

Memo

Strategic & Place Planning

To: All Councillors

From: Andrew Pigott
Executive Manager Strategic & Place Planning

Date: 12 June 2018

Subject: Rezoning Review Decision - 2 – 4 Nooal Street and 66 Bardo Road,
Newport

**Record
Number** 2018/329520

This memo provides an update in relation to the above mentioned Planning Proposal.

Councillors will recall that a Planning Proposal was submitted in September 2017, which sought to amend the Pittwater Local Environmental Plan 2014 to allow Seniors Housing as an additional permitted use under Schedule 1, for 2 & 4 Nooal Street and 66 Bardo Road Newport.

The Council considered this application at its meeting of 28 November 2017 and resolved not to forward the Planning Proposal for a Gateway Determination.

The Proponent subsequently sought a Rezoning Review via the Sydney Planning Panel.

The Sydney North Planning Panel (the Panel) considered the Review at its meeting of the 2 May 2018.

Unfortunately, the Panel did not agree with the Council's position. Serious concerns have been raised with the decision of the Panel. These concerns have been elevated to the Planning Minister (see Attachment 1).

We are awaiting a response to our correspondence and an update will be provided on receipt.

Should you require any further information about matters raised in this memo please contact my office on 9942 2710.



Andrew Pigott
Executive Manager Strategic & Place Planning



northern
beaches
council

10 May 2018

Hon. Anthony Roberts MP
Minister for Planning
GPO Box 5341
Sydney NSW 2000

Our Ref:2018/281174

Dear Minister

Decision of Sydney North Planning Panel for 2 & 4 Nooal Street and 66 Bardo Road Newport

I wish to raise serious concerns in relation to a decision of the Sydney North Planning Panel (the Panel) on 2 May 2018, in relation to the above mentioned properties. The Panel considered a rezoning review to amend Schedule 1 of Pittwater Local Environmental Plan 2014, to allow seniors housing as an additional permitted use for these sites.

The decision of the Panel was not just to support the planning proposal as outlined above i.e. retain the zone of the subject sites (currently E4 Environmental Living) and support the request for an additional permitted use of seniors housing. The Panel's decision was that the proposal be revised and significantly expanded such that the subject properties and 13 additional properties, that were not the subject of the original planning proposal, be rezoned from E4 Environmental Living to R2 Low Density Residential.

This decision represents an egregious overreach by the Panel. In making this decision, the Panel are in breach of the Planning Panel Operational Procedures which state as follows:

"The Panel's determination should provide a clear decision on whether the planning proposal before it should proceed, or not proceed, for a Gateway determination rather than recommending improvements".

Clearly the Panel have not followed their own Operational Procedures. Rather than making a decision on the proposal before it, the Panel have significantly expanded the scope of the proposal. In making this recommendation the Panel has exceeded their authority.

Further, the Panel are ignoring the newly published North District Plan which states that "Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities". The Panel are seemingly attempting to step into the role of Council and undertake strategic planning on our behalf on a Planning Proposal by Planning Proposal basis. The

Pittwater LEP 2014 is less than 5 years old and Northern Beaches Council is on track to achieve our housing target. We are committed to preparing a housing strategy to address growth. The demand for seniors housing is recognised however, there are literally hundreds of other sites within the northern beaches where seniors housing is permitted. These sites can yield thousands of seniors housing apartments. Accordingly, to change the zone of these lots is unnecessary and unwarranted.

The development and gazettal of the Pittwater LEP was undertaken following extensive investigation, research and community consultation. The first objective of the E4 Environmental Living zone is as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.*

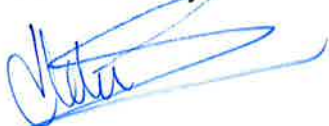
Every residential property that fronts the Pittwater Waterway is zoned E4 Environmental Living on the basis of 'aesthetic value'. The Panel have taken it upon themselves to arbitrarily dismiss this and make a decision which sets a precedent that will undermine the consistency and integrity of this zone and all it sets out to achieve.

There are also serious site specific issues related to this recommendation. Nine of the additional lots recommended to be rezoned are subject to medium or high risk flooding affectation. Additionally, the State Environmental Planning Policy (Housing for Seniors or People with a Disability) (SEPP (HSPD)) contains site related requirements that include the need for a site to be within 400m of a bus stop. All of the additional sites are beyond 400m from the nearest bus stop. Accordingly, these properties should not be developed for seniors housing in accordance with SEPP (HSPD).

Having regard for the above, we request an immediate review of this decision.

Should you require any further information or assistance in this matter, please contact my office on (02) 9942 2430.

Yours faithfully,



Helen Lever
Acting Chief Executive Officer