

10.4 PLANNING PROPOSAL RALSTON AVENUE AND DRAFT VOLUNTARY PLANNING AGREEMENT

001/17 **RESOLVED**

Cr Harrison / Cr Heins

That Council:

- A. Reject the Planning Proposal lodged for Lot 1 in DP 1139826, Ralston Avenue Belrose, and recommend the Department of Planning and Environment do not make a Local Environment Plan to enable the development for the following reasons:
- a. It has no strategic merit due to inconsistencies with directions, aims and priorities to protect the environment and increase resilience to natural hazards in A Plan for Growing Sydney and the Greater Sydney Commission's Revised draft North District Plan and Draft Greater Sydney Region Plan (October 2017).
 - b. It has no site-specific merit due to impacts on biodiversity and threatened species, the adjoining National Park, bushfire risk, the proximity of the Sydney East Substation and financial arrangements for infrastructure provision.
 - c. It is inconsistent with the specific aims of State Environmental Planning Policies (SEPP) No 19—Bushland in Urban Areas and Council is not satisfied that the proposal will result in significant environmental, economic or social benefits that outweigh the value of the bushland.
 - d. It is inconsistent with SEPP (Infrastructure) 2007 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.
 - e. It is inconsistent with s117 Ministerial Direction: 2.1 Environmental Protection Zones, as it would change current planning standards which protect the environment by restricting residential development to 1 dwelling per 20 hectares.
 - f. It is inconsistent with s117 Ministerial Direction: 6.3 Site Specific Provisions, as site specific provisions may be required to prohibit certain uses from the proposed R2 Low Density Residential Zone and E3 Environmental Management Zones.
 - g. It is inconsistent with s117 Ministerial Direction: 7.1 Implementation of A Plan for Growing Sydney, by undermining the achievement of its planning principles; directions; and priorities. Especially those that encourage a risk-based approach to strategic planning through halting development in high risk areas.
 - h. The Rural Fire Service do not support the proposal and find it inconsistent with S117 Direction 4.4 Planning for Bushfire Protection, as it would place inappropriate development in a hazardous area and would not achieve the primary objectives to protect life, property and the environment and encourage the sound management of bush fire prone areas.
 - i. The proposal fails to address issues associated with access to the site and evacuation from the site in the event of a bushfire, including the risk associated with arcing to ground from the 330kva power lines and disruption of planned evacuation routes.
 - j. It is inconsistent with local provisions, policies and plans which aim to protect the

environment, including the Warringah Local Environmental Plan 2000 (WLEP 2000); Warringah Council Policy ENVPL 005 Bushland Policy; Warringah Council Policy Protection of Waterways and Riparian Lands and Warringah Council Policy Water Management Policy and the Draft Community Strategic Plan SHAPE 2028.

- k. The site has not been identified as having future development potential in either Stage 1 or 2 of the Oxford Falls Belrose North Strategic Review (Strategic Review).
 - l. The Office of Environmental Heritage and National Parks and Wildlife Service do not support the proposal due to impacts on biodiversity and threatened species and the adjoining National Park.
 - m. It is unlikely to comply with Ausgrid's conditions of consent relating to bushfire evacuation.
 - n. It would result in unacceptable risks to life, property and the environment which would outweigh any potential benefits of the proposed development.
 - o. The majority of public submissions do not support the proposal.
- B. Reject the draft Voluntary Planning Agreement (VPA) that accompanies the above Planning Proposal, for the following reasons:
- a. The draft VPA does not deliver a demonstrable public benefit.
 - b. The Biodiversity Certification agreement cannot be included as a public benefit.
 - c. The community facility contribution is insufficient to support the additional increase in population.
 - d. There is insufficient detail on the proposed Aboriginal services and MLALC land management proposals that could be funded outside a VPA process.
 - e. Most of the proposed public benefits would benefit the future occupants rather than the wider community and could alternatively be required as conditions of future consent.
 - f. The proposed park is in an unsuitable location and would place an unreasonable maintenance burden to Council due to bushfire management requirements.
 - g. The National Parks and Wildlife Service (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.
 - h. Council has received many submissions from the community who do not do not consider the proposed public benefits adequately compensate for the loss of bushland.

VOTING

FOR: Unanimous

CARRIED