

## Pittwater Community Alliance Planning Meeting – 29 April 2020

### Attendees

Craig Boaden	Pittwater Community Alliance
Richard West	Palm Beach Whale Beach Association
David Palmer	Pittwater Natural Heritage Association
Catherine Kerr	Clareville & Bilgola Plateau Residents Association
Gavin Butler	Newport Residents Association
Geoff Searl	Avalon Beach Historical Society
Peter Mayman	Avalon Preservation Association
Chris Fletcher	BayviewLife
Ray Brownlee	CEO Northern Beaches Council
Louise Kerr	Director, Planning and Place, Northern Beaches Council
Trish Chaney	Community Liaison Coordinator
Annie Laing	Community Liaison Officer

### CEO Update:

Ray Brownlee provided a brief update on how Council is continuing to deal with COVID-19, how Council will manage when restrictions begin to ease and responded to general questions regarding the previous evenings Council Meeting.

### **How is work on integrating the four current LEPs into one? Including DCP/s and local character statements. What is the timeline? Has it been revised due to the pandemic?**

Work on the LEP project is progressing well. A letter of support for Council's Local Strategic Planning Statement (LSPS) has been received from the Greater Sydney Commission and the LSPS was made via the delegation of Council's CEO on 26 March 2020.

In addition to the LSPS, other key projects to inform our decision-making in relation to the new Northern Beaches LEP are also being progressed. These include Council's Housing Strategy, Employment Study, Social Infrastructure Study, Environment Study and Local Character Study.

We were due to begin community engagement on some of these key studies in the middle of 2020 however, due to the COVID-19 pandemic; we are reviewing our approach to community engagement during this time. We realise the importance of maintaining the momentum of this important project but also recognise that we need to properly engage with the community, and this is a challenge when face-to-face engagement is restricted.

We are aiming to release a Discussion Paper late in 2020 and then have a draft Northern Beaches LEP reported to Council in mid-2021. However, these timelines are contingent on our ability to undertake proper, meaningful engagement with the community over the next 6-12 months.

The issue of the Local Character Study was raised and ensuring that work on this is completed thoughtfully. Louise provided the following information:

Council has engaged Tract Consultants to prepare the Northern Beaches Local Character Study. This work will generally be done in accordance with the NSW Department of Planning, Industry and Environment's *Local Character and Place Guideline*.

Components of the study will include:

- The identification of unique local character precincts, local character corridors and valued scenic and cultural landscapes within the LGA;
- Mapping of local character precincts, local character corridors and scenic protection assets to provide a spatial overlay for consideration within the Northern Beaches strategic planning framework;
- Identification of desired future character of each local character precinct and local character corridor to guide the preparation of the Northern Beaches LEP and DCP.

A detailed community engagement plan is under preparation and we will include specific reference to engagement with the Pittwater Community Alliance as part of this plan.

### **Seniors developments bypassing density and population targets and Council.**

Attendees raised some concerns about specific seniors' development proposals in the area. Louise provided the following:

Senior Housing is included in both Council and Department of Planning Industry and Environment's (DPIE) housing numbers.

Secondary dwellings (eg granny flats) are not included in the DPIE numbers but Council does include this dwelling type in our numbers.

Council's Local Housing Strategy will also address the supply of and demand for seniors housing with a view to seeking more local control regarding the application of the State Environmental Planning Policy (Housing for Seniors or persons with a Disability) 2004 in the Northern Beaches Council area.

Seniors Housing developments are permissible under a State Policy, which overrides the density controls within each Local Environmental Plan. It is noted that State Planning Policies for Seniors Housing have been in place for over 20 years in Sydney.

#### *Further discussion:*

- Craig Boaden advised PCA would like to arrange a meeting with The Hon. Rob Stokes to discuss the issue and requested Council's attendance, Ray confirmed we could attend.
- Chris Fletcher provided statistics of the seniors' population within the LGA, in particular the Pittwater Ward and discussed the Waterbrook Bayview Retirement Living Resort (Bayview Golf Course) and the affects this could have on the local wildlife.
- Attendees discussed the NSW government's Planning Acceleration Program.

Louise advised that Council have only seen what was released yesterday and are investigating what are the parameters for inclusion in the Government's Acceleration Program. It is understood that the projects will only include State Significant Developments and State Significant Infrastructure projects. If we find anything of concern to Council, we will make representations to the Minister. In discussion with other Councils and it appears the Department of Planning are consulting with Councils prior to decisions being made. No projects in the Northern Beaches have been included at this stage.

Attendees raised concerns that this is a backdoor way of getting approvals.

### **The Local Government (General) regulation 2005 has been amended to remove requirements for newspaper advertising. This amendment is not temporary. In this new context, how will NBC inform residents, in a proactive way, of new DAs?**

The amendments made to the Local Government (General) Regulation 2005 do not apply to Planning exhibitions, as planning matters are dealt with in the Environmental Planning and Assessment Act and associated regulations.

Rather, an amendment to the Environmental Planning and Assessment Regulation 2000 made through the Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020 has been made to ensure a consistent approach to advertising under both the Local Government Act and the Environmental Planning and Assessment Act.

In particular, amendments have been made to most of the requirements in the EP&A Regulation that require public notification in a newspaper, with the effect of the changes requiring online notification of statutory processes and the removal of newspaper notification.

These provisions apply to:

- development control plans

- contributions plans
- local and state significant development applications
- modification applications
- development consents
- complying development certificates
- activities under Part 5 of the EP&A Act where an environmental impact statement is required
- paper subdivision development plans.

Northern Beaches Council will publish all relevant matters (including development applications) on Council's website as required by the new legislation. In addition, Council's new weekly newsletter will give notice of this function.

Council has an existing web-based Application Search tool with specific search functions. This includes listing of recently received applications (received this week, received this month) and a search that plots by suburb, all current applications. Council is also developing a digital alerts notification system where any person can self-manage notification criteria of applications (i.e. set criteria for applications they determined to receive notification).

Council understands that these regulation changes are permanent.

**We note that the official submission of a community/resident's association to a development etc is only counted as one response in the tally of responses. Most of our member organisations represent hundreds of individuals. How can this problem be made equitable?**

Each individual submission, whether or not it is received from a community group, is considered to be one unique submission for the purpose of calculating the number of submissions that have been received. This is consistent with Ministerial Direction issued for Local Planning Panels.

Council's Community Participation Plan provides further information on the treatment of submissions as follows:

- All submissions received from the same person will be considered as a single submission.
- All submissions received by or on behalf of the same dwelling will be considered as a single submission.
- Irrespective of the number of signatories, petitions will be considered as a single submission. Only the organiser of the petition will be notified of Council's determination of the application.

The number of submissions received does not have any bearing on Council's assessment or consideration of the issues raised. The number of submissions is only used to determine which body is required to determine the application.

### **The role of planning panels**

Local Planning Panel - referral criteria as prescribed in the Section 9.1 Ministerial Order dated 23 February 2018 (Local Planning Panel Direction – Development Applications).

#### **1. Conflict of Interest**

- Development for which the applicant or land owner is:
  - a. the council
  - b. a councillor,

- c. a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979,
  - d. a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
  - e. a relative (within the meaning of the Local Government Act 1993) of a person referred to in bullet points a –d above.
- but not development for the following purposes:
    - internal alterations and additions to any building that is not a heritage item,
    - advertising signage,
    - maintenance and restoration of a heritage item, or
    - minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

## **2. Contentious development**

- Development that:
  - in the case of a council having an approved submissions policy - is the subject of the number of submissions set by that policy, or
  - in any other case - is the subject of 10 or more unique submissions by way of objection.

## **3. Departure from development standards**

- Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards. Council may assume the Secretary's concurrence to enable staff to determine development applications for Class 1 buildings (single dwelling houses) where the development contravenes a numerical standard by greater than 10% for height of buildings and floor space ratio.

## **4. Sensitive development**

- Designated development.
- Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies and is four or more storeys in height.
- Development involving the demolition of a heritage item.
- Development for the purposes of new licensed premises, that will require one of the following liquor licences:
  - (i) a club licence under the Registered Clubs Act 1976,
  - (ii) a hotel (general bar) licence under the Liquor Act 2007, or
  - (iii) an on-premises licence for public entertainment venues under the Liquor Act 2007.
- Development for the purpose of sex services premises and restricted premises.
- Development applications for which the developer has offered to enter into a planning agreement.

Sydney North Planning Panel – DAs where the Capital Investment Value is over \$30 million and/or it has regional significance (as prescribed in State Environmental Planning Policy (State and Regional Development) 2011).

## **General Discussion –**

### **Green Branding**

CABPRA raised the idea of a green branding for projects for the northern end of the peninsula

### **Avalon Place Plan**

The draft Place Plan will be sent to the ACRG in mid-May, once the current version comes out of the design studio.

### **Queens Parade DA – Traffic Assessment**

Comment: Council's Traffic Engineers reviewed the documentation submitted with DA2019/1280 at 60-62 Beaconsfield and 7-13 Queens Road and did not raise any traffic and parking issues with the proposed development. The DA sought approval to demolition of existing structures (including a childcare centre) and the construction of 18 multi-unit dwellings.

The following comments were provided from the traffic engineers to the planners. These comments are also available for public viewing on the DA Tracking section of Council's website:

#### **'Officer Comments**

The application proposes the removal of seven x dwellings, a 40-place childcare, and the construction of 18 townhouses.

#### **Traffic:**

The anticipated change of use is expected to provide significant reductions to the traffic being generated from this site. No objections are raised.

#### **Parking:**

Parking numbers are compliant with the DCP. No objections are raised.

#### **Access and Car Park:**

The access arrangements are deemed acceptable with the amendments provided by the applicant. The provision of the 'No Parking' space adjacent to the driveway is deemed suitable as it will enable the waiting of vehicles and assist with the drop-off of passengers to the precinct. Further, additional swept path analysis is required demonstrating that all vehicles can enter and exit each designated space and enter and leave the site in a forward direction.

#### **Servicing:**

On-street servicing is deemed acceptable. The applicant will be conditioned to provide a signage plan to restrict parking during waste collection days. This will require approval of the Local Traffic Committee prior to occupation certificate.

#### **Conclusion:**

No further objections are raised.

The proposal is therefore supported'