

SUBJECT: Background Report outlining Pre-Gateway Review Process for R0002/12 - 120 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street Warriewood

Meeting: Natural Environment Committee

Date: 4 March 2013

STRATEGY: Land Use and Development

ACTION: Provide an effective development assessment and determination process

PURPOSE OF REPORT

This report informs Council of the Planning Proposal (Rezoning Application) lodged for the subject site to permit residential development, and outlines the status of the assessment.

A request for Pre-Gateway Review has now been initiated by the proponent, as Council has not determined the application within 90 days. This request is before the Department of Planning and Infrastructure (the Department), who have requested Council's views and comments in relation to the application.

Council's comments are to be forwarded to the Department by 8 March 2013. Council's decision on this application (separately included in this Agenda) will form the basis of Council's position and will be forwarded to the Department.

1.0 THE SITE

1.1 Four properties are proposed to be rezoned under the Planning Proposal (Rezoning Application). A Location map of the subject properties is in **Attachment 1**.

- 120 (Lots 3, 4 & 5 DP 124602) and 122 Mona Vale Road (Lot 1 DP383009) and have frontage to Mona Vale Road and utilises an existing driveway at Mona Vale Road. 120-122 Mona Vale Road is owned by Opera Properties Pty Ltd.

120-122 Mona Vale Road has a total site area of 8.29 hectares and is triangular in shape. The property is primarily undulating, and is cleared generally along the eastern and southern sections with stands of trees dispersed in this area. A portion of existing bushland extends onto the southern and western margins of 120-122 Mona Vale Road from the adjoining Ingleside Chase Reserve, as well as a vegetated creekline (Narrabeen Creek) which runs through the northern section of the property.

A dwelling and other structures including glass houses exist on the property.

- 4A Boundary Street (Lot 2 DP 816070) is a clear area with a house exercise area as well as dwelling house and ancillary structure located in the south-eastern corner. The southern side of the site contains significant vegetation and canopy trees with sections of the site steeply sloping. 4 Boundary Street is owned by Planet Warriewood Pty Ltd.

- 10 Jubilee Avenue (Lot 10 DP 50055) is located on the north-west side of Jubilee Road. This property is owned by the Uniting Church Australia and contains a church, child care centre accessible by a meandering private road to account for the site's topography.

The portion of land proposed in this rezoning application relates to a rectangular portion, approximately 18 metres wide and 141 metres in length, aligning the southern (side) boundary of 10 Jubilee Avenue. This portion of land is extensively vegetated and includes canopy trees, and has a gradient from 15% to over 32%.

The private road serves as a Right-of-Carriageway for a number of properties in Boundary Street (including 4A Boundary Street) as Boundary Street is closed at the intersection of Mona Vale Road and Boundary Street. The Right of Carriageway permits restricted public access for a limited number of dwellings. Council has benefit of this Right-of-Carriageway.

Boundary Street is a partially formed road however has very little utility as it is closed at the northern end due to a history of traffic accidents entering Mona Vale Road. The southern section of Boundary Street is not constructed.

2.0 DESCRIPTION OF APPLICATION

2.1 Charles Hill Planning lodged the Planning Proposal (Rezoning Application) to rezone 120-122 Mona Vale Road, 4A Boundary Street and 10 Jubilee Avenue Warriewood, on behalf of Opera Properties Pty Ltd, Planet Warriewood Pty Ltd and the Uniting Church Australia respectively, to permit residential development.

2.2 The documentation submitted to Council on 11 October 2012 was incomplete. Council sought the following information:-

- Owners consent for the properties, being the registered property owners as stated in Council's property rating system.
- Completed Political Donations Disclosure Forms from all owners and the applicant.
- Application fees payable to Council.
- Clarification if the proposed residential lots shown on 4A Boundary Street will form part of this application (given Council's resolution of 18 September 2006 refers only to 120 Mona Vale Road).

2.3 The information was provided to Council separately with the final outstanding documentation provided on 13 November 2012.

Council considers that the completed Planning Proposal/Rezoning Application was formally lodged on 13 November 2012.

2.4 The application shows a masterplan comprising 71 residential lots, ranging from 400m² to over 2000m². 3 of the 71 lots, greater than 4,000m², are located at the north-western portion of the site fronting Mona Vale Road and are to be accessed by a single driveway off Mona Vale Road.

Two options are proposed to facilitate access for the majority of the development:-

- Option 1 seeks the reinstatement of Boundary Street to access Mona Vale Road in a left in-left out arrangement.
- Option 2 seeks to accommodate an access corridor within 4A Boundary Street and 10 Jubilee Street should Option 1 not be supported.

The owner of 4A Boundary Street in his letter dated 15 October 2012 no longer seeks to propose residential lots on 4A Boundary Street regardless of what is shown the submitted masterplan.

3.0 ASSESSMENT OF THE APPLICATION

- 3.1 A number of the properties (the subject of this application) had been the subject of recent strategic planning work and applications assessed by Council officers.
- 3.2 Council prepared a project brief and invited quotes from 5 planning consultants to undertake the assessment of the application.

Responses were evaluated and Council engaged The Planning Group NSW (TPG) to undertake the assessment of the planning proposal.

- 3.3 At its meeting of 17 October 2011, Council in considering the Pittwater Standard Instrument Local Environmental Plan, resolved inter-alia:-

- “2. That Council not process future individual Planning Proposals other than through the Pittwater Standard Instrument LEP process unless in exceptional circumstances, being demonstrated public benefit, demonstrated hardship, environmental preservation or as contained with the Warriewood Valley Strategic Review area.*
- 3. All individual Planning Proposals submitted during the period of preparation of the Pittwater Standard Instrument LEP be initially reported to Council for notation in relation (2) above. Noting that it will remain open to Council to lift the moratorium in exceptional circumstances being demonstrated public benefit, demonstrated hardship or environmental preservation.”*

In regard to the point 2, the following comments are provided:-

- 120 Mona Vale Road is in the Warriewood Valley Strategic Review area.
- Council at its meeting of 4 July 2011 in considering the development application to construct a new private road on 4A Boundary Street and 10 Jubilee Avenue to access 120 Mona Vale road, resolved inter-alia:-

- “2. That consideration of the present application be deferred pending the outcome of the current Strategic Review of the Warriewood Valley and consideration of the Masterplan suggested above.”*

- The Planning Proposal (Rezoning Application) relates to the main property that is generally in the Warriewood Valley Strategic Review area (strategic review). Although part of the land pertaining to the access corridor is outside of the strategic review area, it was considered that the application generally fitted in the strategic review area and is in accord with point 2 of Council's decision of 17 October 2011.

Having regard to the above, the non-statutory notification was undertaken. Submissions received during the non-statutory notification process were referred to TPG for their consideration.

TPG commenced their assessment of the proposal in December 2012. By February 2013 TPG's assessment of the application was well advanced and the need for additional information identified.

On 13 February 2013 the Acting Director, Environmental Planning & Community, in light of the application reaching the 90 day Pre-Gateway review threshold period, wrote to the Department advising that the assessment of the proposal was due to be finalised shortly and expected to be presented to the next available Council meeting.

Prior to Council receiving the Department's letter dated 15 February 2013, no formal contact was received from the Department seeking information on the progress of this application.

4.0 PRE-GATEWAY REVIEW PROCESS

- 4.1 On 15 February 2013, the Director-General of Planning wrote to Council advising that the Department has received a Pre-Gateway Review request regarding the subject application, as *'Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal on 23 October 2012.'* This letter is in **Attachment 2**.

As stated earlier, Council considers that the completed application was lodged on 13 November 2012. The 90th day was on 11 February 2013.

Council has been requested to provide its views and comments on the application within 21 days from 15 February 2013. This matter is reported to Council as Council's comments need to be forwarded to the Department by 8 March 2013.

- 4.2 The Pre-Gateway Review is enabled under Section 56(5) of the Environmental Planning and Assessment Act (EP&A Act) and allows the Minister to arrange for a review of a Planning Proposal by the Joint Regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC).
- 4.3 The Review must consider if the application complies with criteria as established in the Department's Guide to Preparing Local Environmental Plan. The criteria are:-
- a. *has strategic merit as it:*
- *is consistent with a relevant local strategy endorsed by the Director-General or*
 - *is consistent with the relevant regional strategy or Metropolitan Plan or*
 - *can otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (eg proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)*

- b. *has site specific merit and is compatible with the surrounding land uses, having regard to the following:*
- *the natural environment (including known significant environmental, values, resources and hazards)*
 - *the existing uses, approved uses and likely future uses in the vicinity of the proposal*
 - *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*

The flowchart of the Pre-Gateway Review process is in **Attachment 3**.

Proposals that do not meet the assessment criteria above will generally not proceed to the review by the JRPP/PAC. A decision of the Director-General that a planning proposal does not qualify for review is final.

If a decision is made that the proposal is to be referred to the JRPP/PAC for review, these bodies may meet with the Department, Council and proponent to clarify any issues before completing their review.

The JRPP/PAC's advice will be based on the merits of the proposal and will recommend to the Minister whether the proposal should be submitted for determination under Section 56 of the EPA&A Act.

The Minister (or delegate) will make the final decision concerning whether the proposal should proceed to a Gateway Determination.

5.0 ISSUES

5.1 Availability of Council and TPG's Assessment Report

An assessment report to Council has been prepared by Council staff and planning consultant TPG on the Planning Proposal (Rezoning Application) submitted by Charles Hill Planning. Due to the time constraints imposed by the Director-General the Assessment Report has not been finalised in to be included in the Agenda and the report will be circulated separately to the Councillors and made available on the Council's website, Customer Service Centres and libraries no later than 5pm Friday 1 March 2013.

5.2 Insufficient information provided by the Applicant

On 21 February 2013, Council wrote to the applicant seeking additional information based on the preliminary assessment undertaken by TPG regarding the documentation submitted with the application, submissions from state agencies and comments from Council's specialist units. Council's letter is in **Attachment 4**.

The information sought relates to deficiencies in the submitted documentation that demonstrates the property's capability to support low density housing (as it relates to Option 2, Council's letter refers to it as Option B) to justify proceeding with the proposed LEP Amendment, namely:-

- Feasibility and functionality of the access arrangements, particularly for emergency vehicles and future safety of residents in bushfire or evacuation event.
- The application has not submitted information that assesses the impacts for the properties that would accommodate the access corridor to support the rezoning.

- Demonstrating how water can be managed on all four properties such that there is no detrimental impact on downstream properties in the catchment.
- A preliminary contamination report is required to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land.
- An acoustic assessment is required to demonstrate future impact on traffic noise from Mona Vale Road and consider the adequacy of the land use arrangements proposed.
- A preliminary assessment of Aboriginal archaeological and cultural heritage is required.

Additionally, the applicant was provided with a Preliminary Draft Minimum Lot Size Map prepared by TPG for consideration given its implications for lot yield and project feasibility.

At the time of finalising this report, the applicant has not responded to Council's request for additional information.

6.0 EXECUTIVE SUMMARY

- 6.1 A Planning Proposal (Rezoning Application) has been submitted for four properties. The submitted masterplan shows a proposal for 71 residential lots, ranging from 400m² to over 2000m² to be located on 120-122 Mona Vale Road.
- 6.2 After Council had failed to indicate its support within 90 days of lodgement of the application, the proponent has successfully sought a Pre-Gateway Review by the Department of Planning & Infrastructure.
- 6.3 The Director-General in a letter dated 25 February 2013 has sought Council's views on the proposal and why a decision has not be made within 90 days.
- 6.4 This report outlines the process of assessing the application and why a decision was not made within 90 days and a separate report on this Agenda provides Council with an opportunity to provide the Director-General with its views on the application.

RECOMMENDATION

- 1 That Council note the contents of this report.
- 2 That the General Manager write to the Director-General of the Department of Planning & Infrastructure indicating the following reasons why a decision was not made within 90 days for the Planning Proposal R0002/12 – 120-122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street:-
 - a) The information submitted in support of the Planning Proposal is deficient. The material submitted to date does not adequately demonstrate that 10 Jubilee Avenue and 4A Boundary Street are able to provide acceptable access, with reasonable environmental impacts, to 120 and 122 Mona Vale Road. The material submitted to date does not adequately demonstrate that 120 and 122 Mona Vale Road are able to support low density residential housing. The following additional information is required to enable an appropriate assessment of the proposal:
 - Access arrangements must be demonstrated to be appropriate for the number new lots proposed. This includes appropriate access for emergency vehicles. The environmental impacts of any access arrangement should also be appropriately considered and demonstrated to be acceptable.

- Water Management must be appropriately considered inclusive of details demonstrating no detrimental impact on downstream properties.
- A preliminary contamination report is required to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land
- An acoustic assessment is required to demonstrate future impact on traffic noise from Mona Vale Road and consider the adequacy of the land use arrangements proposed
- A preliminary assessment of Aboriginal archaeological and cultural heritage is required
- A revised masterplan that reflects the recommended changes to minimum lot sizes

3 That the General Manager write to the Director-General of Department of Planning & Infrastructure expressing Council's concern that the Department agreed to a Pre-Gateway review even though the application for review appears to have failed the Department's own test as outlined below:

"That Council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information."

Report prepared by

Lindsay Godfrey

ACTING DIRECTOR, ENVIRONMENTAL PLANNING AND COMMUNITY



Properties subject of draft Planning Proposal R0002/12

Aerial Photography - March 2012
 Licensed from NearMap.
 This plan is not survey accurate,
 & aerial photography is indicative only.



Planning & Infrastructure

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
Mona Vale NSW 1660

Contact: Lee McCourt
Phone: 02 9228 2094
Fax: 02 9228 6244
Email: lee.mccourt@planning.nsw.gov.au
Our ref: PGR_2013_PITTW_001_00
Your ref:

Dear Mr Ferguson

Re: Request for Pre-Gateway Review – (Notification to Council of Request for Review)

I am writing to notify Council that a Pre-Gateway Review request, dated 31 January 2013, regarding the proposed instrument as detailed below, has been submitted to the Minister for Planning and Infrastructure for consideration.

Dept. Ref. No:	PGR_2013_PITTW_001_00
LGA:	Pittwater
LEP to be Amended:	Pittwater Local Environmental Plan 1993
Address/ Location:	120 – 122 Mona Vale Road, Warriewood
Proposed Instrument:	Rezone site from non-urban to residential use

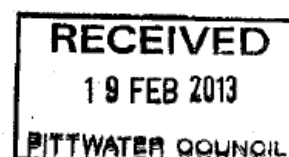
The request states that the proponent is seeking a Pre-Gateway Review as the Council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal on 23 October 2012.

I understand that Council determined the proponent's initial application to be deficient and a revised application was submitted addressing key concerns on the 13 November 2012. I also note that Council has engaged an independent planning consultant to assess the planning proposal.

Council is invited to provide its views about the proposal. Any views and response must be submitted no later than 21 days from the date of this notification and sent to the Sydney Region East Office of the Department of Planning and Infrastructure (Department).

The views of Council will be taken into consideration by the department and the Joint Regional Planning Panel when considering whether to support the proponent's request for the matter to proceed to Gateway. Council should therefore provide all relevant information to demonstrate why a decision was not made within 90 days.

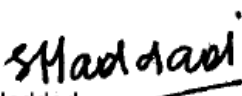
Department of Planning & Infrastructure
Bridge Street Office 23-33 Bridge Street Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Phone 02 9228 6111 | Fax 02 9228 6244 | www.planning.nsw.gov.au

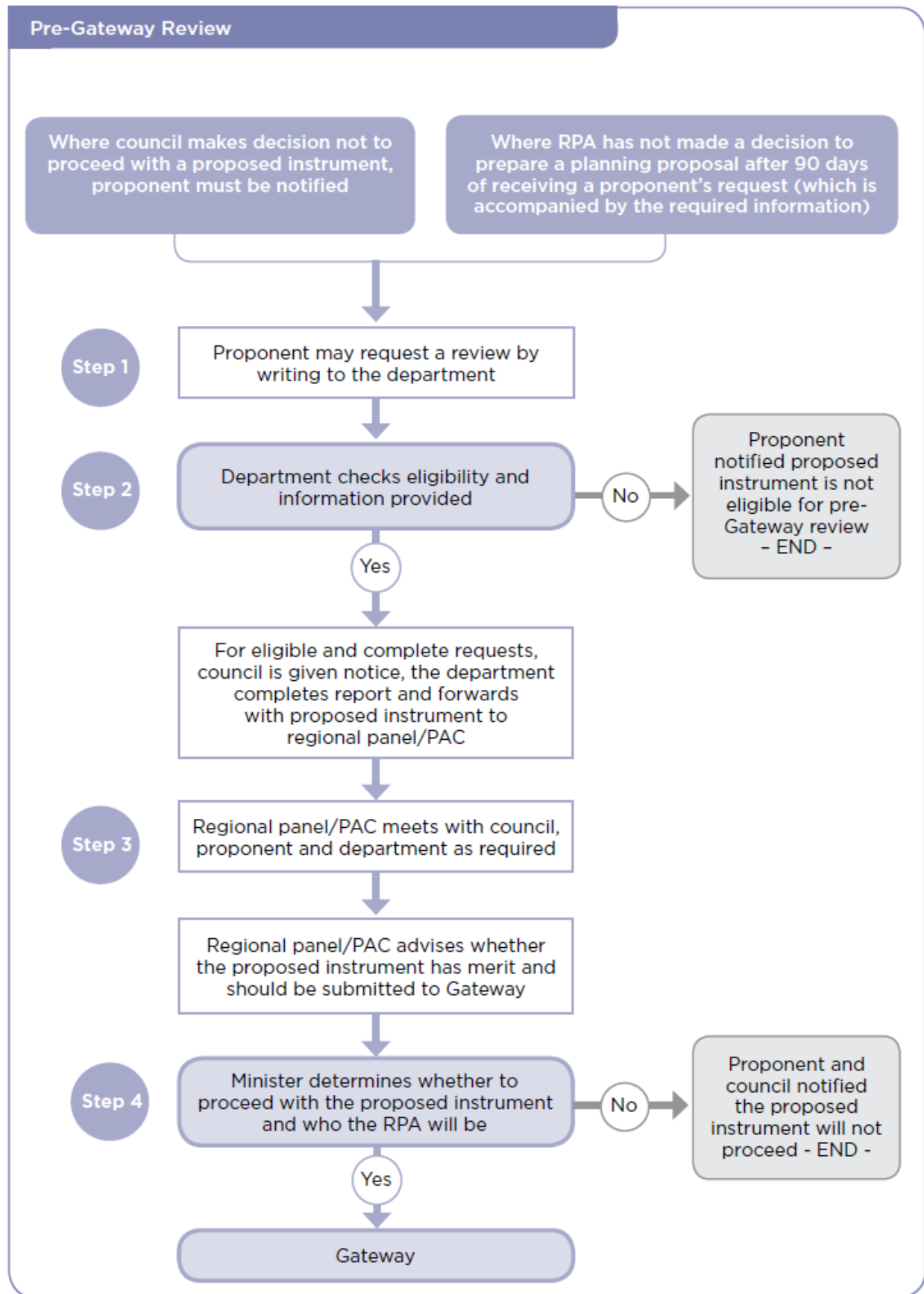


The Department's 'A guide to preparing local environmental plans' provides advice on procedures for the various stages in the independent review process. The guide is available on-line at www.planning.nsw.gov.au/gateway-process. You can check the progress of this request for review on the LEP Tracking System at www.leptracking.planning.nsw.gov.au/default.aspx

Should you have any questions in regard to this matter, please contact Ms Lee McCourt, of the Sydney Region East Office of the Department of Planning and Infrastructure on 02 9228 2094.

Yours sincerely


Sam Haddad
Director General
15/2/2013





ABN 61 340 837 871
 Telephone 02 9970 1111
 Facsimile 02 9970 1200
 Postal Address
 PO Box 882
 Mona Vale NSW 1660
 DX 9018, Mona Vale

Liza Cordoba, Principal Officer (Land Release)
 8:00am to 5:30pm Monday - Thursday, 8:00am to 5:00pm Friday
 Phone 9970 1150

21 February 2013

Mr Charles Hill
 Charles Hill Planning
 GPO Box 5113
 ELANORA HEIGHTS NSW 2101

(Council Ref. R0002/12)

Dear Mr Hill

Re: Request for Additional Information to be submitted for Planning Proposal Application at 120-122 Mona Vale Road, 4A Boundary Street and 10 Jubilee Avenue Warriewood

Council has engaged The Planning Group (TPG) NSW to undertake an assessment of your Planning Proposal Application for 120-122 Mona Vale Road, 4A Boundary Street and 10 Jubilee Avenue, Warriewood. TPG NSW has identified in its assessment, in conjunction with submissions from NSW Government agencies and internal referrals from Council specialist units, that additional information on the following matters is required in order to demonstrate the site is capable of supporting low density housing and to justify proceeding with the proposed LEP Amendment:

- Road access feasibility;
- Hydrology study that meets Council's technical requirements;
- Preliminary Aboriginal archaeological assessment and cultural heritage assessment;
- Preliminary Investigation of Contamination in satisfaction of the requirements specified in State Environmental Planning Policy No. 55 – Remediation of Land;
- Supplementary Bushfire Assessment addressing the issues raised by the NSW Rural Fire Service and Council's bushfire assessment officer.

We request that the following additional information be provided prior to the Planning Proposal Application being reported to Council for a determination. Without this additional information, the Planning Proposal Application information submitted to date does not provide sufficient certainty that the site is capable of supporting low density housing to justify proceeding with the Planning Proposal to a gateway determination. The following information is requested by Council.

1. For any Planning proposal to be supported on 120-122 Mona Vale Road, it must be demonstrated that adequate access arrangements are available to this site. As you would be aware from the 'Application Tracking' on Council's Website, the Roads and Maritime Services and other emergency agencies do not support Option A which proposes access onto Mona Vale Road from Boundary Street.

Engineering details have been provided by you to support Option B which proposes access via Jubilee Avenue to Boundary Street. Your letter dated 15 October 2012 pertaining to Option B requires rezoning of 4A Boundary and 10 Jubilee Avenue. The level of detail in support of Option B is deficient given it does not assess impacts for 4A Boundary Street and 10 Jubilee Avenue to support their rezoning. An assessment of these properties pertaining to the Option B access requires:-

- Information on the potential tree loss resulting from the access corridor and assessment of trees identified as Significant or High Landscape Significance;
- Impact on flora and fauna on and adjacent 4A Boundary Street and 10 Jubilee Avenue, particularly the open forest habitat and potential disturbance of local wildlife;

Email pittwater_council@pittwater.nsw.gov.au Web pittwater.nsw.gov.au

Mona Vale Customer Service Centre
 Village Park 1 Park Street, Mona Vale

Avalon Customer Service Centre
 59A Old Barrenjoey Road, Avalon

Support Services
 Units 11, 12, 13 + 16/5 Vuko Place, Warriewood

Boondah Depot
 1 Boondah Road, Warriewood

- Visual analysis of these properties including visual impact associated with the proposed access corridor;
 - Information on how water will be managed to achieve pre-development discharges up to the 1% AEP, how impact on adjoining properties will be minimised, and how pollution will be minimised as a result of the proposed road;
 - Details of the treatment of the depth of soil above any rock cutting to maintain its stability;
 - Particular consideration of the functionality of the access corridor for emergency vehicles and the future safety of residents in a bushfire event will be required to ensure access can be achieved given the:-
 - utility of the gradient and carriageway width of the access corridor for emergency vehicles,
 - vegetation on and adjacent 4A Boundary Street and 10 Jubilee Avenue may increase bushfire threat within the access corridor, need to achieve minimum traffic sight distances on the crest,
 - southern section of the access corridor may need to be redesigned to incorporate:-
 - the proposed intersection design of the proposed road and Jubilee Avenue in accordance with the Warriewood Valley Roads Masterplan,
 - the proposed intersection of the proposed road with the existing ROW to the Uniting Church needs to be designed in accordance with Pittwater 21 Development Control Plan, control B6.2, and
- in turn ensure there is sufficient width in that portion of No10 Jubilee Avenue (the subject of this rezoning application) to enable the access corridor to be accommodated. Additionally, confirmation is sought that the Uniting Church (the owner of No 10 Jubilee Avenue) consents to rezoning of that portion of their land to contain the access corridor.

I attach for your information the Fire & Rescue NSW letter dated 16 January 2013 and Rural Fire Service letter dated 3 January 2013.

2. The submitted Water Management Report - Impact of Warriewood Valley Strategic Review Hydrology Study is inadequate as it simply reviewed the Warriewood Valley Strategic Review Hydrology Study November 2011 prepared by Cardno for a much wider area. The application has not demonstrated how water can be managed on all four properties (the subject of this application) such that there is no detrimental impact on downstream properties in the catchment. A new Hydrology Report will need to be submitted that addresses this issue.
3. Agriculture is the current use on 120-122 Mona Vale Road however no preliminary contamination report has been submitted with the application. A preliminary investigation of the land (all four parcels) is required for this application under State Environmental Planning Policy No 55 – Remediation of Land.
4. No preliminary assessment of aboriginal archaeological and cultural heritage has been submitted for this application. This preliminary assessment should be prepared to ascertain whether there is a potential change to future land use arrangements that in turn affects the viability of developing the subject properties.
5. The RFS letter identified clear deficiencies with the submitted Bushfire Report regarding the identified vegetation category on site. The outcomes in identifying the correct vegetation category will result in changes to future land use arrangements that require further consideration by the applicant/owner. A supplementary bushfire report that addresses the matters raised by the RFS is required.

6. Residential allotments are proposed fronting Mona Vale Road however there is no acoustic assessment demonstrating future impact of traffic noise from Mona Vale Road and adequacy of the land use arrangements proposed in the masterplan.

TPG has prepared a Preliminary Draft Minimum Lot Size Map which is attached for your information. We request that you give consideration to this preliminary draft map and its implications for lot yield and project feasibility, and advise Council of your response.

Council has now received formal notification from the Department of Planning and Infrastructure that you are seeking a Pre-Gateway Review. Council is now obliged to report the progress and the status of this Planning Proposal Application to its meeting on 4 March 2013 and then to the Department of Planning and Infrastructure. Under the circumstances, the additional information addressing the matters above is to be submitted to Council by **5pm, 25 February 2013**.

If you seek further clarification on the above matters, please contact me on 9970 1150.

Yours sincerely



Liza Cordoba

PRINCIPAL PLANNING OFFICER (URBAN LAND RELEASE)

File Ref. No: NFB/02794
TRIM Doc. No: D13/1069
Contact: J Black

16 January 2013

Manager Planning & Assessment
Pittwater Council
PO Box 882
MONA VALE NSW 1660
pittwater_council@pittwater.nsw.gov.au

Attention: Robbie Platt

Dear Sir

**Re: Assessment of 120-122 Mona Vale Road, 10 Jubilee Avenue and
4 Boundary Street, WARRIEWOOD**

I refer to your correspondence dated 22 November 2012 requesting Fire and Rescue NSW (FRNSW) comment on a Draft Planning Proposal for the above address.

After review of the submitted documentation the following comments are provided;

1. FRNSW recommends that all developments should comply with the requirements of the Building Code of Australia (BCA) and relevant Australian Standards.
2. To facilitate FRNSW firefighting operations it is recommended that minimum carriageway widths, turning areas, gradients, kerb dimensions and minimum Allowable Bearing Pressures for the carriageways and hardstand areas be provided in accordance with FRNSW Guidelines for Emergency Vehicle Access, Policy No. 4.
(http://www.fire.nsw.gov.au/gallery/files/pdf/guidelines/vehicle_access.pdf), available through the FRNSW website.
3. FRNSW recommends that the sites' reticulated water authority main incorporate the comprehensive installation of fire hydrants throughout the entire site. The fire hydrants should be provided with suitable hinged type covers that will enable local FRNSW crews to safely access the hydrants with readily identifiable indicators such as hydrant indicator plates and cats-eye reflectors.
4. To facilitate rapid firefighting intervention and other emergency service response, FRNSW recommends that all streets and roadways are prominently

signposted and for all buildings to be clearly identified by their relevant street number.

5. A second entry/exit point should be incorporated into the plan to facilitate emergency vehicle access or egress and resident evacuation in the event one entry point is unavailable. This is particularly relevant in an area bordering a bushland environment which could be impacted by a fire event.

Should you have any further enquiries regarding any of the above matters, please do not hesitate to contact the Structural Fire Safety Unit.

Yours faithfully



Peter Nugent
Acting Manager
Building Fire Safety Unit



All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Telephone: 1300 679 737
e-mail: csc@rfs.nsw.gov.au

Headquarters
NSW Rural Fire Service
15 Carter Street
HOMEBUSH BAY NSW 2127

Facsimile: (02) 8867 7963



The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Your Ref: R00002/12
Our Ref: L08/0142
ED12/034410

Attention: Liza Cordoba

3 January 2013

Dear Sir / Madam

Re: Preliminary Notification (Non-statutory) of rezoning for 120-122 Mona Vale Rd, 10 Jubilee Ave & 4 Boundary Street Warriewood.

I refer to your letter dated 22 November 2012 seeking advice for the above rezoning proposal and apologize for our delay in response.

The NSW Rural Fire Service (RFS) notes that portions of the subject sites fall within bush fire prone areas as identified on the Pittwater Bush Fire Prone Land Map.

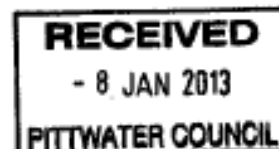
The RFS raises concerns with both proposals (Options 1 & 2) tabled for the site. Of particular concern is the access / egress provided to the site and the accuracy of the bush fire assessment report provided with the application.

In relation to access / egress to the site, the RFS raises concerns that access / egress from the site is reliant on a single access point to the nearest through road (Mona Vale Road) which, may not provide a satisfactory level of service for evacuation of occupants in the event of an emergency. This access point being potentially subject to the restriction of left in left out onto Mona Vale Road.

The RFS prefers Option 2 to Option 1 with a minor modification. From the plan provided, it appears that a through road is proposed within Lot 2 DP 816070 to Jubilee Road, which would connect the proposal with the existing road network further to the east of the site. This would improve the access provisions by providing an alternate access/egress route to Mona Vale Road. If a through road has not been proposed, consideration should be given to its provision.

Please be advised that a perimeter road is the preferred option to separate bush land from rural-residential subdivisions and the subject site is considered to have the potential to accommodate a perimeter road.

1 of 2



It is also noted that the bushfire assessment report prepared Advanced Bushfire Performance Solutions dated September 2012 for Options 1 & 2 has inconsistencies that will require further information and analysis.

Matters that require further clarification include Asset Protection Zones (APZ's), including compliance with Planning for Bushfire Protection for subdivisions, demonstrated modelling within the report that results in potential flame contact, APZ's on lands greater than 18 Degrees, and the potential requirement for a buffer from Narrabeen Creek that will potentially increase the minimum required APZ's.

Furthermore, clarification is required of the potential ramifications of the proposed park/bushland/creek areas proposed within the site that may increase the bush fire threat to the site. This potentially increases the risk in providing 'fire runs' through the subject site, potentially resulting in bush fire behaviour of significant intensity impacting the vicinity.

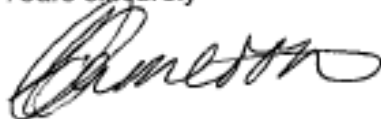
The RFS recommends that the rezoning - and subsequent related planning directions - demonstrate due consideration for the bush fire risk that exists within the area, and provide for appropriate mitigation of the evaluated risks.

As such, any future development within the abovementioned subject site will be required to comply with section 79BA (residential, commercial or industrial development) or section 91 (subdivision or special fire protection purposes development) of the *Environmental Planning and Assessment Act 1979*. Applications affected by section 91 will require the issue of a bush fire safety authority as per section 100B of the *Rural Fires Act 1997*.

Consideration should also be given to ensuring appropriate access, water and utilities is available to the proposed Lots. Where an increase in density or a special fire protection purpose development could be proposed, roads should provide a satisfactory level of service for evacuation of occupants in the event of an emergency.

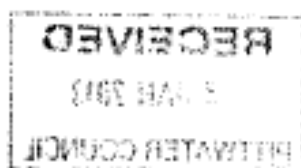
For any enquiries regarding this correspondence please contact Jason Hulston on 1300 NSW RFS.

Yours sincerely



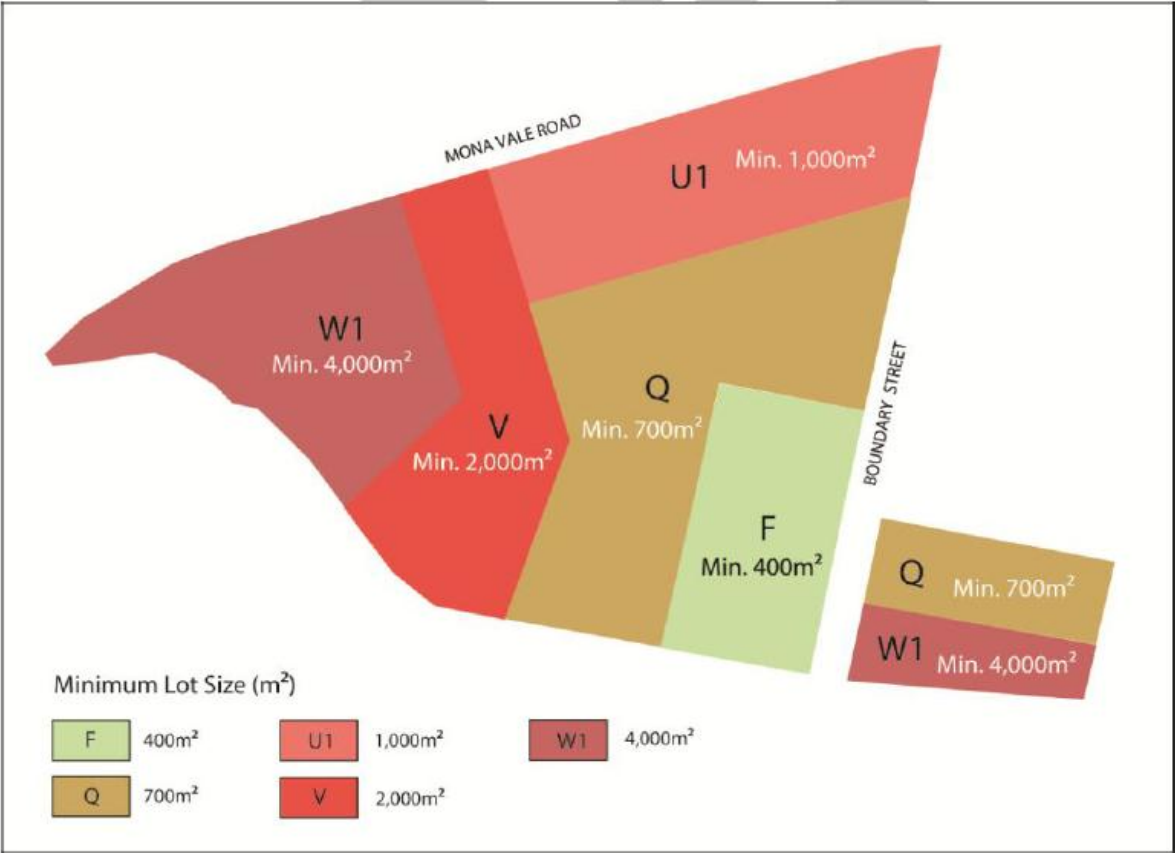
Iona Cameron
A/Team Leader, Development Assessment

The RFS has made getting additional information easier. For general information on *Planning for Bush Fire Protection 2006*, visit the RFS web page at www.rfs.nsw.gov.au and search under *Planning for Bush Fire Protection 2006*.



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Preliminary Draft – Minimum Lot Size Map





PITTWATER COUNCIL

Action Item

C10.1: Background Report outlining Pre-Gateway Review Process for R0002/12 - 120 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street Warriewood

COMMITTEE RECOMMENDATION

- 1 That Council note the contents of this report.
- 2 That the General Manager write to the Director-General of the Department of Planning & Infrastructure indicating the following reasons why a decision was not made within 90 days for the Planning Proposal R0002/12 – 120-122 Mona Vale Road, 10 Jubilee Avenue and 4A Boundary Street:-
 - a) The information submitted in support of the Planning Proposal is deficient. The material submitted to date does not adequately demonstrate that 10 Jubilee Avenue and 4A Boundary Street are able to provide acceptable access, with reasonable environmental impacts, to 120 and 122 Mona Vale Road. The material submitted to date does not adequately demonstrate that 120 and 122 Mona Vale Road are able to support low density residential housing. The following additional information is required to enable an appropriate assessment of the proposal:
 - Access arrangements must be demonstrated to be appropriate for the number new lots proposed. This includes appropriate access for emergency vehicles. The environmental impacts of any access arrangement should also be appropriately considered and demonstrated to be acceptable.
 - Water Management must be appropriately considered inclusive of details demonstrating no detrimental impact on downstream properties.
 - A preliminary contamination report is required to satisfy the requirements of State Environmental Planning Policy No 55 – Remediation of Land
 - An acoustic assessment is required to demonstrate future impact on traffic noise from Mona Vale Road and consider the adequacy of the land use arrangements proposed
 - A preliminary assessment of Aboriginal archaeological and cultural heritage is required
 - A revised masterplan that reflects the recommended changes to minimum lot sizes

- 3 That the General Manager write to the Director-General of Department of Planning & Infrastructure expressing Council's concern that the Department agreed to a Pre-Gateway review even though the application for review appears to have failed the Department's own test as outlined below:

"That Council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information."

(Cr Millar / Cr Griffith)

Notes:

1. A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Griffith	
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr White	
Cr Young	

2. Cr Hegarty left the meeting at 9.18pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Hegarty was:

"I sit on the JRPP and under their Code of Conduct it would be improper to participate in debate"

3. Cr Townsend left the meeting at 9.18pm, having declared a significant non-pecuniary interest in this item and took no part in discussion or voting. The reason provided by Cr Townsend was:

"Sitting delegate of JRPP. Determination of Planning Assessment of item"

Procedural Motion (COUNCIL DECISION)

That Cr Grace be granted an extension of time to complete his address to the meeting on this item.

(Cr White / Cr Young)