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INDEPENDENT PLANNING COMMISSION

MEETING WITH COUNCIL

RE: NEWPORT – GATEWAY

PANEL: **ILONA MILLAR (Chair)**
ADRIAN PILTON

ASSISTING PANEL: **STEPHEN BARRY**

COUNCIL: **ANDREW PIGOTT**
LOUISE KERR
ANNE-MAREE NEWBERY
BRENDAN GAVIN
NEMANI ROBERTSON

LOCATION: **IPC OFFICES**
LEVEL 3, 201 ELIZABETH STREET
SYDNEY, NEW SOUTH WALES

DATE: **3.10 PM, TUESDAY, 4 AUGUST 2020**

MS MILLAR: Okay. Well, in that case, good afternoon and welcome to everyone. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet and I'd like to pay my respects to their elders, past and present, and to the elders from other communities who may be with us. So welcome to the
5 meeting today. Northern Beaches Council, as you know, has lodged a request for us to review the Gateway determination for a planning proposal, seeking to amend the Pittwater Local Environmental Plan 2014 to permit seniors housing with development consent as an additional permitted use on land at numbers 2 and 4
10 Nooal Street and number 66 Bardo Road, Newport.

My name is Ilona Millar and I am the chair of this IPC panel. Joining me today is my fellow commissioner, Mr Adrian Pilton, and the other attendee of the meeting is Stephen Barry from the office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information,
15 today's meeting is being recorded and a full transcript will be produced and made available on the commission's website. Now, this meeting is one part of the commission's consideration of this matter and will form one of the several sources of information upon which the commission will base its advice back to the Minister. It's important through this process for the commissioners, myself and Adrian, to ask
20 questions on – to seek clarification of issues when we consider it appropriate, but if you are asked a question during today's meeting and are not in a position to answer it, please feel free to take that question on notice and provide any additional information in writing, which we will then put up on our website.

Because we are doing this meeting sort of remotely and there is transcription, it would be very helpful if all members here today could introduce themselves before speaking for the first time, and also to ensure that participants don't speak over the top of each other so that we can ensure the accuracy and full capture of information for the transcript. So with that introduction, we'll now begin the meeting. So, again,
30 I'd like to thank you very much for your time today and we really appreciate getting the insights of the council into their views on this particular proposal. I understand that the agenda items and the key areas we're interested to discuss with you today have been circulated in advance. And so with that, I'd like to turn the meeting over to the council attendees to introduce yourselves and then if we can move into the
35 discussion of the agenda items one by one, starting with the strategic merit of the proposal.

MR A. PIGOTT: Thank you. I'm happy to start. My name's Andrew Pigott. I'm the executive manager of Strategic and Place Planning at Northern Beaches Council.
40 We'd like to just, firstly, introduce the other members of council; might be worthwhile.

MS MILLAR: That would be great.

45 MR PIGOTT: Sure.

MS L. KERR: Hi. My name's Louise Kerr and I'm the director of Planning and Place at Northern Beaches Council.

5 MS A. NEWBERY: Hello. Anne-Maree Newbery, manager of Strategic and Place Planning.

MR PIGOTT: I think you're on mute.

10 MS MILLAR: And then we have Nemani Robertson; is that right?

MR N. ROBERTSON: Yes. Nemani Robertson here

MR B. GAVIN: Can you hear me now?

15 UNIDENTIFIED MALE: We can hear you.

MS MILLAR: Yes. We can.

20 UNIDENTIFIED MALE: I can hear you.

MR GAVIN: Gavin, principal planner, Strategic and Place Planning at Northern Beaches Council.

25 MS MILLAR: Great. Thank you for that.

MR PIGOTT: Okay. Thank you very much. Before we move into the agenda items, you may have received a letter from King & Wood Mallesons that we had sent over earlier today. Apologies for the short timeframe for you to review that letter. Obviously things are moving fairly quickly here. I'd like to talk to that letter initially, if I may, before we move into our agenda items. The issue that we have relates to the assessment of the planning proposal and the Gateway Review provided by the Department of Planning and the way in which they've framed their review and what they consider can and can't be considered as part of the review; in particular, I'd like to draw your attention to paragraphs 3 to 6 on page 11 of the department's report, in which they say that:

30
35

The considerations raised by council's review request are not consistent with the intention of the Gateway Review process.

40 They go on to say:

A Gateway Review is not an opportunity for council to challenge the department's assessment or determination decision without any additional information, change in circumstance or justification which has not been previously considered by the panel or the department.

45

They further say that:

The department's position is that the issues raised by this Gateway Review have been previously considered and where necessary will be mitigated by further investigation, provision of information or by other measures.

5 King & Wood Mallesons have responded to that and said that:

10 *In our view, this narrow approach to the Gateway Review process is infected with error. There is no basis for this approach in the guidelines or policies under which the department operates, and further comments are made regarding below.*

They go on to say that:

15 *In particular, "Planning Circular PS 18-012: Independent reviews of plan making decisions" and the department's guide "Local Environmental Plans: A guide to preparing local environmental plans" both do not bear out the assertion made by the department. The Planning Circular provides two paragraphs regarding the review process after a Gateway determination has been made. Included in those paragraphs is an explicit statement that advice on alteration of a Gateway determination should give consideration to council submission. No part of the Planning Circular provides support for the narrow approach taken by the department.*

They say:

25 *In our view, it's significant that there is no mention of the approach that the Gateway Review process should be constrained to the review of new information or circumstances.*

30 In their view:

35 *The approach taken by the department is not mandated by its policies and guidelines and is, in fact, in direct conflict with those policies and guidelines. Further, given that the local environmental plans are the main planning tool to ensure local development is done appropriately –*

Referencing the local planning and zoning from the Department of Planning own website, they suggest:

40 *... that a full and independent consideration of the relevant issues is called for.*

And I just make that point to, I guess, seek the commission's support for that full and independent assessment of the review in an unconstrained manner.

45 MS MILLAR: Well, look, that – thank you for providing that – those introductory framing remarks and drawing our attention to the KWM advice. As you mentioned, we have only just very, very recently received that, so we'll be, you know, taking

that on notice and reviewing that ourselves as we go through. And, you know, in terms of what the IPC has been asked to do, no doubt you've seen the letter from the department on behalf of the – which – on behalf of the Minister with respect to the advice that is being sought, and the scope of that advice is to review the planning
5 proposal and to prepare advice concerning the the review request. So that is the scope of what we are looking to do and which we're now seeking the inputs of council and the department and the applicant as we go through our consideration of this matter.

10 MR PIGOTT: Great. Thank you.

MS MILLAR: Okay. Great. So we'll obviously, you know, consider that communication and then – I'll now invite you to perhaps turn to the first item on the
15 agenda, which is the strategic merits of the proposal.

MR PIGOTT: Certainly. Sure. So, look, in flagging that we would like a consideration of the strategic merits, we refer to the department's "Planning Proposals: A guide to preparing planning proposals", and page 12 of that guide sets out the assessment criteria that one needs to consider when having regard for
20 planning proposals. And the first question that is asked is "does the proposal have strategic merit", and that's a really important question for this application in particular which is seeking to introduce seniors housing into an Environmental Living zone.

25 Fundamentally, we say the proposal does not have strategic merit. There is no need for the introduction of seniors housing on this site. Council is able to provide appropriate levels of seniors housing in other areas of our local government area that are not impacted by flooding or inundation, and that are in closer proximity to services and facilities and, indeed, public transport. We've recently had our Local
30 Strategic Planning statement adopted in March of this year and we are close to publishing our draft Local Housing Strategy, and both of those high level strategic documents clearly establish that (1) council is on track to meet our housing targets, and that we will make adequate provision for the seniors housing supply on the Northern Beaches.

35 There is nothing special or unique about this particular site that warrants the introduction of seniors housing in this location. Indeed, it would set a precedent that we say is undesirable. It – all of the land – the residential land that adjoins the Pittwater waterway is zoned E4 Environmental Living, and if you were to introduce
40 seniors housing on this site, why would you not introduce it on all of those similarly zoned sites? There's just no reason to support the introduction of this seniors housing on this site. There are literally hundreds of other sites across the Northern Beaches where seniors housing is permitted, and we say that if the argument is that there is a shortage of seniors housing, then these hundreds of other sites are more
45 appropriate to deliver that seniors housing.

Specifically, turning now to the North District Plan, again, the question is asked “will this proposal give effect to the relevant district plan?” We say that it won’t. In particular, “Planning priority number 5: Providing housing supply, choice and affordability with access to jobs, services and public transport”, we say that, look, again, there are more appropriate sites for the provision of seniors housing, and that council is on track to meet our housing target. “Planning priority number 17: Protecting and enhancing scenic and cultural landscapes”, we say that this site is zoned E4 Environmental Living and the reason for that is because of its proximity and quality adjacent to the Pittwater waterway. It’s not appropriate to introduce seniors housing on this site.

Arguments have been made that there are residential apartment blocks – or there is one in particular residential apartment block in the vicinity of this site, however, we say that that is an anomaly and certainly not the character of the area. In fact, only three of a total of 23 residential properties immediately adjoining Crystal Bay have a three storey presentation, while the remaining properties comprise single detached dwellings, ranging from one and two storeys set in landscaped gardens.

“Planning priority number 22: Adapting to the impacts of urban and natural hazards and climate change”, council’s most recent flood study applying to the site, the Newport Flood Study 2019, identifies that the site is affected in the one per cent AEP event, and that the site is affected by the probable maximum flood event. Council’s current flood policy and controls identify that for vulnerable developments, in this case housing for seniors and the disabled, the PMF control should be applied, and that when applied it identifies that the site is affected by this hazard. Again, you have to ask yourself is it good planning to introduce a known vulnerable group to a site that you know is subject to hazard?

MR PILTON: Andrew, could I just jump in there with a quick question? Is there anywhere we can have a look at the flood studies and things in more detail? All we have is pretty small scale drawings from the department and from yourselves. Is it available online or something or - - -

MR PIGOTT: Absolutely. Yes. We’re very happy to make that available to you. It will be available on our website, but we can provide you with to that.

MR PILTON: That’d be fabulous. Thank you.

MR PIGOTT: Sure. Similarly, the site is identified as being subject to estuarine inundation. Again, priority 22 states:

Avoid locating new urban development in areas exposed to natural and urban hazards, and consider options to limit the intensification of development in existing urban areas most exposed to hazards.

Clearly, this proposal is inconsistent with those policies. In relation to ministerial directions “Direction 2.1: Environmental Protection Zones”, this proposal will not

protect and conserve this environmentally sensitive area and it, again, will permit the introduction of seniors housing in an area known to be subject to hazard. This is contrary to sound planning. “Coastal management”, this direction provides that:

5 *A planning proposal must not rezone land within flood planning areas from special use, special purpose, recreation, rural or environmental protection zone to a residential, business, industrial, special use or special purpose zone.*

10 While it’s not proposing to – the revised version of this planning proposal is not proposing to change the zone to a residential zone; it is proposing to introduce seniors housing, which is a significant intensification over and above what is currently permitted on this site, and we say that offends that ministerial direction. State environmental planning policies, in particular the coastal management set,
15 clause 15 says:

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed
20 development is not likely to cause increased risk of coastal hazards on that land or other land.*

And, again, the circular – there is a – “Planning Circular PS 19-006: Planning for coastal hazards” states that:

25 *The threshold tests under clause 15 is intentionally low. Councils and other consent authorities should take a precautionary approach to assessing risks associated with current and future coastal hazards, pending the approval of a relevant coastal management plan.*

30 So, again, pointing to that strategic position, in saying that it’s fundamentally not appropriate to introduce this intensification of use in a site that we know is subject to hazards. I’ll move on now to the site specific criteria.

UNIDENTIFIED MALE:

35 MS MILLAR: Just before we move on to the site specific criteria, I was just wondering if perhaps you could take us to any of the particular provisions within the “Towards 2040” Local Strategic Planning statement, if there are any particular provisions that you would like us to look at for the purposes of our consideration.

40 MR PIGOTT: Yes. Certainly. Priority 8 talks about adapting to the impacts of natural hazard – sorry – natural and urban hazards and climate change, on page 83 of our Local Strategic Planning statement. Pardon me. It identifies that the Northern Beaches is vulnerable to hazards; you name it, we’ve got it here unfortunately, and
45 because of that it’s very important that we’re considered and strategic in terms of where we target our development and growth. The principles are minimising risks to health and safety, reduce risks to life and property, avoid intensification of

development and inappropriate development and incompatible land uses in areas exposed to natural and urban hazards. So that's on page 85.

5 And, importantly, priority 15, which talks about housing supply, choice and
affordability in the right locations, this priority identifies that Northern Beaches
Council is on track to meet our housing target, and that we are in the process of
preparing our Local Housing Strategy that we aim to report to council by the end of
this year, and that will specifically address, among other things, how Northern
10 Beaches Council will respond to the provision of seniors housing, and that is at
action 15.3 on page 125 of the Local Strategic Planning statement.

MS MILLAR: Great. Thank you.

15 MR PIGOTT: Thank you. I'd also just like to draw your attention to – in the guide
to preparing planning proposals from the Department of Planning on page 13, second
paragraph, where it says:

20 *There will be a presumption against a rezoning review request that seeks to
amend LEP controls that are less than five years old unless the proposal can
clearly justify that it meets the strategic merit test.*

So Pittwater LEP was adopted in 2014. We're now in 2020; that's more than five
years, for those doing the maths. Obviously when this proposal was lodged some
years ago now this was within that five year period. And so I think, you know, we're
25 now still close – very close to that five year period, and that particular statement is
relevant in that consideration.

Moving on now to the site specific merit test. So, again, we say this site is not
particularly unique, it's not particularly special and does not have site specific merit.
30 That fact was even identified by the Sydney North Planning Panel in their interesting
decision, let's say, that they made, wherein they themselves identified that this site is
not unique, and that may have been one of the reasons for their decision to extend the
permissibility requirements from not just these sites, but all sites north of these sites
to Irrubel Road, which, I must say, we found perplexing, but it may be that, you
35 know, they were struggling to deal with the fact, again, that this site is not unique or
special.

In relation to the site specific questions, again, we've talked about the fact that not
only is the site not unique or special, but that it is, in fact, affected by hazards. The
40 site is surrounded by detached dwelling houses to the east, south and north, and
Crystal Bay and Pittwater to the west. Council's plans and policies do not propose
any changes to the current uses in the locality. The introduction of medium density
housing on this site would be inconsistent with the established character of the area.

45 The site is located 800 metres from Newport Village Centre, and that's a fairly long
walk if you are aged or disabled. We do recognise that the site is just within 400
metres walking distance of a bus stop located on Gladstone Street, it's – but it's not

located within a centre or along a transport corridor with access to high frequency public transport, which is considered essential for any increase in dwelling densities, and the proposal is at odds with council's planning framework in that regard.

5 It's incompatible with the zone objectives of the E4 Environmental Living zone. So
the objectives of that zone are to provide for low impact residential development in
areas with special ecological, scientific or aesthetic values to ensure that residential
development does not have an adverse effect on those values, and to provide for
residential development of a low density and scale integrating with the landform and
10 landscape to encourage development that retains and enhances riparian and foreshore
vegetation and wildlife corridors. We say the proposal is a medium density
development that contradicts the zone objectives.

15 The land has been zoned E4 as it has special aesthetic values, which only permits
low density residential development. This protects the scenic character of not only
the individual site, but the surrounding Bay and Pittwater area. This particular site
has never been zoned for intensive development under the current or previous local
environmental plans, and the intended development outcome's attempt to permit
such a change is considered incompatible and out of character to the surrounding
20 locality.

It's recognised that the planning proposal plans submitted with the application don't
– if the planning proposal is approved, those plans aren't approved with the planning
proposal. Notwithstanding that, it's quite revealing that those plans show non-
25 compliances with the current built form planning controls that apply to the site; in
particular, in relation to height. The height limit at the site is 8.5 metres, and our –
by our calculations, the plans show a built form that would extend to some nine
metres.

30 In relation to density, the minimum lot size map which applies to the site specifies a
minimum lot size of 700 square metres. The plans included with the proposal show
eight residential apartments, which gives a yield of one apartment per 366 square
metres of land. This is almost half of the 700 square metre lot size requirement that
currently applies. It also has double the four lots that could be readily achieved
35 under the current provisions if the site was amalgamated and subdivided into
individual lots. Therefore, we say that any suggestion that the anticipated additional
permitted use is in line with the objectives of the zone is false and it's not a low
density development, but rather a medium density development that does not meet
the objectives of this zone.

40 In relation to the landscaped area for the site, we've calculated that at only 38 per
cent. Again, this represents a non-compliance with council's requirement for the site
in accordance with the Pittwater 21 Development Control Plan, which stipulates a
requirement for 60 per cent landscaped area. Again, this reflects the development of
45 this site for medium density unit development will not be in keeping with the desired
character of this area.

MS MILLAR: If I could perhaps just quickly jump in there while there's a pause and before we move on to any other issues. One question I have is just in terms of the previous planning controls applicable to this site before the LEP 2014, are you able to confirm the approach to zoning and land use under previous LEPs for that area?

MR PIGOTT: Yes, I am. Sorry, yes, I am. Are you - - -

MS MILLAR: Yes, I was just asking, you know, obviously, we can, sort of, go back ourselves through the previous LEPs, but if you've got that information to hand, you know, when the environmental zoning came in. Was it previously environmental zoning or previously residential?

MR PIGOTT: It was previously zoned 2A residential under the – Pittwater 1993 LEP, but I would like to talk to that issue. I think the proponent has suggested that they were hard done by because under the previous planning regime seniors housing was permitted on this site, and when the Pittwater LEP 2014 was introduced, they lost their ability to develop the site for seniors housing. We have addressed that, and I would like to address that now.

Seniors housing was never permitted on the site as a consequence of a council policy by either Pittwater LEP 1993 or Pittwater LEP 2014. It was only ever permitted by virtue of State planning policies that overrides council planning policy. The introduction of the Pittwater LEP 2014 removed the ability for housing for seniors and people with a disability to override local council policy.

The process to introduce Pittwater LEP 2014 involved two public exhibition periods and extensive community consultation. This included written correspondence to all land owners in the Local Government area explaining their current and future zone, notices in the Manly Daily, information on council's website, community drop-in sessions and pop-up stalls.

The introduction of the new Pittwater LEP was never intended as a like-for-like translation of the Pittwater LEP 1993 where possible and appropriate – sorry, pardon me. Was intended as a like-for-like translation where possible and appropriate. Having regard for the location of this site near the foreshore of Pittwater, and being subject to coastal hazard, the appropriate zone was identified as E4 Environmental Living.

Further, at the time of the introduction of the Pittwater LEP, it was made clear that the new LEP did not intend to translate the application of the State planning policies over which council had no control. The Pittwater LEP 2014 was validly made, and the proposition that the site should now be rezoned to allow seniors housing, because the owner was not aware of the permissibility change is not accepted as a legitimate planning or legal argument.

Indeed, a nearby objector to the proposal confirmed that they were aware of the changes proposed as a consequence of the proposed introduction of the new LEP, as they took, and I quote, “Appropriate steps to acquaint ourselves as part of our purchase process with the zonings around us and the implications for further development”.

MS MILLAR: Okay. Great. Thank you for clarifying that for us. Now, is there any other points with respect to site specific merit, or shall we move onto the built form? I think we’ve now been provided with a copy of the plans that accompanied the planning proposal, so we have the benefit of those. Is there anything more that you’d like to address, noting that we’ve spoken about the height and density aspects?

MR PIGOTT: No. Thank you. I think that covers that.

MS MILLAR: Okay. Adrian, any other particular questions around strategic or site specific merit?

MR PILTON: No, I don’t have any questions. Thank you.

MS MILLAR: Okay. Great. In that case, the next item we have on the agenda is site access and traffic management. Can you perhaps speak to what the expectations would be around access to the site based on the current proposal?

MR PIGOTT: Our expectations would be that the site will be accessed via Nooal Street. I think in there – and I think there’s access to the basement car parking off Bardo, as well. So, probably some of the units fronting Nooal Street would have a pedestrian access off Nooal Street, with vehicular access off Bardo Road.

MS MILLAR: Okay. And would any additional works be required to Bardo Road to facilitate traffic and access to the car parking and - - -

MR PIGOTT: I don’t think we’ve raised any particular issues in relation to that

MR PILTON: Is that a formal road? The bit that goes down from the corner of Nooal and Bardo and then towards the waterfront?

MR GAVIN: Brendan Gavin speaking. So from the intersection with Bardo and Nooal Street the road is not formed to a roadway standard. It operates as a private driveway, providing access to a number of properties, 66 Bardo Road and then a couple of properties that face Princess Lane, and access to the city water pumping station. Yes. So it’s not to a roadway specific standard. When the proposal first came in, it was referred to both our traffic team and our civil assets team. They suggested that if the proposal was to proceed the access in Bardo Road would have to be upgraded to cater for that increased demand.

MR PILTON: Thank you.

MS MILLAR: Okay. Thank you for that. Then moving onto the issues around flooding, sea level rise and potential impacts on site access. Are you able to speak in a bit more detail to council's concerns around those issues, and also confirm the status of the Newport Flood Study and the sea level mapping.

5

MR PIGOTT: Yes. Happy to do that. I can do the second part of that first, if you like.

MS MILLAR: Okay. Sure.

10

MR PIGOTT: So the Newport Flood Study was adopted by council in August 2019, and the estuary mapping of sea level rise impacts was adopted by the then Pittwater Council on the 6th of October 2015. So again we can provide you with the minutes of that council meeting if that would assist, and in relation to site access, I guess the important things to note, particularly in relation to the Newport Flood Study is that the flood study shows that this site and, indeed, other sites on Nooal Street – if you refer to figure 4 and the department's assessment summary shows that there are – will be times during flooding events when the site is isolated without access to away from the site.

15

So that would be a concern for a site that is being designed for aged and disabled people. If there was an extreme weather event, they may not be able to evacuate the site in that event if required, and that's shown on that figure 4 in the department's report. Bardo Road is also shown as being subject to flood, inundation and again in terms of access and escape from the property, that would be a concern.

20

MR PILTON: Okay. Thank you.

MS MILLAR: Adrian, did you have some specific questions?

30

MR PILTON: No, I'm just looking at that figure 4 now. I think I need to have a look at the flood study so as I can understand better what it means. It's all a bit, sort of, vague just looking at one diagram.

35

MR PIGOTT: Yes, of course. Sure.

MS MILLAR: All right. Okay. Well, I think if you're able to provide us with links to the detailed studies that would be very, very helpful, and we will come back to you if there are any other questions based on our review of those documents.

40

Moving on, then, the next point that we have in the agenda was to understand the status of council's provisions for senior housing and how that is fitting with the State targets that have been set. You mentioned before that council is on track to meet the housing targets, but could you elaborate on that a little bit further.

45

MR PIGOTT: Yes. Yes. Happy to. So we've got some significant housing development underway on the northern beaches. We have Warriewood Valley land release that's almost all the – three quarters complete. We have a planned precinct at

Frenchs Forest that we are working with the Department of Planning to deliver a new town centre and high density housing adjacent to the new Northern Beaches Hospital that will deliver in phase 1 up to nearly 2000 new dwellings.

5 We have a structure plan that we're preparing in Brookvale that will deliver the potential for almost 1000 new dwellings, and there is significant capacity remaining in our existing zoned areas for shop top housing and residential flat buildings to deliver and meet council's housing target, which is four and a-half thousand new dwellings in the short term, and then beyond that with those projects coming online,
10 the Ingleside land release area is an area that has been through a process with the Department of Planning.

There was an action plan delivered there that was subsequently withdrawn for some additional studies that have now been concluded, so that project is recommencing,
15 and our housing strategy will be provided to council in approximately October this year, and that sets out very clearly that we are, indeed, on track to meet our target. It provides a centres based approach to the delivery of new housing, so that we want to concentrate our - - -

20 MS MILLAR: Apologies, I - - -

MR PIGOTT: Sorry, I missed that.

MS MILLAR: Sorry, I was just saying my internet connection is just dropping out a
25 little bit, but I'm just hoping that everyone else is hearing you loud and clear.

MR PILTON: I can hear.

MS MILLAR: Okay. That's fantastic. So if I do, sort of, freeze or drop out, I'll
30 hand over to you, Adrian, to complete any other questions.

MR PILTON: Okay.

MR PIGOTT: Sure. So I was saying that council adopting a centres based approach
35 to the provision of our housing, that's why we want to concentrate any new housing that we would be providing in and around our existing established strategic centres so that those new residents have access to, for example, the B-Line bus that's a high frequency bus service providing access up and down the beaches.

40 It doesn't run to Newport, and so clearly we don't want to be increasing intensity of development in areas that don't have access to good public transport, thereby placing increased pressure on people to drive their cars, adding to congestion and all of the problems associated with that. So we're really focusing on intensification of development in and around areas that are either accessed by that bus line or, indeed,
45 you know, the ferry closer down to Manly. So none of our strategic documents have demonstrated any intention to intensify development in areas like this site, zoned E4 Environmental Living, around Pittwater in a scenic location.

MS MILLAR: Okay. Another question that I had. We had the benefit of a site inspection last week, and you mentioned earlier that there are apartment buildings, sort of, I guess to the – on the south of Crystal Bay, but then also other apartment and, you know, detached and some more medium density development going south
5 towards the, sort of, Newport Arms Hotel and shops there. Is that area to the south, does that have the benefit of, you know, increased density, or are they, sort of, historical approvals under a different regime?

MR PIGOTT: Yes. Yes. Certainly they were historical approvals under previous
10 planning regimes that the current controls don't anticipate that form of development currently or, certainly, into the future.

MS MILLAR: Okay. Now, Adrian, any other questions around the housing targets?

15 MR PILTON: No. I'm fine, thanks.

MS MILLAR: Okay, and then the final, sort of, point that we had was just to better understand – and this goes back to, I guess, the Sydney planning panel's decision, but the approach in terms of the council's view with respect to a site specific LEP
20 amendment, versus a order, you know, rezoning of this land for, you know, residential, and, you know, I think we've heard some of your views with respect to, sort of, the suitability, but in terms of the approach with respect to site specific versus a – you know, a change in the zoning. Is there any further comments you'd like to make with respect to that?

25 MR PIGOTT: Neither are appropriate.

MS MILLAR: Okay. And we have mentioned in the agenda any precedent of related issues that, Thank you, you would want to raise in terms of either approach?
30

MR PIGOTT: Yes. We would be very concerned that the adoption of either or – either of those approaches would establish a precedent. There's a significant amount of land zoned E4 Environmental Living adjoining the Pittwater waterway that stretches from Palm beach, right down through Newport, around to Bayview and
35 Church Point, and the introduction of seniors housing at this site would ask the question why not the rest of that area. There's, again, nothing special or unique about this site, so if you do it here, you could quite easily make the case to do it everywhere.

40 MS MILLAR: Okay. No, thank you. Thank you very much for that. That brings us to the end of the agenda items that we wanted to cover. Are there any other matters that anyone from council would like to raise?

45 MR PIGOTT: Not from me, thank you.

MS MILLAR: Okay. Adrian, Stephen, anything that you'd like to raise or follow up on?

MR PILTON: No, I'm fine, thanks. I thought that was very helpful.

MR BARRY: Yes, I'm fine, as well. Thank you.

5 MS MILLAR: Great. Look, thank you again, you know, we really appreciate your
time to meet with us today, and we will – as I mentioned before, this is, sort of, the
one step in our process of reviewing this matter to provide our advice and, you know,
we will, you know, be meeting with the proponent and the department in due course,
as well, but we really appreciate the time today and thank you very much for your
10 information and comments.

MR PIGOTT: Thank you very much, and we'll make those studies available to you
straight after this meeting.

15 MR PILTON: Thank you very much.

MR PIGOTT: Thank you.

MS MILLAR: Great. Thank you very much, and I now formally close the meeting.
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RECORDING CONCLUDED

[3.59 pm]