Downstream watercourses are also likely to be impacted; as are rock outcrops through the construction of proposed fire trails. The proposal is considered to be inconsistent with Clause 56 of WLEP 2000.
WLEP 2000 Clause 57 Protection of existing flora	Development is to be sited and designed to minimize the impact on remnant indigenous flora, including canopy trees and understorey vegetation, and on remnant native ground cover species.	The proposal requires the removal of a substantial portion of remnant flora including canopy trees and understorey vegetation. The proposal is considered to be inconsistent with Clause 57 of WLEP 2000.
WLEP 2000 Clause 60 Watercourses and aquatic habitat	Development is to be sited and designed to maintain and enhance natural watercourses and aquatic habitat.	The proposal requires the removal of remnant flora including canopy trees and understorey vegetation within and adjacent to riparian lands.  The proposal is likely to lead to degradation of downstream environments due to stormwater quality and quantity impacts.  As such, the proposal is considered inconsistent to Clause 60 of the WLEP2000.
Warringah Council Policy  ENVPL 005  Bushland Policy	The Warringah Bushland Policy seeks to secure and promote long-term conservation of biodiversity and associated environmental values on public and private lands in the former Warringah. It also seeks to ensure bushland conservation and management issues are appropriately addressed and integrated with all activities, including strategic land-use planning (see Section 2.2) and decision-making. Relevant approaches listed in Section 2.2 of the policy include (but are not limited to):  <ul style="list-style-type: none"> <li>Conserve and restore threatened species</li> </ul>	On balance, the planning proposal is considered to be inconsistent with the Warringah Bushland Policy. It is however acknowledged that the policy includes provision for negotiation of offsets and investigating offset schemes such as biobanking and Biodiversity Certification.

Plans/Strategy/ Study	Value / Control	Council Response
	<p><i>habitat in an environment that maximises ecological sustainability</i></p> <ul style="list-style-type: none"> <li>• <i>Protect, restore and enhance bushland in near proximity to bushland with conservation significance, or bushland with higher priority (e.g. national parks, Manly Warringah War Memorial Park, Allenby Park, Jamieson Park and other areas of core bushland) to form a buffer.</i></li> <li>• <i>Minimise loss of bushland for asset protection zones by siting new development in lower bushfire hazard areas.</i></li> <li>• <i>Where appropriate, negotiate biodiversity offsets to ameliorate the effects of direct and indirect adverse impacts of development on bushland.</i></li> <li>• <i>Investigate the use of biodiversity offset schemes such as environmental contributions, biobanking and biocertification of an environmental planning instrument to prevent loss of highly significant ecological sites through development.</i></li> </ul>	
Warringah Council Policy  Protection of Waterways and Riparian Lands	<p><b>3.1 Protection of Waterway and Riparian Land</b></p> <p><i>a) Natural ecological processes of waterways and riparian land shall be maintained and enhanced to the greatest extent possible by:</i></p> <ul style="list-style-type: none"> <li>• <i>causing no net loss to biodiversity;</i></li> <li>• <i>supporting natural flow regimes;</i></li> <li>• <i>minimising bank erosion and promoting naturalistic bank protection works when stabilisation is necessary (i.e. soft engineering outcomes);</i></li> <li>• <i>preventing alteration of watercourses (includes piping, channelling, relocation or removal);</i></li> <li>• <i>improving plant communities through natural area restoration;</i></li> <li>• <i>maintaining natural floodplains where appropriate</i></li> </ul> <p><i>b) Bushfire asset protection zones shall be maintained outside of riparian land.</i></p>	<p>The proposal requires the removal of remnant flora including canopy trees and understory vegetation within and adjacent to riparian lands.</p> <p>The proposal is likely to lead to degradation of downstream environments due to stormwater quality and quantity impacts.</p> <p>The proposed development is considered to not comply with Council's policy.</p>
Warringah Council Policy  Water Management Policy	<p><i>This policy aims to protect and improve the health of Warringah's waterways through the appropriate planning, design and operation of stormwater treatments measures for urban development. The outcomes Council seeks include:</i></p> <ol style="list-style-type: none"> <li><i>The integration of water sensitive urban design measures in new developments to address stormwater and floodplain management issues</i></li> <li><i>Improve the quality of stormwater from urban development</i></li> </ol>	<p>The water quality objectives for the proposed development do not comply with the requirements of the Policy.</p> <p>As such the proposal is likely to lead to degradation of downstream environments due to impacts associated with stormwater quality</p>



Plans/Strategy/ Study	Value / Control	Council Response
	<p>iii. <i>Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle</i></p> <p>iv. <i>Preserve, restore and enhance riparian corridors as natural systems</i></p>	and quantity.

### A3.8 Warringah Local Environment Plan 2011

In relation to the proposed E3 – Environmental Management zoning for the Conservation Areas (biobank / offsets), Council's NECC section recommends that E2 – Environmental Conservation is the most appropriate zoning due to the following:

- The 109.35 hectare offset (excluding APZ's) is intended as a conservation outcome to balance the impact on flora and fauna associated with the proposed development area.
- The offset area is proposed to become a biobank site where the primary use is conservation.
- The application, objectives and permitted uses of the proposed conservation areas are most consistent with the E2 – Environmental Conservation zoning as described in the former Department of Planning LEP practice note (PN 09–002, April 2009) in relation E2 Zones. Applicable examples in the practice note include biobank sites, land with very high conservation values, land with significant wildlife or land containing EEC's.
- The attributes of an E2 zoning over the conservation area more accurately reflects the criteria identified in the Department of Planning and Environment's (2015) publication *Final Recommendations Report – Northern Council's E Zone Review*. The ecological significance of the site is demonstrated by the technical studies submitted with the Planning Proposal.
- The E3 zone objectives and permissible land uses are deemed incompatible with the objective of offsetting and conservation. For example, permissible development types include extensive agriculture, dwelling houses and bed and breakfast accommodation.

The application of the E2 zoning may need to exclude the APZ's given the intended purpose of these areas would likely require intensive clearing and ongoing management.

### A3.9 Warringah Development Control Plan 2011 (WDCP 2011)

Based on relevant ecological studies submitted with the Planning Proposal, it is anticipated that future application of WDCP 2011 to the site would include the following relevant sections from Part E – the Natural Environment

- E1 Private Property Tree Management
- E2 Prescribed Vegetation
- E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat – including DCP mapping
- E4 Wildlife Corridors – including DCP mapping
- E5 Native Vegetation - including DCP mapping
- E6 Retaining unique environmental features
- E8 Waterways and Riparian Lands - including DCP mapping

#### **A3.10 Conclusion**

Council's Natural Environment and Climate Change – Biodiversity section does not support the Planning Proposal due to the large scale of direct and potential indirect impacts upon biodiversity, including the likelihood of significant impacts on local populations of threatened species.

## Attachment 4 – Council’s Internal Referral Responses

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Environmental Health 14 June 2017	<p>Prior to development approval, Environmental Health recommends:</p> <ul style="list-style-type: none"> <li>Written confirmation by Sydney water to ensure that connection to Sydney Water sewer mains is eligible (received – see Sydney Water referral response dated 21 August 2017).</li> <li>Further contamination site testing and sampling to ensure the suitability of the site for it proposed use.</li> <li>An assessment of noise, water and air pollution to ensure an offense is not created as detailed under the <i>Protection of the Environment Operations Act 1997</i></li> </ul>	<p>Prior to DA approval:</p> <ul style="list-style-type: none"> <li>Further contamination site testing and sampling to ensure the suitability of the site for it proposed use.</li> <li>Assessment of noise, water and air pollution impacts as part of the DA.</li> </ul>
Parks Management 22 June 2017	<ul style="list-style-type: none"> <li>The indicative subdivision plan appears to have taken on board the comments provided previously by Parks Management in response to the 2013 proposal by: <ul style="list-style-type: none"> <li>Providing a consolidated recreational space that is more beneficial than a number of smaller pocket parks scattered across the area.</li> <li>Ensuring that path connections are provided to existing National Parks trail heads</li> </ul> </li> <li>Developer contributions generated from the development should be identified and contributed towards developing sports infrastructure in the areas adjacent to the proposed development to appropriately handle the anticipated increase in usage.</li> </ul>	<ul style="list-style-type: none"> <li>Securing additional funding for sporting infrastructure, as Council’s S94A Plan 2017 is unlikely to provide adequate funds.</li> </ul>
Urban Design 10 July 2017	<ul style="list-style-type: none"> <li>The proposal could benefit from a more centrally located public park in the location of the proposed ‘Neighbourhood Safer Place’ as indicated in the Bushfire Protection Assessment (page33). This might also further improve the protection measures proposed to mitigate potential bushfire risk.</li> </ul>	<ul style="list-style-type: none"> <li>Locating the park in a central location such as the proposed ‘Neighbourhood Safer Place’ referred to in the Bushfire Protection Assessment.</li> </ul>
Aboriginal Heritage	<p>In response to the Aboriginal Archaeological Due Diligence Assessment (AADDA) 2012</p> <ul style="list-style-type: none"> <li>There are no registered Aboriginal sites within the study area</li> </ul>	<ul style="list-style-type: none"> <li>Refer the 2017 Aboriginal Archaeological &amp; Cultural</li> </ul>



Division & Date	Comment	Recommendations should the Planning Proposal proceed
Office 6 June 2017	<ul style="list-style-type: none"> <li>Council's records show the study area falls within a high potential zone for unrecorded sites</li> <li>The vegetation on the site makes it difficult to confirm if there are any previously unrecorded Aboriginal heritage items in the proposed development area</li> <li>The Aboriginal Archaeological Due Diligence Report (AADDR) states that the likelihood of previously unrecorded Aboriginal heritage being uncovered during the site's development is low due to the unsuitability of the terrain for extensive Aboriginal occupation</li> <li>The AHO reviewed the original report and found the recommendations fair and the information fits with the general Aboriginal heritage site modelling for the area</li> <li>If there are no suitable sandstone outcrops or any such outcrops were inspected and found to have no Aboriginal sites associated with them, then there would be no other issues</li> <li>Monitoring of vegetation clearing may be appropriate to better see rock outcrops and any potential unrecorded sites</li> <li>There is one recorded site further north outside the current proposal boundary, however that has not been relocated and further work would need to be done if this area was to be proposed for any impacts</li> </ul> <p>In response to the Aboriginal Archaeological &amp; Cultural Assessment (2017)</p> <ul style="list-style-type: none"> <li>The report's findings are consistent with previous reports and with the archaeological model for the area and consistent with what the AHO would expect for this locality.</li> <li>The Aboriginal community views had been taken into consideration.</li> </ul>	Assessment (2017) to OEH for comment.
Waste Services 20 July 2017	<ul style="list-style-type: none"> <li>If the proposal proceeds, Waste would review and comment on plans for road access, width, infrastructure going onto the road and side walk (nature strip) to ensure they are suitable for waste collection vehicles.</li> </ul>	It is noted the Revised Transport, Traffic and Assessment Report (Transport and Traffic Planning Associates - September 2017) states the subdivision roads will facilitate the movements of service vehicles and particularly garbage removal. This would be reviewed at the DA stage.

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Land Release 20 June 2017	<ul style="list-style-type: none"> <li>Placing APZ in the E3 and RE1 zones, rather than within the R2 zone, will raise uncertainty and risk with an unreasonable burden for the land managers (likely Northern Beaches Council and MLALC)</li> <li>The proposed minimum lot size of 600m<sup>2</sup> within the R2 zone will result in total removal of tree canopy/vegetation on the proposed R2 zone land and will not deliver residential lots in a bushland setting as anticipated by the Proponent. The issue with applying a minimum lot size to fit in with the adjoining areas that were developed in the 1970s is that these developments did not factor in bushfire and native vegetation considerations.</li> <li>Increasing the minimum lot size to 800-1000m<sup>2</sup> (in lieu of 600m<sup>2</sup>) is more consistent with the objectives (i) posed by the Proponent; in particular the points 3 to 7 inclusive in the Executive Summary of the Proponent's Supplementary Planning Report, and (ii) the 3<sup>rd</sup> objective of the R2 zone "To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah".</li> <li>The park is sited well away from the majority of residents, with frontage to only 4 residential lots thereby passive surveillance is strictly limited and under-utilised. It appears to be so located to facilitate the APZ (or potentially water management) for those residential lots thereby the burden is then placed on NBC to maintain the park/APZ. This burden is not, from an equity perspective, in the public interest and is unreasonable. The masterplan design does not incorporate New Urbanism principles of ensuring that public spaces are well connected and accessible to the majority of residents.</li> <li>Uncertainty on what is actually on the "Existing Corridor" and whether the proposed R2 zone and minimum lot size of 600m<sup>2</sup> at this location affords sufficient transition for whatever the corridor entails</li> <li>Concern with the likely impact of proposed Lot 1 on the Duffy's Forest community, in terms of the community being wholly contained in the reserve lot or is there a need to provide more transition to proposed residential allotment. In the least, if the minimum lot size is to remain at 600m<sup>2</sup> for the majority of the proposed R2 zone, the minimum lot size must be varied at this very location. The lot size at this very location must ensure that the lots incorporate any APZ necessary and provide the transition to the Duffys Forest community.</li> <li>Question the appropriateness of the E3 zone given the landuses permitted in this zone may be incompatible with the credit offset that must be achieved.</li> <li>The masterplan has not identified any location for any water management facility (s).</li> </ul>	<ul style="list-style-type: none"> <li>Increasing the minimum lot size to prevent total removal of tree canopy on the proposed R2 zoned land</li> <li>Placing the APZ in the R2 zone, rather than the E3 and RE1 zones, to reduce uncertainty, risks and unreasonable burdens for land managers (likely Northern Beaches Council and MLALC)</li> <li>Amendments to the zoning map to clarify the use of the 'existing corridor'</li> <li>Increasing the minimum lot size for Lot 1 to incorporate any APZ necessary and provide the transition to the Duffys Forest community</li> <li>Clarifying the location and details of any water management facilities</li> <li>Confirming with Sydney Water that sufficient capacity is available to service these allotments for water for firefighting purposes, to ensure sufficient area (s) designated on masterplan (an may require to be</li> </ul>

Division & Date	Comment	Recommendations should the Planning Proposal proceed
	<ul style="list-style-type: none"> <li>Ensure that the utility services, particular Sydney Water, have confirmed there is sufficient capacity to service these allotments in particular water for firefighting purposes. In the event that service augmentation is required, these need to be identified to ensure there is sufficient area(s) designated on the masterplan (and may require such to be proposed SP2).</li> </ul> <p>VPA</p> <ul style="list-style-type: none"> <li>The items listed in Schedule 1 of the exhibited Draft VPA are generally infrastructure items that can be required by direct provision as the residential development deems it a necessary and essential part of that development eg. all traffic treatment and road upgrade/new road construction including footpaths, water management facilities, the APZ and its management.</li> <li>Additionally, those items associated with the conservation of ecology and Aboriginal services are likely requirements for the 'still to be confirmed' Biocertification Strategy.</li> <li>Caution the use of the E3 zone for the 119 ha of offset land without benefit of reviewing the Biocertification Strategy and OEH's approval given the permitted landuses under the E3 zone; and should generally be provided outside the VPA. In the same schedule for example, public access is proposed to this offset land – How? Given the relatively small scale of this masterplan (in terms of residential lots to be created and area or proposed R2 zone), it is difficult to agree that the broader community will gain public benefit; rather the benefit is significantly weighted to the Proponent to develop part of their land.</li> <li>The utility of the proposed park and the identified upgrades to existing park/community facilities are questionable.</li> <li>Affordable housing provision is a clear omission from this list inconsistent with Council's recently adopted policy.</li> </ul>	<ul style="list-style-type: none"> <li>proposed Sp2)</li> <li>Using the Biocertification Strategy to determine the appropriate zoning for the 119ha offset land (currently E3)</li> </ul>
Traffic 2 August 2017	<p>Traffic Treatment – Ralston Ave / Forest Way</p> <ul style="list-style-type: none"> <li>Some recent developments may increase the traffic volume in the area and Forest Way, but may not have direct impact on the intersections of Ralston Ave / Forest Way and Wyatt Ave / Forest Way.</li> <li>Referring to the traffic report provided by the applicant in 2012, the traffic modelling on the intersection of Forest Way / Wyatt Avenue indicates the level of service of 'F' and 'E' for the right turns in and out of Wyatt Avenue in peak hours respectively, both in existing and existing + development situation. Due to this intersection being congested in peak hours and considering</li> </ul>	<ul style="list-style-type: none"> <li>The provision of a signalised intersection at Ralston Avenue / Forest Way subject to RMS approval.</li> </ul>



Division & Date	Comment	Recommendations should the Planning Proposal proceed
	<p>the additional traffic generation from the new proposed developments, when distributing the additional movements in the modelling, it should be considered that vehicles tend to use the faster route and may use intersection of Ralston Avenue / Forest Way as an alternative route, which means increase in traffic volume at this intersection.</p> <ul style="list-style-type: none"> <li>The 5-year crash database from Roads and Maritime Services indicates that there have been 7 relevant crashed at the intersection of Ralston Ave / Forest Way including 5 serious injuries and 2 moderate injuries. This indicates a safety issue at the intersection which is mainly related to the turns in and out of a minor road to a major road with the speed limit of 70km/hr. The intensification in traffic movements at this intersection would increase the safety risk.</li> <li>In accordance with the traffic report provided by the Proponent, the proposed seagull treatment at the intersection of Forest Way / Ralston Ave would alleviate the traffic condition at the intersection, however in view of the above, it is desirable to alter the intersection to a signalised intersection, should it meet the RMS warrants for traffic signal design.</li> <li>The traffic treatment at Ralston Ave / Forest Way is under care and responsibility of the RMS, and is subject to their consideration.</li> </ul>	
<p>Transport and Civil Infrastructure 21 June 2017</p>	<p>Recommend further public benefits to be considered in the VPA, namely:</p> <ul style="list-style-type: none"> <li>Connected footpaths throughout the development, including connections: <ul style="list-style-type: none"> <li>towards Glenrose Shops – e.g. Elm Avenue – Ralston to Calool Cr</li> <li>towards Wyatt Ave Reserve - Wyatt Ave and Ralston Avenue</li> </ul> </li> <li>Traffic calming measures – roundabouts at development intersections and key intersections Wyatt Ave / Contentin Rd; Ralston Ave / Elm Street and Contentin Rd / Ralston Ave</li> <li>Shared paths along Ralston Ave, Wyatt Ave and Contentin Rd connecting the proposed land to the schools and Forest Way.</li> <li>Provision for bus shelters on collector route – with property setback to allow adequate provision/space for pedestrians</li> <li>Shared path connections to bike tracks or on road facility – subject to Bike Plan review</li> <li>Kerb and gutter and drainage construction of the unformed section of Wyatt Ave, west of Contentin Ave</li> <li>Bridle trail formalisation Wyatt Avenue – west from Contentin Ave</li> </ul>	<ul style="list-style-type: none"> <li>Traffic and transport infrastructure improvements</li> </ul>

Division & Date	Comment	Recommendations should the Planning Proposal proceed
Development Engineering 12 July 2017	<ul style="list-style-type: none"> <li>A community title development is required to ensure ongoing management of all water quality control facilities are undertaken by a community association</li> </ul>	<ul style="list-style-type: none"> <li>Subdivision subject to the establishment of a community title arrangement</li> </ul>
Development Assessment Team 3 October 2017	<ul style="list-style-type: none"> <li>The DA team has raised concerns previously with respect of the proposed lot size, ad-hoc rezoning of 'deferred land', and the isolation of the area relative to nearest services.</li> <li>With reference to the VPA submitted as part of the PP, the DA Team wish to make it clear that most of the items offered under the VPA are subdivision requirements that would be required, or imposed by condition, at the time of a subdivision approval. These items appear to offer little in the way of public benefit beyond those required as part of subdivision works or the future development of the land.</li> <li>Should the Planning Proposal proceed to the amendment or making of the Local Environmental Plan, the Proponent should ensure that it liaises with council at the time of subdivision design via a pre- lodgement meeting to ensure that all issues are given appropriate consideration and attention prior to lodging a DA.</li> </ul>	<ul style="list-style-type: none"> <li>Pre-lodgement meeting prior to submission of the subdivision application</li> </ul>

## Attachment 5 – Voluntary Planning Agreement Feedback and Response

### A5.1 Feedback and Assessment of draft VPA

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
Biodiversity Certification	21 - Implementation of a Bio-Certification agreement for the ongoing preservation on the Offset land area (approximately 119 ha).	<ul style="list-style-type: none"> <li>- Should be separate to the VPA as directed by the OEH</li> <li>- Biodiversity Certification should be exhibited with Planning Proposal</li> <li>- Should be acquired by the Government and allocated to National Park</li> <li>- E3 zoning not compatible with offset objectives</li> </ul>	<p>OEH have advised a VPA cannot require the Proponent to biocertify the land as it is contrary to administrative law. Council has previously advised the Proponent of the above advice.</p> <p>OEH has not been consulted about management arrangements for this land.</p> <p><b>Determination – Cannot be included in the VPA as advised by OEH. It is not a public benefit as it is required to offset the impacts of the proposal.</b></p>
Community facilities	15 - \$100,000 Contribution to Council for Local Community facility	<ul style="list-style-type: none"> <li>- Inappropriate to offer cash incentive to local planning authority</li> <li>- Concern existing public amenities are not geared to cope</li> <li>- Insufficient infrastructure to support development (e.g. sports fields and schools)</li> </ul>	<p>This amount is insufficient for the provision of community facilities. Council's S94A Plan 2017 would not capture adequate funds as it caters for 'infill' development within established urban areas (i.e. not land release areas requiring new and additional infrastructure). If the proposal proceeds in the absence of a VPA, Council may require a site-specific development contribution plan to provide adequate infrastructure (including sporting infrastructure) for the increase in population.</p> <p><b>Determination – Insufficient to support the increase in population. Additional contributions required to adequately fund community infrastructure</b></p>
MLALC Services and Land	16 - Waratah Park - Engagement of MLALC Ecological and	<ul style="list-style-type: none"> <li>- Could be funded by means other than destroying the environment</li> <li>- No costings or details</li> </ul>	<p>16 - Further information is required regarding funding sources, job description and policy objectives.</p> <p>17 - Further information is required regarding funding sources, description</p>



Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
Management	Cultural Heritage Officer for 5 years 17 - MLALC Waratah Park – facilities upgrades 18 - MLALC Aboriginal services (housing, employment, training, health, youth) 19 - Establishment of Aboriginal Youth Foundation	<ul style="list-style-type: none"> <li>- Services and Facilities for MLALC should be funded by profits</li> <li>- Amount proposed is minuscule in relation to proposed profits</li> <li>- Should be supplemented by investments in Belrose community</li> <li>- No evidence of Aboriginal Community support</li> </ul>	<p>of the works, value of the works, maintenance costs and policy objectives. Questionable public benefit to fund MLALC managing their own land.</p> <p>18 &amp; 19 - Further information required specifying how the funds apply to residents of the Northern Beaches Council who identify themselves as being First People of Australia, the amount of funding, the duration of the funding, details about the services to be provided and policy objectives.</p> <p><b>Determination – Insufficient detail to determine public benefits of the proposed Aboriginal services and MLALC land management proposals. Funding for these services could be provided by the Proponent outside a VPA process.</b></p>
Ongoing Mgmt Requirements	13 - Design and construct water management facilities, including ongoing maintenance 20 - Bush Fire APZ Management contract	<ul style="list-style-type: none"> <li>- No clarity on community title arrangements</li> <li>- Water Mgmt Facilities not identified in the concept plan</li> <li>- Should be managed in perpetuity by owner or funding allocated to Council</li> <li>- Infrastructure in community title development is not a public benefit</li> </ul>	<p>13 - Subdivision requirement that would be required, or imposed by condition, at the time of a subdivision approval. Council would require a community title arrangement to ensure ongoing management of all water quality control features by a community association.</p> <p>20 - The use of a Fuel Management Plan to manage the APZs and Strategic Fire Asset Zone (SFAZ) is not common and is only in existence due to the peculiar ownership and funding arrangement of the APZ and the high bushfire risk that the site is burdened with. Planning proposal applications should stand alone and not require such documentation to be attached.</p> <p>20 - The management of the APZs, including the SFAZ, will need to be provided in perpetuity and should be made legally binding through easements or community title arrangements.</p> <p><b>Determination – Would mainly benefit the future occupants rather than the wider community and could alternatively be provided as conditions of consent.</b></p>

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
Park	<p>9 - Dedication of land for 3,000 m2 for public park and valley view lookout.</p> <p>10 - Construction of new 3,000 m2 public park, and maintenance for 2 years.</p> <p>11 - Public outdoor gymnasium equipment supply and installation of 15 items.</p>	<ul style="list-style-type: none"> <li>- Less formal viewing open areas already exist and don't need to drive there</li> <li>- Park located to mitigate fire risk, unlikely to be used by general public as Belrose already well supplied</li> <li>- Concern over cost to Council after 2 years</li> <li>- Request for swings in the park</li> <li>- Gyms have no resistance and are tokenistic</li> </ul>	<p>9 &amp; 10 - The park is sited well away from the majority of residents, with frontage to only 4 residential lots thereby passive surveillance is strictly limited and under-utilised. It appears to be so located to facilitate the APZ (or potentially water management) for those residential lots thereby the burden is then placed on Council to maintain the park/APZ. This burden is not, from an equity perspective, in the public interest and is unreasonable. The masterplan design does not incorporate New Urbanism principles of ensuring that public spaces are well connected and accessible to the majority of residents.</p> <p>11 - 15 pieces is an oversupply for the Belrose catchment. 4 -5 pieces would be sufficient. These should be located at intervals around the Nature Run to provide a fitness track if these proceeds.</p> <p><b>Determination – The location of the park is unsuitable for passive surveillance and the park would place an unreasonable maintenance burden to Council due to APZ management requirements.</b></p>
Recreational Infrastructure	<p>7 - Upgrade walking trails/paths to National Park (approx. 1.5 km).</p> <p>8 - Public access to New Warringah Aboriginal Nature Reserve including insurance &amp; signage costs.</p> <p>12 - Design and construct new Belrose Nature Run</p>	<ul style="list-style-type: none"> <li>- Not enough detail on Aboriginal Nature Reserve</li> <li>- Will adversely impact bushland</li> <li>- Will create more damage from bikes</li> <li>- Already enough nature trails in surrounding valley</li> <li>- Poor substitute for recreation compared with the benefits of protecting the natural landscape</li> <li>- The VPA should confirm mountain biking as a proposed use if intended (x1).</li> </ul>	<p>7 &amp; 8 - NPWS does not want additional access to the National Park due to fire, pest, illegal activities and other management considerations (including increased domestic pets entering the NP and impacts on wildlife). NPWS are concerned of the proposal to formalise and utilise the current proliferation of illegal mountain bike (MTB) tracks in the area for MTB riding, walking and access to Garigal National Park as illegal tracks have been established without planning and authorisation and have associated significant erosion issues and impacts on threatened species. As consultation has not occurred and these issues have not been addressed, NPWS advises it does not support the proposal and recommends it not progress. OEH strongly recommends consultation with NPWS before further consideration of this proposal.</p> <p>12 – The Belrose Nature Run has the potential for environmental</p>

Public Benefit Category	Public Benefit Proposal and Schedule #	Relevant Community Comments	Council & Public Agency Comment
	(3km running track)	<ul style="list-style-type: none"> <li>- Motorised trail bikes should be prohibited particularly in any shared path proposal due to noise and safety concerns (x1)</li> </ul>	<p>disturbance due to its proposed location within the offset lands.</p> <p><b>Determination –NPWS does not support the proposed increased access to Garigal National Park as consultation has not occurred and the associated impacts have not been addressed.</b></p> <p>Most of the proposed traffic and transport infrastructure would be required as a condition of consent.</p> <p>Council's Traffic division have suggested several improvements in Attachment 4 – Council's Internal Referral Responses. RMS and TfNSW have also outlined requirements shown in Attachment 4 – Council's Internal Referral Responses.</p> <p><b>Determination – Mostly required as conditions of development consent so minimal public benefits. See suggested traffic and transport infrastructure if the proposal proceeds.</b></p>
Traffic and Transport Infrastructure	1 - New traffic treatment at Forest Way/ Ralston Ave Belrose. 2 - New public roads, internal to site (approx. 3,700m). 3 - Upgrade existing external Council road (Ralston Ave) 4 - New external Council road (Wyatt Ave) 5 - New Council footpaths external to site -approx. 6 - New internal 1m wide footpaths 14 - Provision of four new bus shelters.	<ul style="list-style-type: none"> <li>- Doesn't address the area's major transport and infrastructure problems</li> <li>- No consideration to gazetted bridle path which exists to protect horses travelling on north side of Wyatt Ave</li> <li>- Do not show adequate connections with existing roads in Wyatt Ave and Ralston Ave</li> <li>- No details of proposed pavements and widths</li> </ul>	

#### A5.2 Suggested Public Benefits

Suggested Public Benefit	Community Response	Council Response
Sports Infrastructure	<p>Support Sports fields on site or on other MLALC land (x16).</p> <p>Sports fields as bush fire buffer (x2)</p> <p>Against sports fields on site (x2)</p>	<p>Council does not recommend replacing bushland with sports fields due to adverse impacts on the natural environment which is highly valued by the community.</p> <p>Council's Parks and Recreation Team would require a contribution towards developing sports infrastructure to appropriately handle the anticipated increase in usage from the proposal. Sports infrastructure would be prioritised within developed areas near the site with access to public transport, and delivered in accordance with the Northern Beaches Sportsgrounds Strategy July 2017.</p> <p>Council would support the MLALC working with existing recreational user groups to formalise recreational access to their land as a public benefit (in addition to that proposed). This would be subject to environmental impact assessments and securing ongoing management arrangements.</p> <p>Council would not support designating this area for unleashed dog exercise as it would compromise the environment and threatened species as outlined in Council's Animal Management Policy PL370. Permitting free roaming dogs would have potential adverse impacts on native wildlife, particularly ground fauna such as lizards, wallabies and bandicoots.</p>
Recreational Access to MLALC land	<p>Allow recreational access to other MLALC lands (x20), for bushwalking, mountain biking and/or horse riding</p> <p>Provision of new mountain biking facilities (x9)</p> <p>Allow mountain bikers to maintain trails (x2)</p> <p>Restore all previous trails at Oxford Falls and Red Hill (1)</p> <p>Provide access for unleashed dog walkers (1)</p>	
Housing including Affordable Housing	<p>Support for the proposal if it contains affordable housing (4), including:</p> <ul style="list-style-type: none"> <li>- housing mix for elderly and young people (2)</li> <li>- key workers (1)</li> </ul> <p>Against affordable housing in the area (4)</p> <p>Marketing and releasing properties to local residents before</p>	<p>Council requires a 10% contribution of new housing to be dedicated to Council in accordance with the Affordable Housing Policy adopted 5 June 2017. Council may use this contribution to fund the purchase of affordable housing in a more suitable location (e.g. within a centre close to frequent public transport).</p> <p>Should the Planning Proposal proceed, Council would encourage provisions to provide a mix of housing however the site would not</p>



Suggested Public Benefit	Community Response	Council Response
	opening to the market (1)	<p>be suitable for elderly occupants due to bushfire risk.</p> <p>Council would not support any restrictions to purchasers of new properties due to insufficient public benefits. This would only benefit a few individuals and could be immediately lost upon future sale.</p> <p>Council would support most of the suggested traffic and transport improvements including night lighting and other measures for safety and crime prevention.</p> <p>However, the provision of a new road connecting to Mona Vale Road is not supported as this would result in significant environmental impacts.</p> <p>Council's Traffic division have suggested a number of improvements in Attachment 4 – Council's Internal Referral Responses. RMS and TfNSW have also outlined requirements shown in Attachment 4 – Council's Internal Referral Responses.</p>
Traffic and Transport Infrastructure	<ul style="list-style-type: none"> <li>- Footpath upgrades from Forest Way on Ralston Avenue and Wyatt Avenue (1)</li> <li>- Footpaths in Wyatt, Ralston, Calool and Elm to access Belrose Village Shops (1)</li> <li>- Traffic lights on Ralston Avenue and Forest Way (x 2)</li> <li>- Widening of Wyatt Avenue for emergency access and stormwater drainage (2)</li> <li>- Traffic calming/controlling devices especially near schools (2)</li> <li>- Keep Wyatt Avenue as a dead-end road (1)</li> <li>- Review safety of intersections Wyatt Avenue/Forest way (1) Pringle /Haigh Ave (1); Windrush/Pringle Ave (1)</li> <li>- Night lights (2)</li> <li>- New road connecting to Mona Vale Road (3)</li> </ul>	
Bus Access	<ul style="list-style-type: none"> <li>- Diverting the Forest Coachlines full time service (such as the 271 City bus) (1)</li> <li>- No bus routes (1)</li> </ul>	<p>Council supports the provision of adequately wide corridors to accommodate bus access. For the bus shelters, Council's Traffic division requires adequate property setbacks to allow space for pedestrians.</p> <p>Transport for NSW has outlined requirements for bus capable roads.</p>
Other	<ul style="list-style-type: none"> <li>- Use land for new Forest High School instead of demolishing pool and sports ground (1)</li> <li>- Schools (2)</li> <li>- Community facilities (1)</li> </ul>	<p>Council is investigating relocating the Forest High School with the Aquatic Centre.</p> <p>Council would support contributions to community facilities and</p>

Suggested Public Benefit	Community Response	Council Response
	<ul style="list-style-type: none"> <li>- Planting vegetation for native fauna and food forests for people (1)</li> <li>- Monetary contribution for Council to provide community services such as Northern Beaches Aboriginal Works programs (1)</li> </ul>	<p>services.</p> <p>The provision of schools is outside the jurisdiction of Council. However, the Proponent's Social Impact Assessment (2012) has stated consultation with the schools suggest that there is capacity to accommodate more students. Therefore, the increase of those in the 5-18 age bracket (as a result of the development) would assist in filling places in the local schools and in turn increase their viability.</p> <p>Planting vegetation for native fauna would be encouraged through Council's development assessment process and through conditions of consent.</p>
Addition to Garigal National Park	<ul style="list-style-type: none"> <li>- Should dedicate land to National Park rather than Aboriginal Nature Reserve as this would simplify management arrangements (1)</li> <li>- Council should levy rate payers to reimburse the developer for transfer of ownership</li> </ul>	<p>Council would support the dedication of land to National Park, subject to OEH concurrence and approval.</p> <p>As highlighted in OEH's submission, the reports prepared on behalf of MLALC state that it is intended that the site be biobanked, or transferred to OEH estate or co-managed by OEH and MLALC. However, OEH has not been consulted on any transfer of lands or other arrangements. The draft Voluntary Planning Agreement does not contain any proposed arrangements for biobanking or dedicating the land to national park.</p>

## Attachment 6 – Community Feedback and Response

### A5.1 Respondents and Submission Handling Process

A review of the submissions found multiple duplicate submissions. In this instance, where a single respondent submitted multiple responses, this was classified as one submission. Where two or more respondents submitted the same response, these were classified as separate submissions.

A total of 243 submissions were received. There were five (5) template (or duplicate) responses from 16 different respondents (see below table).

Template ID	Number of submissions
112	3
123	4
204	3
267	2
277	4
<b>Totals</b>	<b>5</b>

### A5.2 Location of Respondents

Most respondents (61%) were residents living close to the proposed development (Belrose, Frenchs Forest, Davidson and Oxford Falls). The next largest group were residents from the Northern Beaches Council Local Government Area, from Manly through to Clareville (26%). Other respondents included residents from across Sydney including Asquith; Chatswood; Drummoyne; Hornsby Heights; Killara; Kirrawee; Lane Cove; Mosman, St Ives, Wahroonga. One respondent was from Narrabundah in the Australian Capital Territory.



### A5.3 Interests and User Groups

Responses were from a range of interest and stakeholder groups. A large contingent were recreational users of bushland, mentioning the value they placed on walking, horse riding and mountain biking in the area. Mountain bikers comprised a large proportion of respondents (34/240 = 14%) who use trails on subject site and other MLALC lands. It is likely the number of mountain bikers

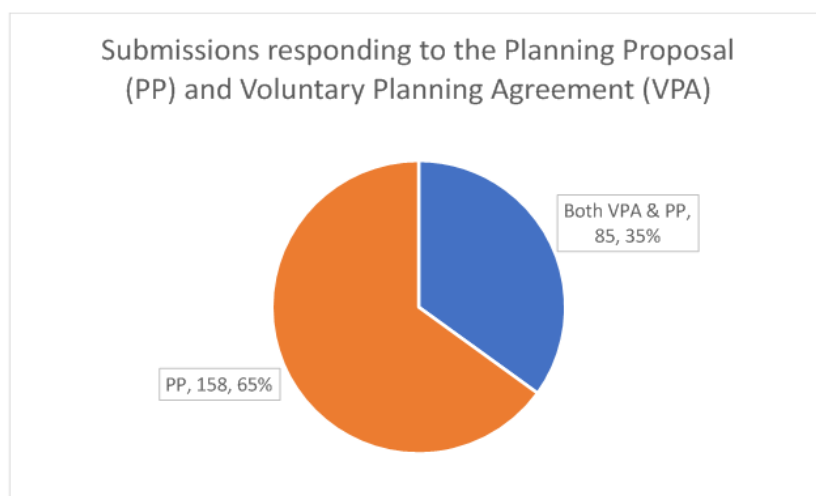
who responded was greater as many raised similar concerns without necessarily stating they were mountain bikers.

Interest groups included the following:

Mountain Biking Groups	Environmental Groups	Other
<ul style="list-style-type: none"> <li>• Sydney Mtb Riders Club</li> <li>• Oxy crew</li> <li>• Trail Care</li> <li>• Chocolate Foot</li> </ul>	<ul style="list-style-type: none"> <li>• Belrose Rural Community Association Inc</li> <li>• Pittwater Natural Heritage Association</li> <li>• Sydney Metropolitan Wildlife Rescue</li> <li>• Australian Plant Society -Northern Beaches</li> <li>• Northern Beaches Envirolink Inc.</li> <li>• Sydney Metropolitan Wildlife Service</li> <li>• Garigal Land Care</li> <li>• Friends of Narrabeen Lagoon Catchment</li> </ul>	<ul style="list-style-type: none"> <li>• Forest Lions Junior AFL Club</li> <li>• Belrose Terrey Hills Soccer Club</li> <li>• John Colet School</li> </ul>

#### A5.4 Responses to VPA and Planning Proposal

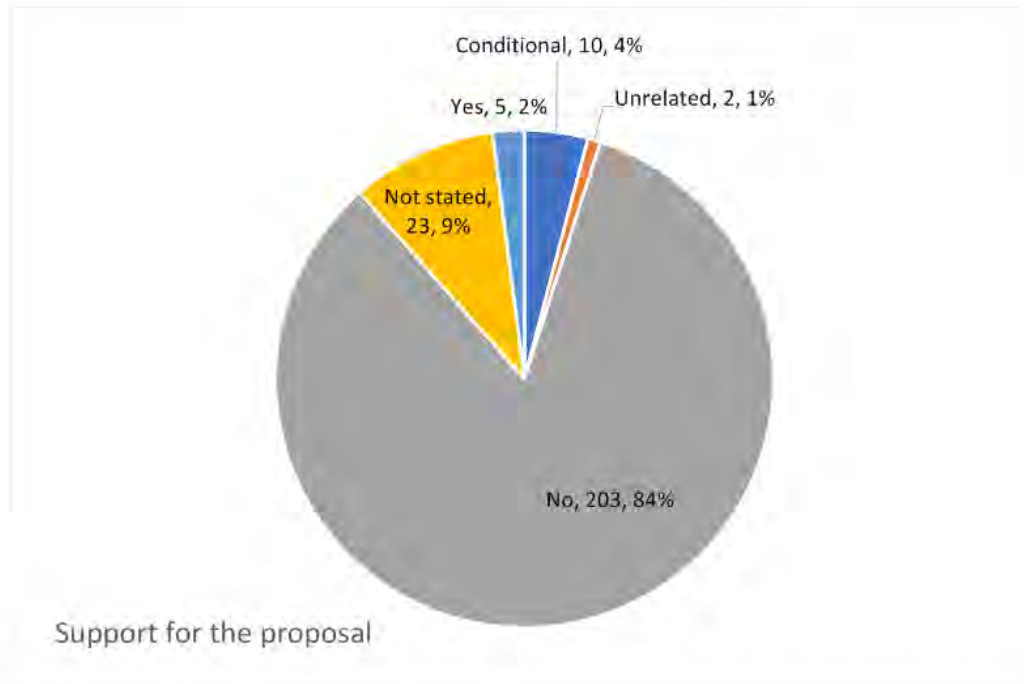
Most submissions referred only to the Planning Proposal (65%), while 35% mentioned both the Planning Proposal and VPA. Those who mentioned the VPA included those who stated that the proposed development had 'no public benefits' and those who expressed a desired outcome if the proposal were to proceed.



#### A5.5 Overall Support for the Proposal

Most respondents highlighted their objection to the proposal (84%). Some expressed support (2%) while some expressed conditions in which the proposal could be accepted (4%). The remaining responses either did not say or were unrelated.





#### A5.6 Community Feedback

The content of each submission has been reviewed and categorised into the main issues addressed by respondents.

For a summary of community feedback and Council's response, see:

- A5.7 Policy and Land Management Concerns
- A5.8 Objections to Proposal
- A5.9 Support for Proposal
- A5.1 Feedback and Assessment of draft VPA

### A5.7 Policy and Land Management Concerns

Issue	Comments	#	Council Response
Too much development in Frenchs Forest / Belrose area	<ul style="list-style-type: none"> <li>- Criticism of Government (Local and State) for planning decisions in area</li> <li>- Too much development in area already (e.g. John Colet school expansion, Belrose Supacentra, hospital roadworks).</li> <li>- No consideration of proposed future developments (e.g. Ingleside and Hospital Precincts)</li> <li>- Loss of 'Forest Feel' which makes area unique in Sydney</li> <li>- Infrastructure should be prioritised over further development (e.g. transport, schools and sports facilities)</li> </ul>	43	<ul style="list-style-type: none"> <li>- Council appreciates the value that residents and visitors place on the natural attributes of the area</li> <li>- The proposal was initiated by the Proponent and was not identified or endorsed by any Government strategic plans, unlike the Ingleside and Hospital Precincts, which have been the subject of detailed planning and community consultation, with studies into the required infrastructure to be funded through developer contributions.</li> </ul>
Recreational use of bushland	<ul style="list-style-type: none"> <li>- Recreational use of bushland is too restrictive (e.g. on land owned by MLALC and National Parks)</li> <li>- Government should encourage recreational use of bushland for educational purposes rather than to discourage it</li> <li>- Impacts from recreation are far less than any proposed housing</li> <li>- Northern Beaches is behind other parts of Australia when it comes to catering for the mountain biking population (e.g. Canberra)</li> <li>- Recreational use brings people and income from outside areas</li> </ul>	13	<ul style="list-style-type: none"> <li>- In April 2012, the former Warringah Council adopted a Mountain Biking Research and Directions study that identified the opportunity for a formalised link to Ku-ring-gai Local Government Area via the Garigal National Park. This was given low priority however due to complexities associated with multiple land owners, threatened species and Aboriginal heritage.</li> <li>- The above study acknowledged these proposals are largely out of Council's control due to there being little Council owned/managed land in the area.</li> <li>- Council understands this feedback has also been provided during the public exhibition for Council's Community Strategic Plan. This will allow the newly elected Council to consider this issue for the Northern Beaches Council area.</li> </ul>
MLALC as Land Managers	<ul style="list-style-type: none"> <li>- Uncertain of MLALC's right to develop land</li> <li>- Development of reclaimed land is contrary to original heritage claims</li> <li>- Split for profits is too favourable for developers</li> <li>- Developers will mistreat the land</li> </ul>	46	<ul style="list-style-type: none"> <li>- The proponent has clarified that land claimed under the <i>Aboriginal Land Rights Act 1983</i> is intended as compensation for past injustices and does not require a cultural association to be established. Further, the land is transferred by a freehold title</li> </ul>

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> <li>- Approval will set a precedent for MLALC to develop other lands</li> <li>- MLALC should not be treated differently to any other commercial developers</li> <li>- No evidence of support from Aboriginal community</li> <li>- Aboriginal people won't be able to afford to live in new area</li> </ul>		<ul style="list-style-type: none"> <li>- enabling the Aboriginal Land Council to decide whether to sell, redevelop and/or retain land under their ownership.</li> <li>- The Proponent submitted an Aboriginal Archaeological &amp; Cultural Assessment (Dominic Steele Consulting, November 2017) which concluded the proposal would not result in any specific cultural heritage impacts identified through consultation with registered Aboriginal Parties.</li> <li>- Council's assessment is based on strategic and site-specific merit and is not influenced by the Applicant or Developer or the beneficiaries of profit.</li> <li>- The draft VPA proposes benefits to the Aboriginal Community</li> </ul>
Recreational use of MLALC land	<ul style="list-style-type: none"> <li>- Upset with MLALC for removing established, 30-year-old, mountain biking facilities utilised by community with members from 10 to 60 years old</li> <li>- Upset with MLALC for engaging police to restrict recreational access (mountain bikers and walkers)</li> <li>- Impacts of development are greater than restricted recreational uses</li> <li>- If this goes ahead, MLALC should allow recreational access on their land</li> </ul>	30	<ul style="list-style-type: none"> <li>- MLALC land is privately owned and access is at the discretion of MLALC</li> <li>- Should the Planning Proposal proceed, Council would support increased and formalised recreational access to MLALC land as a public benefit subject to environmental assessments and consultation with OEH and NPWS.</li> </ul>

#### A5.8 Objections to Proposal

Issue	Comments	#	Council Response
Biodiversity	Flora and Fauna <ul style="list-style-type: none"> <li>- Significant irreversible loss of biodiversity and threatened species</li> <li>- Impacts on wombats believed to be in the area</li> <li>- Increased threats to wildlife (e.g. road kill and fauna predation by domestic pets)</li> <li>- Increased threats from tree poisoning for view enhancement</li> </ul>	122	<ul style="list-style-type: none"> <li>- Concerns regarding impacts on biodiversity are addressed in Council's assessment</li> <li>- The Environmental Assessment did not identify any evidence of</li> </ul>

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> <li>- Will result in poor-quality bushland which is difficult to rehabilitate</li> <li>- Vegetation management will be complicated by the spread of responsibility across multiple land managers (e.g. private landholders, community association, contractors, Council, the MLALC and NPWS)</li> <li>- Adverse impacts on adjoining National Park (e.g. noise, light pollution and recreational access)</li> <li>- Impacts from increased recreational access</li> </ul> <p>Biodiversity Certification and offset areas</p> <ul style="list-style-type: none"> <li>- Correct biodiversity certification process not followed (i.e. should be separate to VPA process and exhibited with the planning proposal)</li> <li>- Biocertification only assessed Zone E3, without an assessment of the entire site as recommended by OEH</li> <li>- E3 zoning not compatible with offset objectives</li> <li>- Offsets will allow for destruction of existing sensitive areas and protection of residual areas that would not have been impacted by development anyway</li> </ul> <p>Reports</p> <ul style="list-style-type: none"> <li>- OEH have criticised survey efforts and do not support proposal</li> <li>- Applicant's statement that the fauna can relocate is not based on any studies of suitability of habitat</li> </ul> <p>Policy</p> <ul style="list-style-type: none"> <li>- Council should prioritise bushland in accordance with state and local policies and preserve for future generations</li> <li>- Site contains natural heritage values of regional significance</li> <li>- Importance of bushland for oxygen generation, capturing carbon pollution, managing microclimates and countering the effects of global warming</li> </ul> <p>APZs and Bushfire Management</p> <ul style="list-style-type: none"> <li>- Impacts on flora and fauna from increased fire frequency</li> <li>- APZs will result in vegetation removal important to protect steep surrounding bushland slopes with erosive soils</li> <li>- Should be part of development impact not in addition to it</li> <li>- APZ sizes may need to increase due to climate change and potential for vulnerable user developments (SPPF) permitted in R2 zones (e.g. hospitals,</li> </ul>		<ul style="list-style-type: none"> <li>- wombats existing in the area</li> <li>- OEH advice pre-dated the application under consideration. However, updated OEH advice confirms they do not support the Updated Planning Proposal.</li> <li>- The proponent has clarified that perimeter fencing is proposed along the external boundary of the APZs to reduce likelihood of road kill and fauna predation by domestic pets) (Urbis, October 2017)</li> </ul>



Issue	Comments	#	Council Response
Traffic and Transport	<p>childcare and group homes)</p> <p>Existing Traffic Issues</p> <ul style="list-style-type: none"> <li>- Traffic congestion during school times and sports days</li> <li>- Traffic restricted by parked boats and trailers</li> <li>- Recent increase in traffic from additional students at the John Colet School</li> <li>- Driveways regularly blocked by cars during school times</li> <li>- Traffic on Elm Avenue impacted by late operating hours of theatre and shopping centre</li> <li>- Visibility at some intersections is poor</li> <li>- Two deaths have occurred on Ralston Avenue and many accidents</li> </ul> <p>Transport</p> <ul style="list-style-type: none"> <li>- Minimal transport exists</li> <li>- Access for buses during school drop off hours would be difficult</li> <li>- No formal agreement with Forest Coach Lines</li> <li>- No commuter parking in the area</li> </ul> <p>Reports / Proposed measures</p> <ul style="list-style-type: none"> <li>- Report out of date regarding recent and proposed developments including the Hospital Precinct, Forest Way, increased medium and low density in area e.g. Elm and Belrose Road Corridor, traffic on secondary roads</li> <li>- Proposed 'seagull treatment' not much different from the current set up</li> <li>- No details of proposed pavement widths</li> <li>- No mention of impact on Elm Ave despite being logical route for accessing shopping centres</li> </ul> <p>Policy</p> <ul style="list-style-type: none"> <li>- Inconsistent with S117 Directions Directive 3.4 as proposal will increase reliance on private vehicles and dwellings are situated over 400m and up to 1km from existing transport</li> </ul> <p>If the proposal were to proceed</p> <ul style="list-style-type: none"> <li>- Traffic lights needed</li> <li>- Additional transport required</li> <li>- Traffic calming such as speed bumps required</li> </ul> <p>Impacts</p>	103	Concerns regarding traffic and transport are addressed in Council's assessment.

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> <li>- Increase traffic congestion</li> <li>- Noise pollution from cars and buses</li> <li>- Impacts from construction period</li> <li>- Children will no longer be able to walk or play safely in streets</li> <li>- Most traffic will use Wyatt due to traffic lights</li> <li>- Will put children, horses, riders and drivers at risk</li> </ul>		
Bushfire Risk	<p>Hazardous location</p> <ul style="list-style-type: none"> <li>- Development surrounded by gullies and subjected to hot westerly winds</li> <li>- Personal accounts of 'frightening' bushfire evacuations in recent decades</li> <li>- Substation will prevent safe evacuation in event of bush fire</li> <li>- Inconsistent with s117 Direction to avoid locating residential zones in hazardous areas</li> <li>- Will result in maximum risk loadings from insurers and increased building costs</li> <li>- No provision of Neighbourhood Safer Place</li> </ul> <p>Comments regarding RFS</p> <ul style="list-style-type: none"> <li>- RFS do not support the proposal</li> <li>- Additional burden on RFS in area where existing fire management is inadequate</li> <li>- Why is Council paying a bushfire consultant rather than relying on RFS advice?</li> </ul> <p>APZ Management</p> <ul style="list-style-type: none"> <li>- APZs will be difficult to maintain in perpetuity</li> <li>- Increased hazard burns will exacerbate impacts on human health (environmental impacts discussed above)</li> </ul>	58	<ul style="list-style-type: none"> <li>- RFS advice pre-dated the application under consideration. However, updated RFS advice confirms they do not support the Updated Planning Proposal.</li> <li>- Council engaged specialist bushfire advice as Council does not have in-house expertise in this area. This advice helped inform Council's assessment of biodiversity impacts which are influenced by bushfire management processes.</li> <li>- Concerns regarding bushfire risk have been addressed in Council's assessment</li> </ul>
Loss of bushland used for recreation	<ul style="list-style-type: none"> <li>- Loss of bushland highly valued for recreation by residents and visitors to the area</li> <li>- Existing site allows for different users to coexist in harmony, e.g. mountain bikers, walkers, motorbikes and horse riders</li> <li>- Recreational use of site has occurred for many years prior to the Aboriginal Land Claim</li> <li>- Site used as a 'perfect off leash area' and 'pets love this bushland'</li> <li>- Development will hinder recreational access to bushland and National Park</li> <li>- MLALC haven't consulted with or considered impacts on existing recreational users</li> <li>- Bushland should be retained to combat obesity and accommodate increase in</li> </ul>	52	<ul style="list-style-type: none"> <li>- Council appreciates the bushland is highly valued by residents and visitors to the area. However, there is no entitlement for the public to access land privately owned by the Metropolitan Aboriginal Land Council</li> <li>- Off-leash dog walking is hazardous to native wildlife and is only permitted in a few select</li> </ul>

Issue	Comments	#	Council Response
	<ul style="list-style-type: none"> <li>population from Hospital</li> <li>Loss of limited, useable, safe recreational horse riding areas with increased shared use making it hard for horse riders to share safely</li> </ul>		<p>areas within the Northern Beaches.</p> <ul style="list-style-type: none"> <li>As above, Council would support increased and formalised recreational access to MLALC land as a public benefit subject to environmental assessments and consultation with OEH and NPWS.</li> </ul>
Loss of Amenity	<ul style="list-style-type: none"> <li>Construction impacts on local community including noise and traffic</li> <li>Visual impacts especially in context of being a ridgeline development</li> <li>Change to character and ambience of the neighbourhood described as quiet, leafy, relaxed, peaceful, as having a 'bush feel' or 'rural nature' and as being family friendly and safe for children and the elderly</li> <li>Decrease in existing property values</li> <li>Residents have paid a high price to live in the area away from development</li> <li>Character described as becoming a rarity within the Greater Sydney Region</li> <li>Impact on the quality of living and on some people's retirement plans</li> <li>Will drive out existing community who moved there for quietness</li> <li>Loss of amenity for surrounding properties should not be an inevitable outcome</li> <li>Park will attract visitors who may not value the peace and tranquillity of area</li> <li>Concern that affordable housing will attract undesirables</li> <li>The development would adversely affect the scenic amenity of Garigal National Park.</li> </ul>	46	<ul style="list-style-type: none"> <li>Impacts on amenity is a consideration in the strategic merit assessment discussed in Council's report</li> <li>There is currently no proposal to locate affordable housing on the site</li> </ul>
Alternate use of site	<ul style="list-style-type: none"> <li>Should be permanently protected for future generations</li> <li>Land should be handed back to the Crown</li> <li>Government should compensate MLALC for ongoing protection of the land</li> <li>Use land for new Forest High School instead of demolishing pool and sports ground</li> <li>Should be zoned E3 as per Strategic Land Review</li> <li>Use for sporting and recreational facilities</li> </ul>	43	<ul style="list-style-type: none"> <li>Council would support the rezoning of the entire site as E3 as per the Strategic Land Review.</li> <li>Council is investigating relocating the Forest High School to the Aquatic Centre site to create a state of the art education and recreational precinct</li> </ul>

Issue	Comments	#	Council Response
Water Management	<ul style="list-style-type: none"> <li>- Stormwater contamination from exotic weeds, herbicide, pesticide, fertilisers, diesel, fuel, oil, chemicals and waste dumping</li> <li>- Changes to hydrology resulting from development including APZ management</li> <li>- Erosion of creek system</li> <li>- Concern over location of sewer lines and impact on bushland</li> <li>- Inconsistent with local policies including Warringah Creek Management Study Reports</li> <li>- Inadequate studies to assess the negative impacts of stormwater and residential activities on creek lines and catchments, including Middle Harbour catchment, and on habitat for threatened fauna species.</li> <li>- No studies to indicate the proposed Stormwater mitigation devices will address permanent changes to groundwater dependent fauna and vegetation communities (e.g. threatened Red-crowned Toadlet and Giant Burrowing Frog)</li> <li>- No information on how the quality and quantity of stormwater will be dealt with or monitored</li> </ul>	40	<ul style="list-style-type: none"> <li>- Clearing bushland to create sportsfields would have significant environmental impacts</li> <li>- Concerns regarding water management and impacts on biodiversity are addressed in Council's assessment</li> </ul>
Housing	<ul style="list-style-type: none"> <li>- Proposed housing is excessive, with some suggestions of a cap at 30-50 houses</li> <li>- Inconsistent with the strategic planning framework and Warringah Housing Strategy 2011 which does not recommend new development in urban bushland</li> <li>- Preference for infill development in established areas rather than development of bushland</li> <li>- R2 zoning would allow for denser developments such as boarding houses</li> <li>- E4 zoning would be more suitable</li> <li>- Unsuitable for housing due to substation and high voltage transmission lines</li> <li>- Design is insular, socially exclusive and inward looking</li> <li>- Requires a mix of housing to cater for elderly and young families</li> <li>- Doesn't accommodate for Affordable Housing</li> </ul>	24	<ul style="list-style-type: none"> <li>- Most of these statements are consistent with Council's assessment which concludes the site is not suitable for any form of residential development</li> </ul>
Aboriginal Heritage	<ul style="list-style-type: none"> <li>- Land was claimed for heritage value and is precious to Aboriginal people</li> <li>- Land contains Aboriginal sites</li> <li>- Aboriginal Heritage may be destroyed</li> </ul>	22	Concerns regarding Aboriginal Heritage are addressed in Council's assessment. The proponent's



Issue	Comments	#	Council Response
			Assessment reports have concluded that no archaeological sites have been recorded on the subject site. The site is unlikely to have attracted intensive or repeated use by people and created substantial archaeological deposits.
General Infrastructure	<ul style="list-style-type: none"> <li>- Insufficient infrastructure to support development (e.g. sports fields and schools)</li> <li>- Park located to mitigate fire risk and unlikely to be used by general public</li> <li>- Proposed infrastructure in VPA only supports the development is not a public benefit</li> <li>- Park will become a cost burden to Council</li> <li>- Not enough green space</li> <li>- All services should be underground and available at all times</li> <li>- No services exist within the walkabout 400-800m radius so applicant shouldn't be able to argue the proposal based on existing facilities</li> <li>- Design does not create social cohesion within the locality as park is located on the edge rather than being used for casual surveillance and integration amongst the community</li> <li>- No mention of CPTD principles and little attempt at providing suitable security and safety for new and existing occupants in locality, e.g. bushland and infrastructure has historic and ongoing abuse of land for anti-social behaviour</li> </ul>	15	<ul style="list-style-type: none"> <li>- Council does not support the draft VPA as the proposed park is in an unsuitable location and would place an unreasonable maintenance burden to Council due to APZ management requirements.</li> <li>- Compliance with CTPD principles would be assessed at the subdivision stage</li> </ul> <p>Should the Planning Proposal proceed, Council would:</p> <ul style="list-style-type: none"> <li>- Suggest locating the park in a central location such as the proposed 'Neighbourhood Safer Place' referred to in the Bushfire Protection Assessment.</li> <li>- Secure an appropriate development contribution to provide adequate infrastructure for the increase in population.</li> </ul>
Increased recreation access will adversely impact the	<ul style="list-style-type: none"> <li>- Increased access not supported by OEH and NPWS and no formal consultation undertaken</li> <li>- Bikes will create more damage through new tracks and jumps</li> <li>- Increase in rubbish and pollution transported into the National Park</li> </ul>	22	<ul style="list-style-type: none"> <li>- OEH advice pre-dated the application under consideration. However, updated OEH advice confirms they do not support the</li> </ul>

Issue	Comments	#	Council Response
environment	<ul style="list-style-type: none"> <li>- Shared paths don't work and there is no one to police them</li> <li>- Already sufficient access through bushland</li> </ul>		<ul style="list-style-type: none"> <li>- Updated Planning Proposal. Existing access through MLALC land is unauthorised</li> </ul>

### A5.9 Support for Proposal

Issue	Comments	Council Response
General comments in support (including comments from those who supported the proposal subject to conditions)	<ul style="list-style-type: none"> <li>- Commended MLALC's proposed use of financial benefits</li> <li>- MLALC has rights to develop their land</li> <li>- Land release preferred over high density</li> <li>- Heritage sites will be protected</li> <li>- Well planned and will be a nice place to walk around</li> <li>- John Colet School welcomes further development and more families in the area</li> <li>- Land will no longer be used as dumping area and overseen by responsible residents</li> <li>- Land currently being degraded by 4WD and trail bike users</li> <li>- Threatened species can re-establish in National Park</li> <li>- R2 and RE1 zones occupy a small percentage of total landholding</li> <li>- Would help increase population in area well served by transport, schools, hospitals and shopping centres and increase supply to address affordable housing</li> <li>- Schools, sporting clubs, service organisations, commercial enterprises will benefit from growth brought by development</li> <li>- Existing OSD system on northern side of Ralston Ave has coped with flood rain events without damaging the National Park</li> <li>- Fire Management               <ul style="list-style-type: none"> <li>o Pre-planned buffer zone will protect houses unlike other unprotected residential areas</li> <li>o Provides opportunity for cultural burning and diversity of fire to be used as exemplar of cool burn, low smoke control which could stimulate better bushland management</li> <li>o Will protect fauna species previously that have been decimated by hot fires</li> <li>o Proposes innovative and purposeful cooperation with NPWS which would create educational and research benefits that could bring credit to the region</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- The Planning Proposal includes some laudable outcomes for the Aboriginal Community, however the Planning Proposal is not the only means of achieving these outcomes.</li> <li>- An increase in housing supply can bring social and economic benefits, however not when the proposed development is inconsistent with local and state policies as is demonstrated in Council's assessment.</li> <li>- The NSW RFS has concluded the proposal is likely to result in unsustainable and problematic bush fire risk management of the landscape for the NSW RFS and future land owners</li> <li>- Hydrological impacts will likely extend downstream of the development irrespective of the installation of best practice water management facilities.</li> </ul>
Support for the proposal = 5 submissions		

Issue	Comments	Council Response
Support subject to conditions = 10 submissions	<ul style="list-style-type: none"> <li>- No untreated runoff (including surface runoff) should be accepted to protect native flora &amp; fauna</li> <li>- Detailed design of stormwater infrastructure is warranted as part of the Planning Proposal, demonstrating nil nutrient / pollutant loadings in discharged stormwater.</li> <li>- Stormwater infrastructure maintenance - should be managed in perpetuity by the owner</li> <li>- The VPA Instrument should confirm mountain biking as a proposed use as part of the shared use trails</li> <li>- Motorised trail bikes - should be prohibited particularly in any shared path proposal due to noise and safety concerns.</li> <li>- MLALC provide recreational access to their land</li> <li>- VPA to include new mountain bike facilities</li> <li>- Development should allow sports fields</li> <li>- Improvements to traffic safety especially around the school</li> <li>- Provision of housing for elderly and disabled</li> <li>- Improvements to traffic and transport infrastructure including footpaths and lighting</li> <li>- Increased frequency and access to buses</li> <li>- Marketing and release of properties for local buyers, with an initial period of exclusive access for residents</li> </ul>	<ul style="list-style-type: none"> <li>- These issues are addressed in Attachment 5 – Voluntary Planning Agreement</li> </ul>

## Attachment 2

**NORTHERN BEACHES**  
COUNCIL

[northernbeaches.nsw.gov.au](http://northernbeaches.nsw.gov.au)

### **Proposed amendments to Warringah Development Control Plan (DCP) 2011**

Parts G1 and H for the Dee Why Town Centre

January 2017

DRAFT



## Part G1 Dee Why Town Centre

### 1. Introduction

#### Applies to Land

This part applies to land zoned B4 Mixed Use under Warringah Local Environmental Plan 2011 (WLEP 2011) and known as the Dee Why Town Centre, as shown in Figure 1.

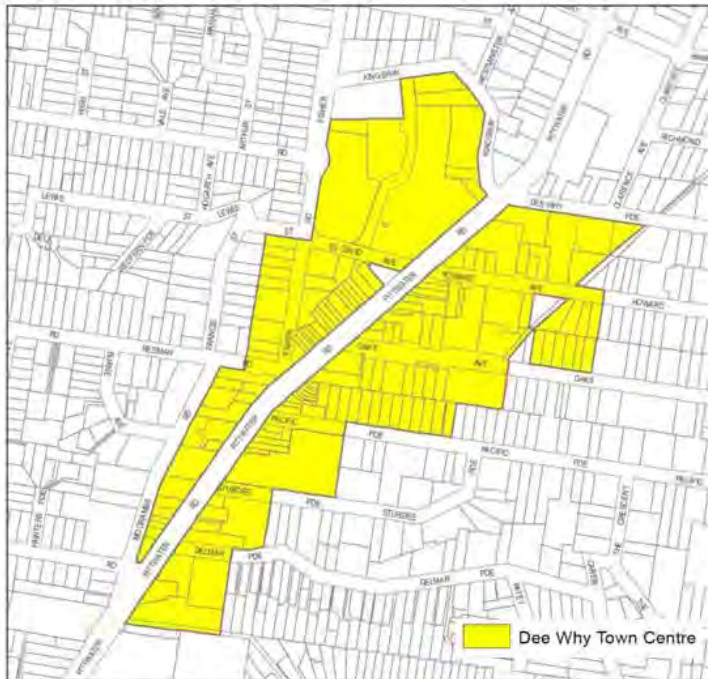


Figure 1: Dee Why Town Centre

#### Objectives

1. To deliver the Dee Why Town Centre Masterplan's (2013) aims and objectives.
2. To have development that is compatible with the desired character of the Dee Why Town Centre.
3. To deliver a sustainable and vibrant town centre, including the implementation of Water Sensitive Urban Design features.
4. To have specific guidelines for key sites within the Dee Why Town Centre.
5. To complement the provisions of WLEP 2011

#### Note:

- Part B Built Form Controls does not apply to land zoned B4 Mixed Use within the Dee Why Town Centre. All other parts of the DCP apply to the land identified within the Dee Why Town Centre.
- Part G1 Dee Why Town Centre is to be read in conjunction with WLEP 2011.
- The General Development controls within Part G1 Dee Why Town Centre apply to all land zoned B4 Mixed Use under WLEP 2011 within the Dee Why Town Centre.
- In the event of any conflict between Part G1 Dee Why Town Centre and other parts of the DCP, the provisions of Part G1 shall prevail.
- If there is an inconsistency between WDCP 2011 and the WLEP 2011, the WLEP 2011 prevails.
- Council applies the design quality principles of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Apartment Design

Guide (ADG). For buildings which incorporate podiums, it can be assumed the ADG's building separation requirements apply to the building elements above the podium, with the roof of the podium considered as the ground floor.

## **2. About the Dee Why Town Centre**

The Dee Why Town Centre is located within the Brookvale-Dee Why District Centre in the North Subregion of Sydney. Brookvale-Dee Why is unique as a combined District Centre which stretches along Pittwater Road over two suburbs. The Dee Why Town Centre provides the main residential component, together with community, supporting retail, service and commercial functions.

In 2013, Council adopted the Dee Why Town Centre Masterplan to set out the vision, desired built form and public domain improvements required to rejuvenate the Dee Why Town Centre. The Dee Why Town Centre Masterplan incorporates findings from previous studies, detailed urban design analysis and the outcomes of a comprehensive community and industry group consultation.

The Dee Why Town Centre Masterplan provides the strategic planning framework and context for this section of the DCP.

## **3. Desired character for the Dee Why Town Centre**

The Dee Why Town Centre is characterised by community, retail, commercial and residential uses. Retail and commercial uses are concentrated along Pittwater and Fisher Roads and Howard and Oaks Avenues. Community uses are primarily concentrated around the Civic Centre and Howard Avenue.

The desired character for the Dee Why Town Centre will be defined by the following principles:

- a. A consolidated centre that is identifiable and includes a defined core.
- b. A system of new and improved connected public spaces.
- c. All new developments to adopt a water sensitive urban design approach to protect the adjacent lagoon and coast.
- d. The clustering of taller buildings around the proposed Town Square (Key Site B) with an appropriate transition of height down to the edges of the Dee Why Town Centre.
- e. Tall and slim buildings which allow greater solar access and are less visually dominant to the streetscape.
- f. An attractive, vibrant and safe centre that is accessible at all times by people with all level of abilities.
- g. A sense of community and pride and inclusiveness achieved through place making and engagement.
- h. A new revitalised civic and community hub that will house government services, provide a meeting place, public parking, community facilities and supporting retail.
- i. Retention of significant views to landscape features such as the Lagoon, Long Reef headland, the coast line and Stony Range Reserve.
- j. A sustainable town centre driven by innovative design and performance.

#### **4. General development controls**

##### **Objectives**

1. To provide active street frontages within the Dee Why Town Centre.
2. To provide opportunities for future employment in the centre
3. To ensure that the location and size of development does not exceed the traffic capacity of the existing road network.
4. To retain view lines of the Long Reef landscape, the coastline and landscaped ridgeline.

##### **Requirements**

1. New development is to provide at least 2 levels (including the ground floor) for non-residential purposes. This must be designed to address the street frontage. Single entry lobbies to residential uses are permitted within the ground floor.
2. The minimum floor to ceiling heights are as follows:
  - a. Ground floor – 4.0 metres
  - b. First floor – 3.3 metres
  - c. Upper floors – 2.7 metres
3. All development applications for new buildings are to be accompanied by a detailed traffic and parking impact assessment prepared by a suitably qualified traffic consultant. The analysis shall confirm any impacts upon the road network performance.
4. The design and arrangement of buildings are to recognise and preserve significant views to the Long Reef landscape, the coastline and landscaped ridgeline.

#### **5. Building articulation and design**

##### **Objectives**

1. To create visual interest in building facades.
2. To minimise the appearance of building mass.
3. To ensure that building facades help enhance the public domain.
4. To ensure that building elements such as awnings, fenestration, roof structures and service elements are integrated into the overall building form.

##### **Requirements**

1. All buildings are to provide a modulated façade, and varying setbacks and finishes, to reduce the appearance of scale and mass, provide visual interest, provide diversity, and provide a human scale.
2. The maximum unarticulated building length above podiums is 45 metres measured across the frontage of the site (refer to Figure 2).
3. The maximum unarticulated building depth above podiums is 20 metres (refer to Figure 2).
4. All elements of the façade and roof areas shall be integrated into the architectural form and detail of the building, and present an appealing streetscape appearance.
5. Balconies and verandas may encroach upon the prescribed side and rear setbacks by up to 1 metre providing that the encroachment produces no adverse effect on the amenity (including privacy, solar access etc.).



6. For zero setback areas, balconies and over podium terraces may extend 1 metre into the setback area for the floors above the podium levels only. For all sites with front setbacks greater than 4 metres, the following building elements may project up to 1m into the minimum setback area at ground level and within the podium levels:
- Balconies or verandas that display a lightweight appearance.
  - Awnings and pergolas.
  - Stair or ramp access to ground floor dwellings or building lobbies.

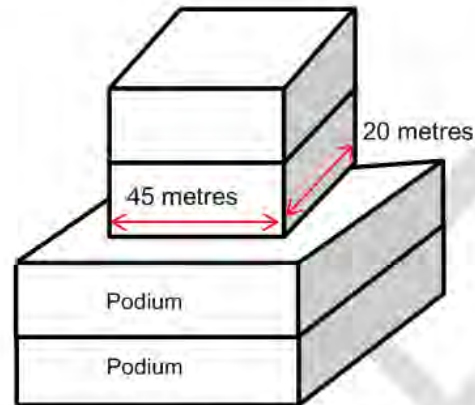


Figure 2: Explanation of building length and depth (Diagram not to Scale)

## **6. Car parking and vehicular access design**

### **Objectives**

- To minimise disruption to pedestrians and cyclists.
- To maximise the opportunities for water sensitive urban design features.
- To reduce overall building bulk and scale (particularly within podiums) by locating parking underground.
- To ensure consistent street frontage heights.

### **Requirements**

- Car parking and vehicle access points shall incorporate the following design elements:
  - Recessed car park entries from the main building facade alignment
  - Avoidance of large voids in the facade by providing security doors or decorative grills to car park entry
  - Returning the facade finishes into the car park entry recess for the extent visible from the street
  - Concealing all services, pipes and ducts.
- All driveways must be located a minimum perpendicular distance of 6 metres away from any intersection.
- Basement car parking is to be located to optimise deep soil planting.
- Basement car parking is to be designed to encourage natural ventilation and designed to consider prevailing winds through the appropriate size and siting of air vents.
- Basement car parking that protrudes above ground level must:



- a. Include water sensitive urban design features, such as landscaped terraces or landscape screening (green walls) in front of any above ground basement car parking to reduce the overall visual impact.
  - b. Have all potential water entry points set at or above the relevant Flood Planning Level.
6. Whole levels of above ground parking levels are to be laminated or sleeved with another use for a minimum depth of 10 metres, e.g. building entry lobbies, retail tenancies.

**Note:** Refer to Part H Appendices for specific car parking rates relating to the Dee Why Town Centre.

## **7. Car share**

### **Objectives**

1. To provide off-street parking opportunities for car share.
2. To reduce the reliance on private car ownership.
3. To reduce traffic impacts and pressure on street parking.
4. To support the reduction of car trips and encourage the use of sustainable transport.
5. To facilitate public use of car share vehicles.

### **Requirements**

1. A minimum of one (1) car share space is to be provided for developments with 50 or more dwellings.
2. For developments which comprise 50 or more dwellings, Council may consider car share spaces in lieu of private parking. Any request for a reduced car parking provision is to be accompanied by a Traffic and Parking Impact Assessment Report to be submitted with the development application.
3. Development Applications proposing car share spaces must be accompanied by:
  - a. Clearly marked plans identifying the location of all car share parking spaces.
  - b. Written evidence demonstrating that offers of a car share space have been made to providers together with the outcome of the offers or a letter of commitment to the service. Letters of commitment must demonstrate the operator's intentions and method of management of the car share space(s).
4. All car share spaces are to be:
  - a. Publicly accessible 24 hours a day seven days a week
  - b. Located together
  - c. Located near and with access from a public road and integrated with the streetscape through appropriate landscaping where the space is external
  - d. Clearly designated by signs as being for car share scheme use
5. Car share spaces located on private land are to be retained as common property by the Owners Corporation of the site and not to be sold or leased to an individual owner or occupier at any time.

**Note:**

**Car share** – is a self-service car rental scheme for short periods of time, typically on an hourly basis. For the purposes of this DCP 'car share' refers to commercial car share operations.

**Car share space** – means a parking space dedicated for use by a commercial car share operator.

**8. Site amalgamation****Objectives**

1. To ensure that the development potential of all sites within the Dee Why Town Centre is maximised.
2. To avoid the isolation of small sites which may result in poor built form outcomes and inability for such sites to be developed to their potential.

**Requirements**

1. Development should not result in the isolation of land adjacent to the development site, preventing the reasonable development of that land.
2. Development that would result in an isolated lot must be supported by documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated lot adjacent to the development site, based on a fair market value. This is to include at least one recent independent valuation by a licensed valuer and a written offer to cover reasonable expenses likely to be incurred by the owner of the isolated lot during the sale of the property.
3. Where amalgamation of an isolated lot adjacent to the development site is not feasible, applicants will be required to:
  - a. Demonstrate that an orderly and economic use and development of the separate sites can be achieved;
  - b. Provide a building envelope for the adjacent isolated lot, indicating height, setbacks, resultant site coverage (building and basement), sufficient to understand the relationship between the application and the adjacent isolated lot; and
  - c. Detail the likely impacts of development on the adjacent isolated lot in terms of solar access, visual privacy, building separation, streetscape and vehicular access.

**9. Corner site requirements****Objectives**

1. To ensure development on corner sites adequately addresses both street frontages.
2. To ensure development is of high architectural quality.

**Requirements**

1. Buildings that are located on corner sites must:
  - a. Be designed to add variety and interest to the street and emphasise the street hierarchy.
  - b. Present each frontage of a corner building as a main street frontage.
  - c. Combine architectural features, materials and landscape design to define corners.

**Note:** Section 9 does not apply to the Civic Centre site, which is subject to detailed controls in Section 13.

## **10. Energy and water efficiency**

### **Objectives**

1. To supplement controls contained within Part D22 Conservation of Energy and Water.
2. To ensure substantial new developments incorporate the latest practice for energy and water efficiency.
3. To establish benchmarks for building rating scheme compliance.

### **Requirements**

1. New commercial development is to achieve a minimum 5 Star Green Star - Design rating in the Green Building Council of Australia rating system.
2. Any building refurbishment for commercial office buildings with a gross floor area greater than 1,000 square metres is to achieve a minimum 3.5 Star Energy Rating with NABERS.

### **Note:**

- Green Star is a sustainability rating system by the Green Building Council of Australia. Green Star – Design, As Built, Interiors and Communities projects can achieve a Green star certification of 4 to 6 Star Green Star. The Green star rating system is:
  - 4 Green Star: Best Practice
  - 5 Green Star: Australian Excellence
  - 6 Green Star: World Leadership
- NABERS (National Australian Built Environment Rating Scheme) rates a building on the basis of its measured operational impacts on the environment based on energy, water, waste (office only) and indoor environment (office only). The NABERS Energy for offices rating measures building performance on a scale of zero to six stars. A zero-star rating means the building is performing well below average and has lots of scope for improvement. A six-star rating indicates a market leading performance, with half the greenhouse gas emissions or water use of a five-star building.

## **11. Water Sensitive Urban Design (WSUD)**

### **Objectives**

1. To integrate water sensitive urban design features in the built environment.
2. To improve stormwater quality.
3. To provide increased biodiversity, amenity and micro-climate benefits which can reduce the heat island effect.

### **Requirements**

1. A Water Sensitive Urban Design Strategy shall be prepared for all new developments. The Strategy shall demonstrate compliance with WSUD objectives of this DCP and with Council's Water Management Policy (PL 850). The Strategy must be prepared by a Civil Engineer, who has membership to the Institution of Engineers Australia (NPER-3).
2. The Strategy shall include the following:
  - a. Proposed development – Describe the proposed development at the site, including site boundaries, proposed land uses,
  - b. Catchment analysis plan – Clearly showing the surface type (roof, road, landscape, forest etc) and the total areas. This must be consistent with the land use nodes within the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Model.

- c. Water conservation – Demonstrate how the potable water conservation targets of the Water Management Policy will be met. For residential developments this may be in the form of a BASIX Certificate. Rainwater reuse is strongly recommended to be incorporated into the development which will also have a positive impact on water quality.
- d. Stormwater quality requirements – Demonstrate how Stormwater Quality Requirements of the Water Management Policy will be met, including the location, size and configuration of stormwater treatment measures proposed for the development.
- e. MUSIC model - Prepared in accordance with the draft NSW MUSIC Modelling Guidelines unless alternative modelling parameters are justified on the basis of local studies. Details of the modelling of those elements, parameters and assumptions used. All MUSIC data files must be provided to Council. Two models are required to be submitted – the existing site, and the proposed development. The modelling should demonstrate a neutral or beneficial effect over the existing scenario.
- f. Integration with the urban design – Identify how the treatment measures will integrate with the development layout and the surrounding area. Proprietary devices in isolation to WSUD features are unlikely to be approved.

## **12. Key Sites**

### **Applies to Land**

- Key Sites A & B – Town Square at Howard & Oaks Avenue
- Key Site C – 33 Oaks Avenue
- Key Site E – St David Avenue, Fisher and Pittwater Roads
- Key Site F – Corner of Pittwater Road and St David Avenue

**Note:** There are no development controls in Part G1 for Key Site D.

### **Objectives**

1. To ensure that site layout considers existing characteristics, opportunities and constraints of the site and its surrounds.
2. To create safe, well utilised and high quality public spaces that provides amenity to the community.
3. To ensure that public open space is integrated with development.
4. To improve pedestrian and vehicular connections in the Dee Why Town Centre.
5. To restrict vehicular access from arterial roads to optimise traffic flow and pedestrian safety.
6. To ensure that the significance of nearby heritage items are identified and retained.



## Requirements

### Key Sites A & B – Town Square at Howard & Oaks Avenue

1. Development must generally comply with the site layout shown in Figure 3. Alternative site layouts may be acceptable if it can be demonstrated that the design:
  - a. Provides a Town Square with frontage to Howard Avenue;
  - b. Provides for a north-south pedestrian thoroughfare from the town square at Howard Avenue to Oaks Avenue;
  - c. Provides public car parking;
  - d. Provides a new road east of Site A;
  - e. Provides community facilities; and
  - f. Respects the heritage significance of adjoining heritage items.



Figure 3: Key sites A & B

**Key Site C – 33 Oaks Avenue (Lot 1 DP 588603, Lots A & B DP 326907)**

1. Development must generally comply with one of the site layout options shown in Figures 4 and 5. Alternative site layouts may be acceptable if it can be demonstrated that the design:
  - a. Provides a new roadway to facilitate a north-south connection from Oaks Avenue to Pacific Parade;
  - b. Provides a new roadway which facilitates two-way vehicle movements;
  - c. Incorporates pedestrian verges in the roadway which have direct sight lines and are well lit;
  - d. Incorporates spaces for outdoor seating in the roadway;
  - e. Addresses both the main street frontage and new roadway;
  - f. Achieves a positive and cohesive relationship with adjacent buildings and surrounding public domain; and
  - g. Minimises the effects of overshadowing on open space or habitable rooms of adjoining development.

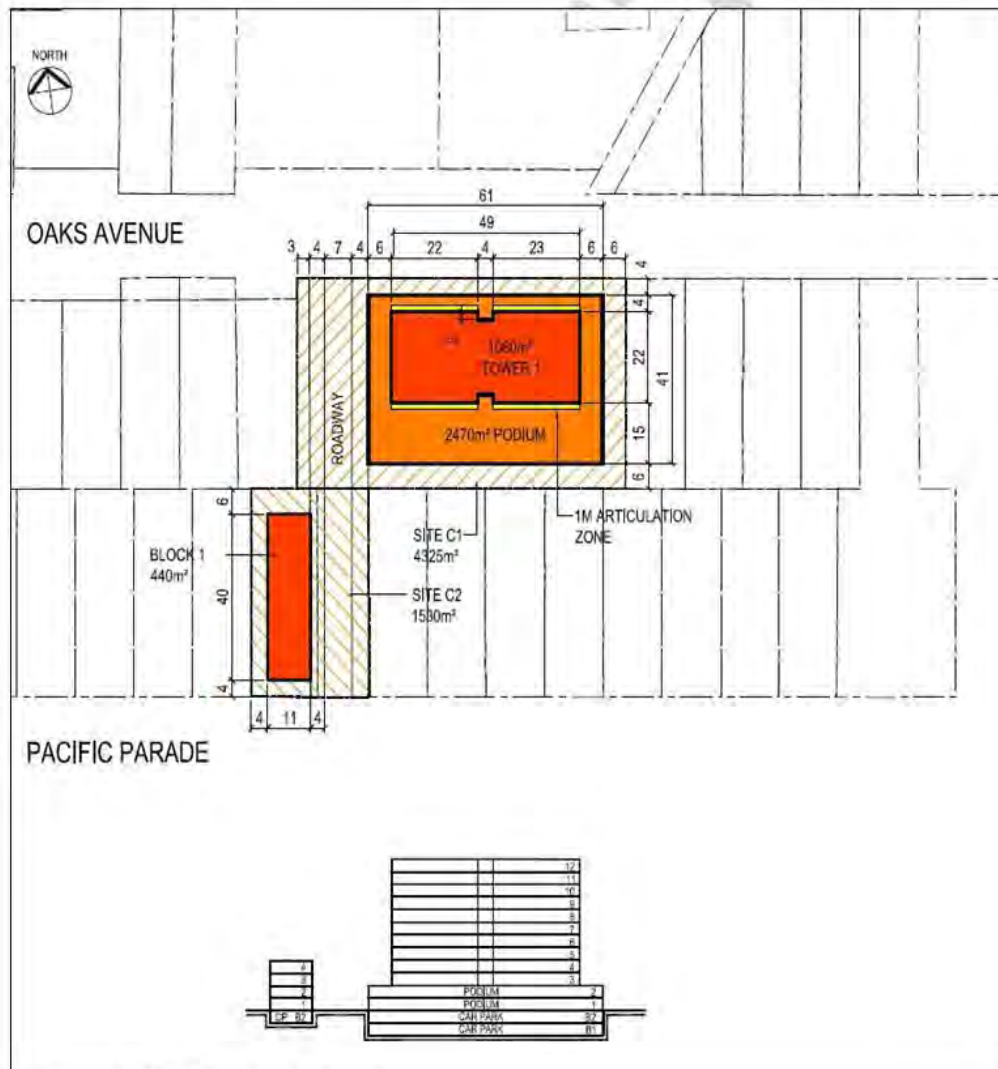


Figure 4: Key Site C – Option 1

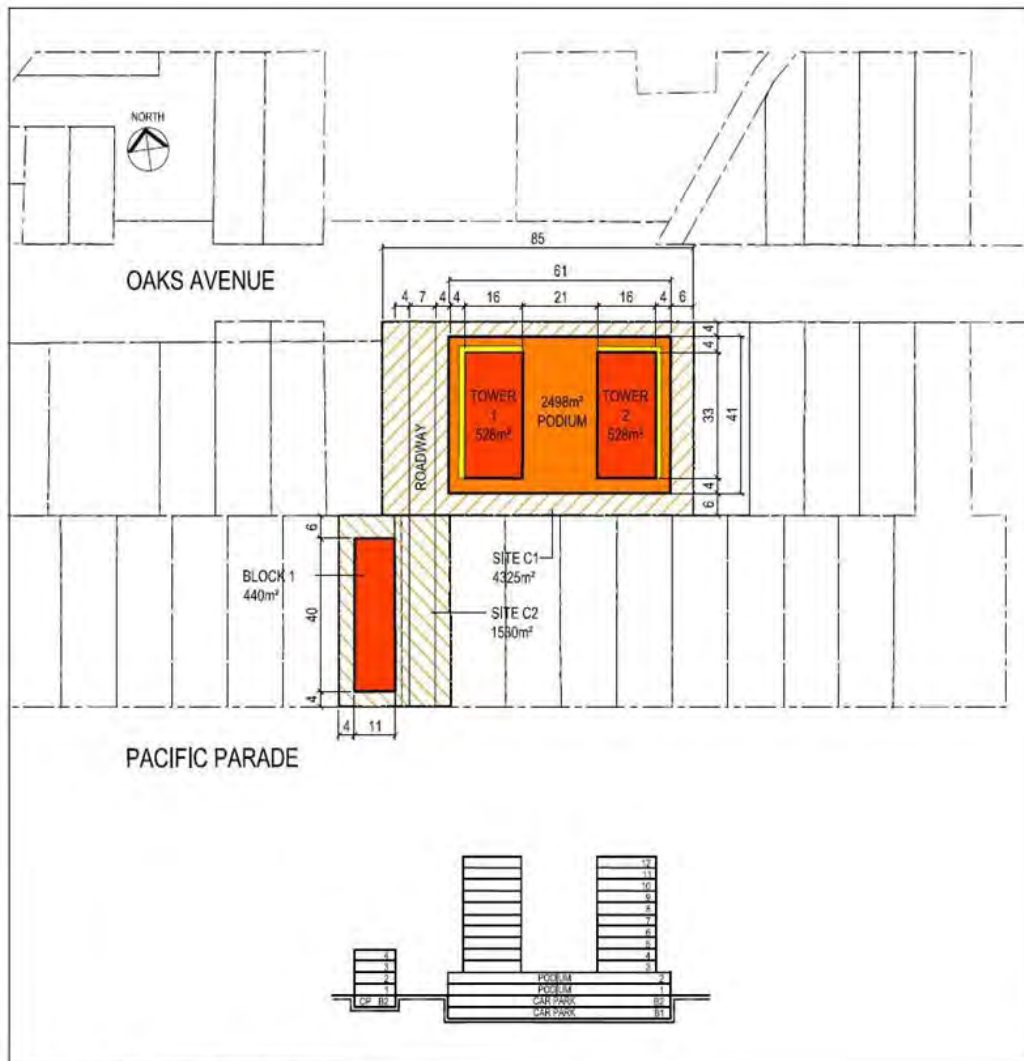


Figure 5: Key Site C - Option 2



### Key Site E – St David Avenue, Fisher and Pittwater Roads

1. Development must generally comply with one of the site layout options shown in Figures 6 and 7. Alternative site layouts may be acceptable if it can be demonstrated that the design:
  - a. Incorporates a new pedestrian link between Fisher Road and St David Avenue, and from that link to Pittwater Road, which is to be suitably landscaped. The provision for access by service and delivery vehicles should also be considered.
  - b. Addresses the street and achieves a positive and cohesive relationship with adjacent buildings, site context and surrounding public domain.
  - c. Retains and respects the heritage significance of the heritage item known as 'Commonwealth Bank' at 691 Pittwater Rd, Dee Why.



Figure 6: Site E Option 1 - Example building layout and form

**Note:** Option 1 demonstrates two tower forms (at 10 and 11 storeys) addressing Pittwater Road. The absence of podium levels allows for greater ground level circulation space and improved solar access to pedestrian areas.



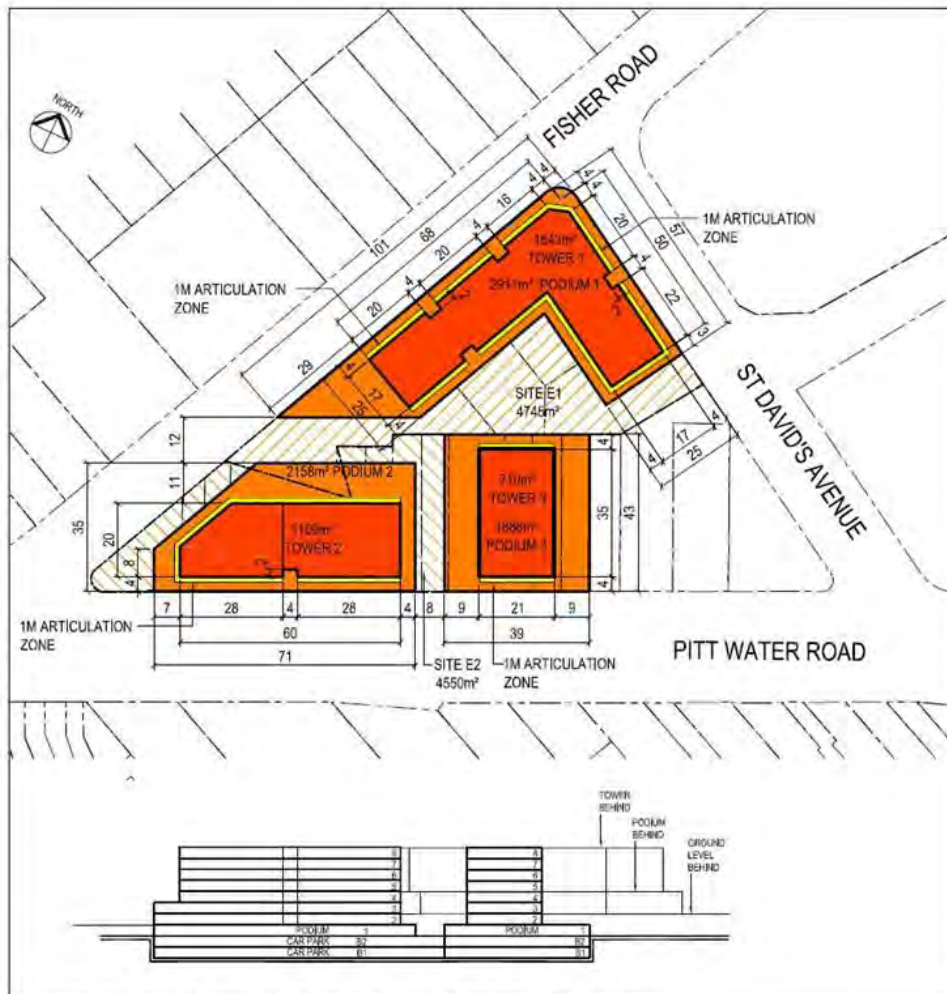


Figure 7: Site E Option 2- Example building layout and form

**Note:** Option 2 demonstrates three podium and tower forms (up to 8 storeys) whilst allowing adequate through site links.

**Key Site F – Corner of Pittwater Road and St David Avenue**

**Applies to Land**

This section applies to Lot B DP 381816, Lot 4 DP 417528, Lot 1 DP 300967, Nos. 697-701 Pittwater Road, Dee Why, as set out in Figure 8.



Figure 8: Key Site F

1. Vehicular access shall be from St David Avenue. Development should consider a right of way allowing vehicular access from St David Avenue to the adjoining lots within Site E.
2. Development shall integrate with the adjoining open space and consider opportunities to improve the amenity and functioning of the park.
3. The scale of development must be respectful of heritage items in the vicinity of the site.

### 13. Civic Centre Site

#### Applies to Land

This section applies to Lot 100, DP 1041823, 725 Pittwater Road, Dee Why, which is commonly referred to as 'Civic Centre', as set out in Figure 9.



Figure 9: Civic Centre Site

#### Objectives

1. To ensure the Civic Centre Site is developed as the main community meeting place and place of celebration.
2. To create a pedestrian environment that is comfortable, interesting and safe.
3. To ensure shops, dwellings and pedestrian areas enjoy good access to natural light.
4. To develop a public area which will function as the focus for civic activity on the Northern Beaches.
5. To develop new buildings and public facilities along the Pittwater Road and St David Avenue frontage.

#### Requirements

1. Development must generally comply with the site layout option shown in Figure 10. Alternative site layouts may be acceptable if it can be demonstrated that the design:
  - a. Maintains a minimum front building setback consisting of:
    - i. 15 metres from Pittwater Road,
    - ii. Nil from St David Avenue; and
    - iii. 6 metres from Kingsway.
  - b. Ensures that the first 3 storeys of the civic building are set back a sufficient distance from Pittwater Road to retain and enhance the existing Norfolk Pine trees and the provision of a 4 metre pedestrian footpath.



- c. Ensures that the built form above the third storey is set back at least 4 metres from the parapet line of that storey.
- d. Maintains a minimum building setback to a property boundary shared with non-Council land of 4.5 metres.
- e. Locates buildings to reduce noise nuisance from Pittwater Road to the proposed civic areas.
- f. Defines the corner of St David Avenue and Pittwater Road as a point of interest and main pedestrian access to the site.
- g. Retains and respects the heritage significance of Dee Why Public Library and retains the view corridors to and from the Library.
- h. Retains and enhances the Civic Centre landscaping including sandstone outcrops and vegetation between the existing Council administration building, the existing library and along the western side of Civic Drive.



Figure 10: Civic Centre site layout



## DCP PART H Parking

### Appendix 1 Car Parking Requirements

The proposed amendments to the parking schedule are highlighted in red text.

Note: As expressed within the requirements table below, specific parking rates apply to certain uses within the Dee Why Town Centre. The boundaries of the Dee Why Town Centre are shown in Figure 1 of Part G1 Dee Why Town Centre.

Residential	
Use	Requirement
Multi-dwelling housing, Residential flat buildings, Serviced apartments (including holiday flats), Shop-top housing (residential component)	<p>General:</p> <p>1 space per 1 bedroom dwelling</p> <p>1.2 spaces per 2 bedroom dwelling</p> <p>1.5 spaces per 3 bedroom dwelling</p> <p>1 visitor space per 5 units or part of dwellings</p> <p>Within the Dee Why Town Centre:</p> <p>0.6 spaces per 1 bedroom dwelling</p> <p>0.9 space per 2 bedroom dwelling</p> <p>1.4 spaces per 3 bedroom dwelling</p> <p>1 visitor space per 5 units or part of dwellings</p> <p>1 car share space for developments with 50 or more dwellings</p>
Office and Business	
Use	Requirement
Business premises	<p>1 space per 40 m<sup>2</sup> GFA excluding customer service/access areas, plus,</p> <p>for customer service/access areas 1 space per 16.4 m<sup>2</sup> GFA.</p>
Office premises	1 space per 40 m <sup>2</sup> GFA.

Retail and Commercial	
Use	Requirement
Shop (includes retail / business component of shop top housing, retail premises and neighbourhood shop)	<p>General:</p> <p>1 space per 16.4 m<sup>2</sup> GLFA (6.1 spaces per 100 m<sup>2</sup> GLFA).</p> <p>The above rate may be varied in shopping centre complexes, such as shopping malls, where multi-purpose trips predominate, in accordance with the following:</p> <p>for 0-10,000 m<sup>2</sup> GLFA - 6.1 spaces per 100 m<sup>2</sup> GLFA</p> <p>for 10,000-20,000 m<sup>2</sup> GLFA - 5.6 spaces per 100m<sup>2</sup> GLFA</p> <p>for 20,000-30,000 m<sup>2</sup> GLFA - 4.3 spaces per 100 m<sup>2</sup> GLFA</p> <p>for more than 30,000 m<sup>2</sup> GLFA - 4.1 spaces per 100 m<sup>2</sup> GLFA</p> <p>Within the Dee Why Town Centre:</p> <p>1 space per 23.8m<sup>2</sup> GLFA (4.2 spaces per 100 m<sup>2</sup> GLFA)</p>