

PLANNING PROPOSAL

120 – 122 Mona Vale Road,
4A Boundary Street,
And
10 Jubilee Avenues
Warriewood

Prepared for

OPERA PROPERTIES PTY LTD

By

CHARLES HILL PLANNING
Director Charles Hill

Dated October 2012

TABLE OF CONTENTS

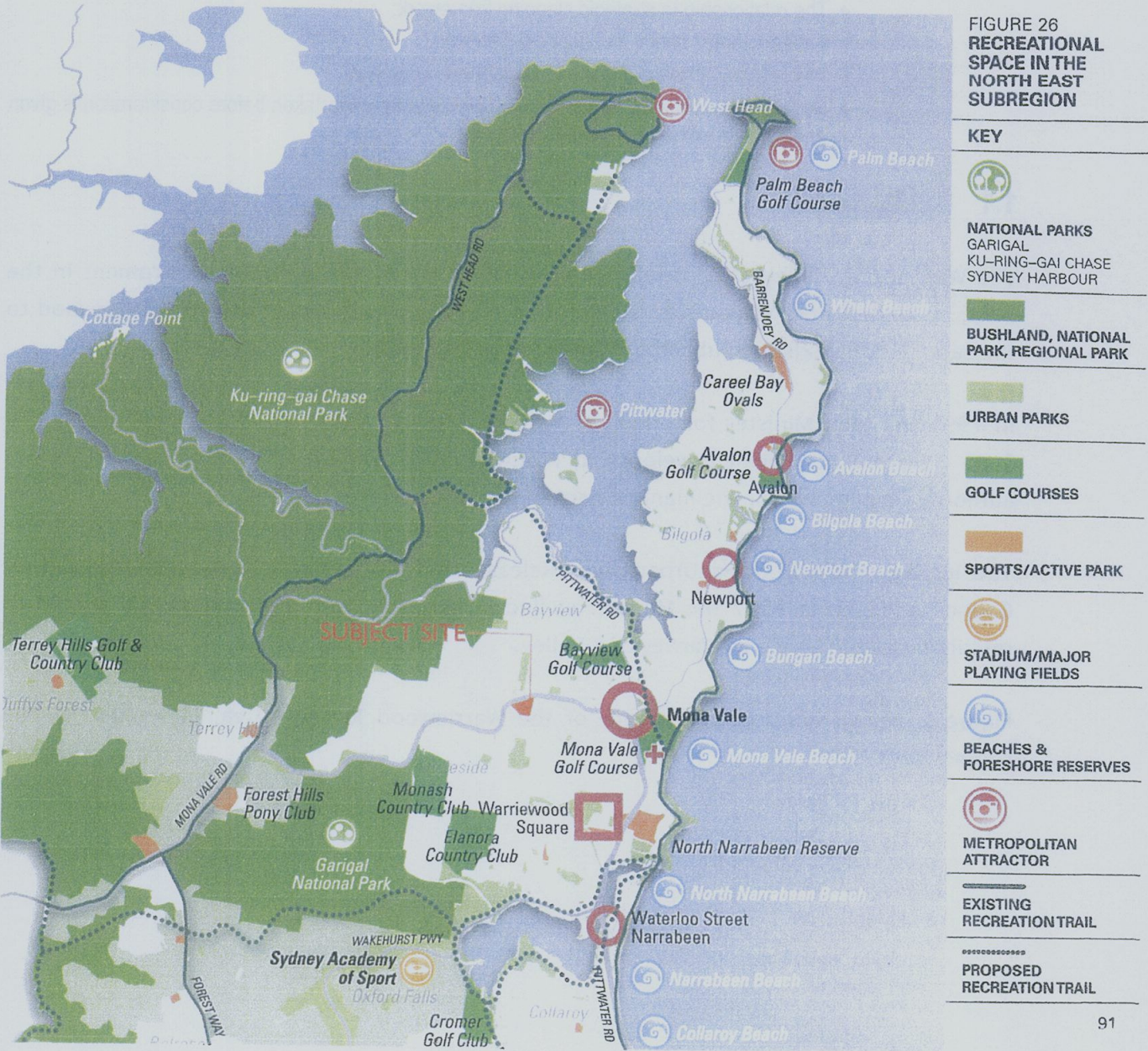
1	INTRODUCTION	3
1.1	Background	4
2	THE SITE	7
2.1	Site Description	7
2.2	Local Context	11
2.4	Site Constraints and Opportunities	14
3	PART 1 – OBJECTIVES AND INTENDED OUTCOMES	21
3.1	Objective	21
3.2	Intended Outcomes	21
4	PART 2 – EXPLANATION OF PROVISIONS	22
4.1	Description of Planning Proposal	22
4.2	Supporting Masterplan	22
4.3	Section B – Need for the Planning Proposal	24
4.4	Section C – Environmental, Social and Economic Impact	35
4.5	Section D – State and Commonwealth Interests	46
5	PART 4 – COMMUNITY CONSULTATION	47
6	CONCLUSION	47

INTRODUCTION

This Planning Proposal has been prepared by Charles Hill Planning and GM Urban Designers & Architects on behalf of Opera Properties Pty Ltd, seeking an amendment to the Pittwater Local Environment Plan (PLEP) 1993, for the sites known as 120 – 122 Mona Vale Road, 4 Boundary Street, and 10 Jubilee Avenue Warriewood (the site) to enable a development for urban purposes, in accordance with the attached Master Plan prepared by GM Urban Designers & Architects dated September 2012 (Appendix A)

The Planning Proposal pertains to the land currently described as follows Lot 1 in DP 383009, Lots 3, 4 and 5 in DP 124602, Lot 2 in DP 816070, and part Lot 10 in DP 5055. The location of the site in the regional context is shown at Figure 1.

Figure 1: Source: GMU



The Planning Proposal has been prepared having regard to the Department of Planning "Local Plan Making Guidelines", and a guide to prepare local environmental plans

More particularly, the planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, (the Act) NSW Department of Planning Guidelines to Preparing a Planning Proposal, and Related Section 117 Directions.

Specifically, the Planning Proposal includes the following information:

- a) A description of the site in its local and regional context;
- b) A statement of the objectives or intended outcomes of the proposed instrument;
- c) An explanation of the provisions that are to be included in the proposed instrument; and
- d) The justification for those objectives, outcomes and provisions and the process for their implementation including:
 - Whether the proposed instrument will comply with relevant directions under S117;
 - The relationship to strategic planning framework;
 - Environmental, social and economic impacts;
 - Any relevant State and Commonwealth interests; and,
 - Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

1.1 Background

The Warriewood Valley Land Release Area is bordered by the Pittwater escarpment in the west, by Warriewood wetlands to the south, the STP and existing suburb of Warriewood to the east, and the existing suburb of Mona Vale to the north.

In 1991 the then Minister for planning included land at Warriewood and Ingleside in the State Governments Urban Development Program, and appointed Pittwater Council as the authority responsible for the management of the land release.

The Ingleside/ Warriewood Urban Land Release Draft Planning Strategy was finalised by Council in 1995. In 1997 the Minister excluded Ingleside from the process and agreed to restrict the land release to Warriewood Valley.

Figure 2 below indicates the extent of the Warriewood Release Area, in relation to the subject land.

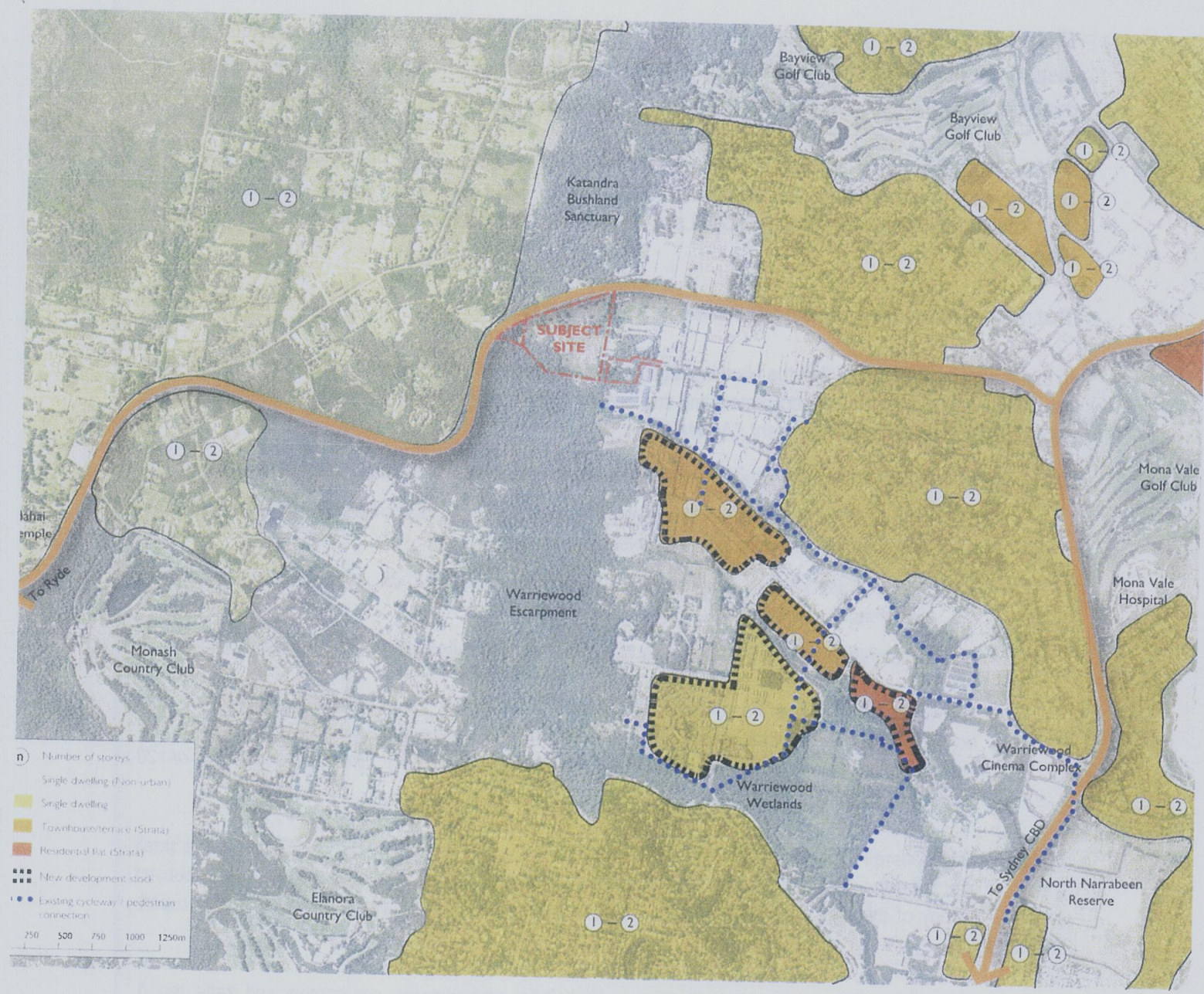


Figure 2: Source: GMU

The subject land is located in part of the Warriewood/Ingleside escarpment referred to as Sector 26(Escarpment /Conservation) in the Draft Planning Strategy. In accordance with this Strategy it was indicated that:

.....the sector has been allocated a principal land use for conservation purposes and as such no significant urban development is expected in this area.

This statement is highly questionable having regard to the particular circumstances of the case, including, but not necessarily limited to, incorrect mapping and the absence of detailed environmental assessment. This issue is addressed in detail later in this report.

In **May 2006** Glendinning Minto and Associates P/L were engaged by Opera Properties P/L to prepare a planning report in respect of the inclusion of Lot 1 in DP 383009, and Lots 3, 4 and 5 in DP 124602 (120 Mona Vale Road) in the Warriewood Valley Urban Land Release Area, for the purposes of residential development. (Appendix P)

That report concluded that the land was suitable for residential purposes.

In that regard it is also noted that the planning report and traffic assessment concluded that the right of way over the church land was capable of accommodating any increase in vehicular traffic as a result of any rezoning of the subject site for residential development. (Appendix E).

On **19 September 2006** Pittwater Council in considering Opera Properties P/L proposal, resolved as follows:

- "A1) that 120 Mona Vale Road, Warriewood be included in the Warriewood Land Release Area for the purpose of residential development.
- 2) That the applicant, his advisors and Council staff consult as to the land capability, the potential yield and the securing of adequate access to the site;
- 3) That following 2 above that the applicant be invited to submit a formal Masterplan application.

That Council encourage the applicant and the Uniting Church, the RTA and landowners of sites fronting Boundary Street including 120 Mona Vale Road to further discuss possible alternate access from 120 Mona Vale Road to Daydream Street for the purposes of a potential future subdivision of 120 Mona Vale Road."

In **August 2010** Opera Properties P/L purchased the property known as Number 4 Boundary Street and a small parcel of land from the Pittwater Uniting Church, with a view to providing alternative access to the subject property. A copy of the plan, indicating the land to be acquired, and road design is attached to this report. (Appendix B)

On **28 February 2011** a development application, an associated environmental assessment and traffic report, was submitted to Council for its consideration in respect of a proposal to construct a new private road to access 120 Mona Vale Road. (Appendix T)

In **July 2011** the NSW Department of Planning and Pittwater Council agreed to undertake a Strategic Review of future development in Warriewood Valley. The aim of the review was to:

Establish which undeveloped lands, if any, may be suitable for increased development beyond that currently proposed for the valley, by examining the constraints that apply to such land.

On **9 July 2011**, although the Council assessment report recommended against the proposed private road, Council resolved as follows:

"Council acknowledges that the applicant has proceeded to seek a resolution to access the site at 120 Mona Vale Road in accordance with Council resolution of 18 April 2006 (should be 18

September 2006) Council acknowledges that the Applicant has secured owners agreement to lodge an application for the development of the land.

Given that owners agreement to an access has been secured, Council is in a position to consider an overall Masterplan / zoning to develop 120 Mona Vale Road and the area proposed for the road over 4 Boundary Street and 10 Jubilee Avenue, subject to the submission of full detailed studies, reports and plans addressing environmental, infrastructure, hazard management, biodiversity and urban capability of the sites.

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."

Subsequent to the above Gabrielle Morrish of GM Urban Design and Architecture, and Charles Hill Planning were engaged by Opera Properties P/L to prepare a concept plan for the subject land.

A copy of the draft concept plan is attached to this report for Council's consideration. (Appendix A)

2 THE SITE

2.1 Site Description

The site is the subject of this application essentially relates to the property known as 120- 122 Mona Vale Road Mona Vale Warriewood, which is owned by Opera Properties P/L. The application however also includes the properties known as 4 Boundary Street, and 10 Jubilee Avenue Warriewood, which provides alternative access to 120-122 Mona Vale Road (*the site*) should that access be required by Council

The 120 Mona Vale Road is bounded by Mona Vale Road in the north and Boundary Road in the east, and is comprised of four allotments Lot 1 in DP 383009, and Lots 3, 4 and 5 in DP 124602. The site has a total area of approximately 7.94 hectares.

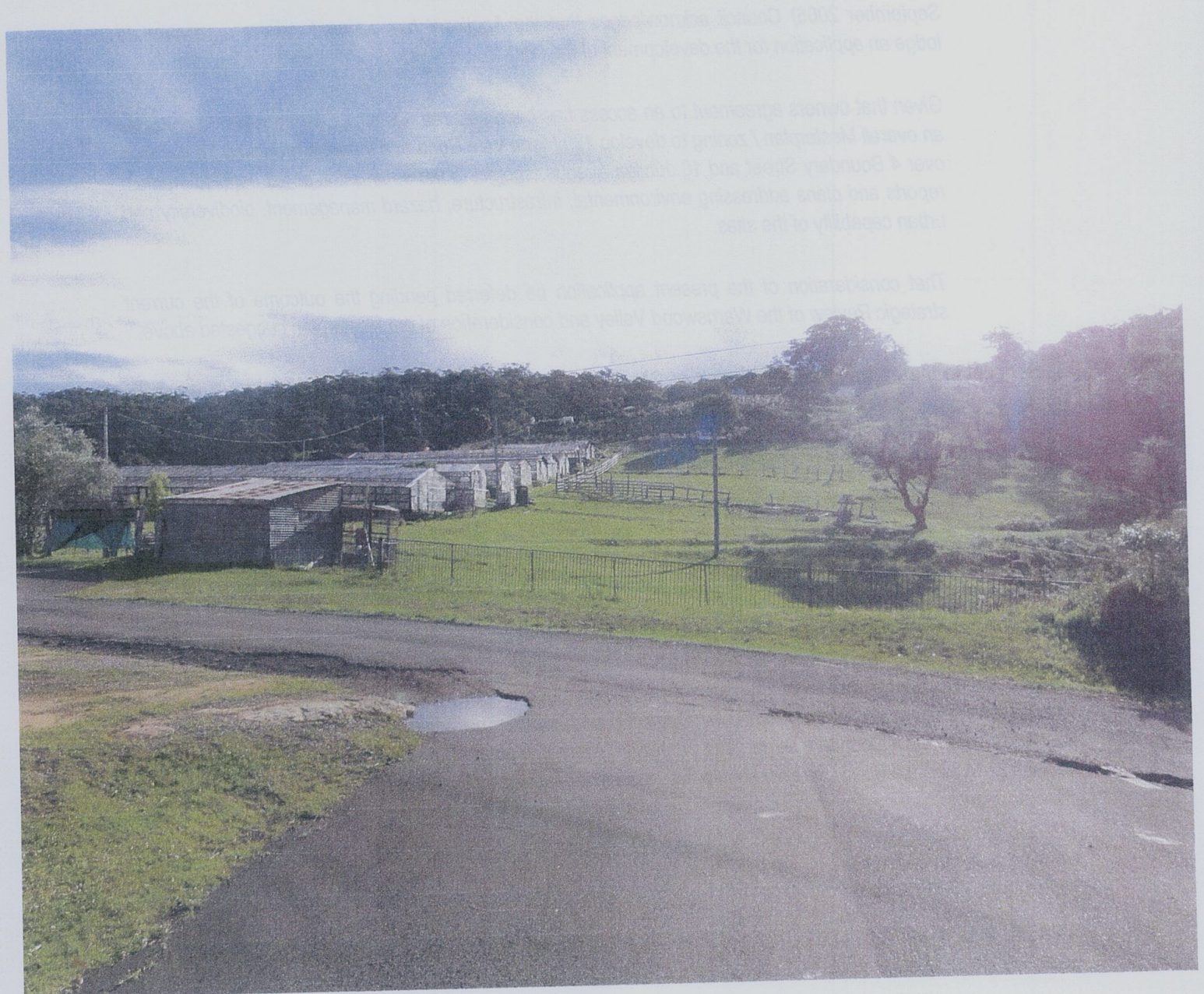
This site has a frontage to Mona Vale Road of approximately 525 metres, approximately 375 metres to Boundary Road, approximately and approximately 450 metres to Narrabeen Creek.

The site is triangular in shape, comprising sloping lands of various grades and is largely cleared, although the property does support a number of stands of significant trees. The trees are mainly located around the site's perimeter together with a portion of dense vegetation in the site's south west corner. The property also includes a natural drainage channel which is located in the northern half of the property, and which runs from Mona Vale Road through to Boundary Road. A separate watercourse also forms part of the site's south western boundary.

Structures currently erected on the site include:

1. A single storey brick and tile dwelling home on Lot 3
2. A number of shed structures on Lot 5, and
3. A row of glass houses on Lot 3 adjacent to Boundary Road.

Figure 3 below indicates selected photographs of the 120-122 Mona Vale Road site.



View of site looking west from Boundary Road: Source: GMU



View at north of site looking south: *Source GMU*



View of site at south of site looking south: Source: GMU

Number 4 Boundary St is rectangular in shape with a frontage to Boundary Street of approximately 75 metres, a northern boundary of 126 metres, an eastern boundary of 75 metres and a southern boundary of 123 metres. This site has an area of approximately 1 hectare. Topographically the site generally falls towards the centre of the site, with a gully which falls from the south east towards the northwest. Located on the site is a stone and weatherboard cottage together with a number of sheds, and a horse exercise area. There are also scattered trees throughout the site.

That part of 10 Jubilee Avenue purchased by the Mustaca family to accommodate the proposed Road has slopes varying from approximately 15% to over 32%. There are also scattered tree throughout the site.

A plan of the site is shown at **Figure 4**

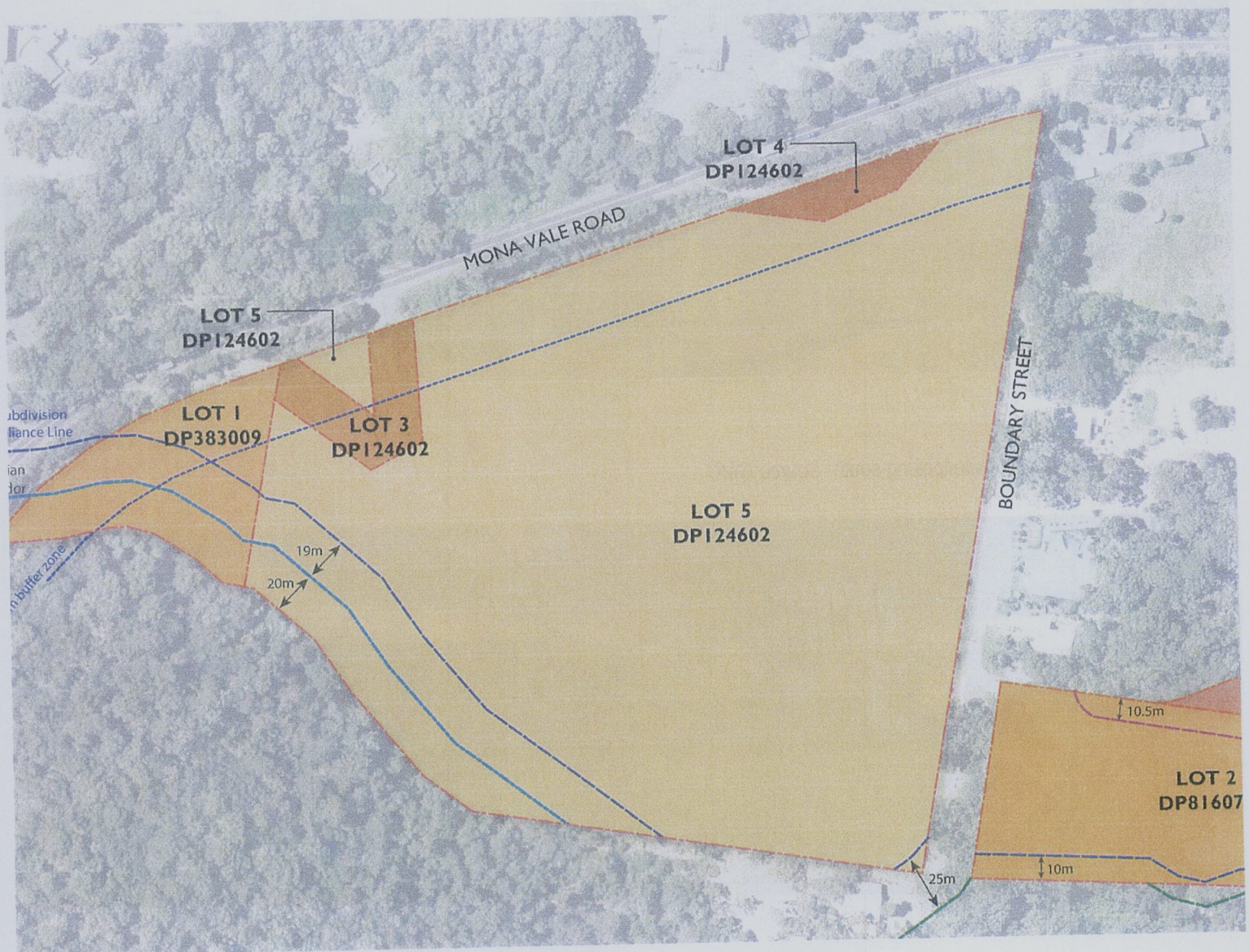


Figure 4: Source GMU

The subject land is currently zoned 1(a) Non-Urban in accordance with PLEP 1993 which permits one dwelling per 2 hectares.

Should access to the site be via the alternative route as proposed by the applicant and favoured by the Council in its resolution of July 2011, the site would also include the property known as 4 Boundary Road (Lot 2 in DP 816070) and 10 Jubilee Av Warriewood (Lot 10 in DP 5055).

The subject land is zoned 1(b) Non Urban in accordance with Pittwater Council Local Environmental Plan) PLEP) 1993.

In that regard it is noted that the Council report dated 9 July 2011 in relation to its assessment of the proposed road claimed that the proposed road was a prohibited use on the basis that :

it is a necessary and ancillary use component of a prohibited use (being the future development of presently non urban zoned land for urban purposes at 120 Mona Vale Road).

However it is noted that roads **are not** a prohibited use in the non urban zoning, in accordance with PLEP 1993, irrespective as to what that road might be used for, and as such rezoning should not be required for the proposed road, particularly if Council agrees to the rezoning of the property known as 120 Mona Vale Road Warriewood, to permit residential development.

Needless to say, should Council disagree with this interpretation, the land referred to as numbers 4 Boundary Road and 10 Jubilee Avenue (Lots 4 in DP 816070 and 10 in DP 5055 respectively) should also be rezoned to permit the construction of the alternative road to service the future residential development of 120 Mona Vale Road Warriewood, as well as rezoning of that land to permit the associated urban development as shown on the master plan prepared by GMU, dated September 2012.

A plan and elevations of the proposed road are at **Appendix B** to this report.

2.2 Local Context

The subject land is located within Pittwater Council Local Government Area and has been included in the Warriewood Release Area, in recognition of the potential in the locality to increase residential density of the area.

The area surrounding the subject site as detailed on the attached extract from the Council's zoning may comprise a range of land uses...

These land uses are generally as follows:

- North: 1(a) Non Urban
- West: 1(a) Non Urban
- South: Environmental Protection
- East: 1(b) Non-Urban directly adjoining with light industrial and commerce

An extract from Pittwater Local Environmental plan is at **Figure 5**

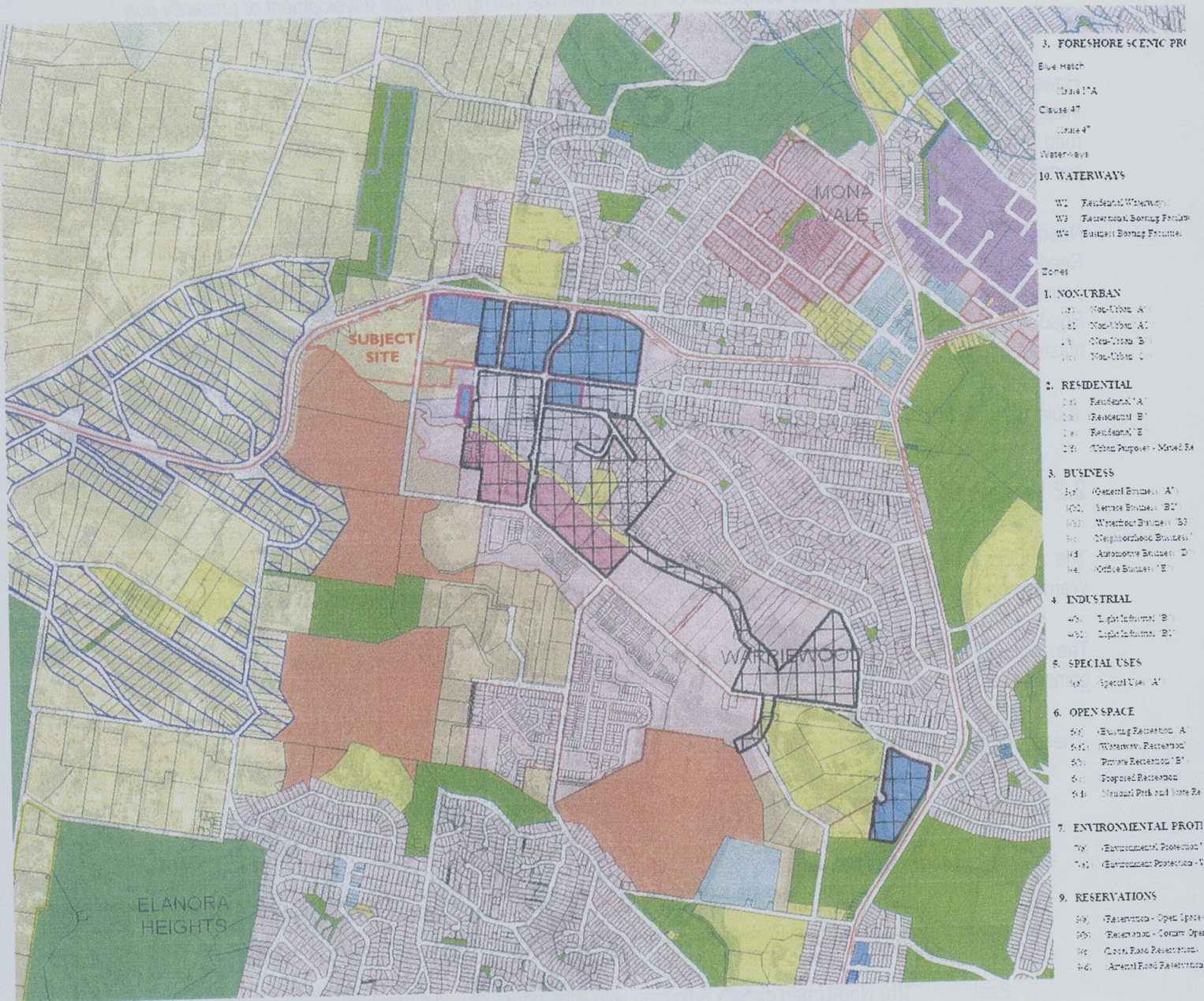


Figure 5: Source GMU

It is also noted that further to the south east of the site exist a number of existing and proposed small lot house estates.

The site is located adjacent to the heavily vegetated bushland to the west and light industrial, commercial and some residential areas to the east.

The area is known as the Warriewood Commercial and Industrial hub which provides important employment opportunities for the region. The closest major centre to the site is Mona Vale. Warriewood Square, a standalone retail centre, is also in close proximity.

Access to the site is currently available only from Boundary Street.

In this regard it is noted that Council has closed access to Boundary Street via Mona Vale Road, and that access to the site is currently via a Right of Carriageway over the Uniting Church land on the opposite side of Boundary Street to Jubilee Avenue. The terms of the Right of Carriageway are detailed in the relevant Section 88B instrument, a copy of which is attached as **Appendix C** to this report.

Further to the above, Council in denying access to the subject property by closing off access to Boundary Street via Mona Vale Road, has necessitated the owners to negotiate access through land owned by the Uniting Church, and acquisition of a property known as 10 Jubilee Avenue Warriewood, with a view to providing alternate access to the property. Number 4 Boundary Street is already owned by the Mustaca family.

In that regard it is also noted that the traffic assessment prepared in support of Opera Properties original application to include the subject property in the Warriewood Urban Land Release Area, concluded that the ROW over the church land was capable of accommodating any increase in vehicular traffic as result of any rezoning of the land for urban purposes (**Appendix E**), contrary to the advice provided by the Council assessment at that time. This issue however is discussed in more detail later in this report.

More recently an application was submitted to create a new road to access the property. Whilst the planning staff recommended that the application be refused, Council resolved to defer the application, and requested that a concept plan be submitted for the development of the subject land. Details of Council's resolution are provided in **Section 1** to this report.

More particularly it is noted in relation to vehicular access to the site that Council acknowledged that it would consider left in and left out access to Mona Vale Road, in conjunction with any future RTA (now RMS) widening of Mona Vale Road.

Subsequent to the above, discussions have been held with RMS, who has indicated their preparedness to consider such a proposal subject to a satisfactory design outcome. Plans are currently being prepared for their consideration, a copy of which is provided at **Appendix D**.

Mona Vale Road provides a major link to the city, and westwards to Parramatta. Jubilee Avenue itself connects to Powderworks Road, linking Mona Vale Road via Vineyard Street and Macpherson Street to Pittwater Road and access also for the CBD.

Figure 6 below indicates general road networks surrounding the site.

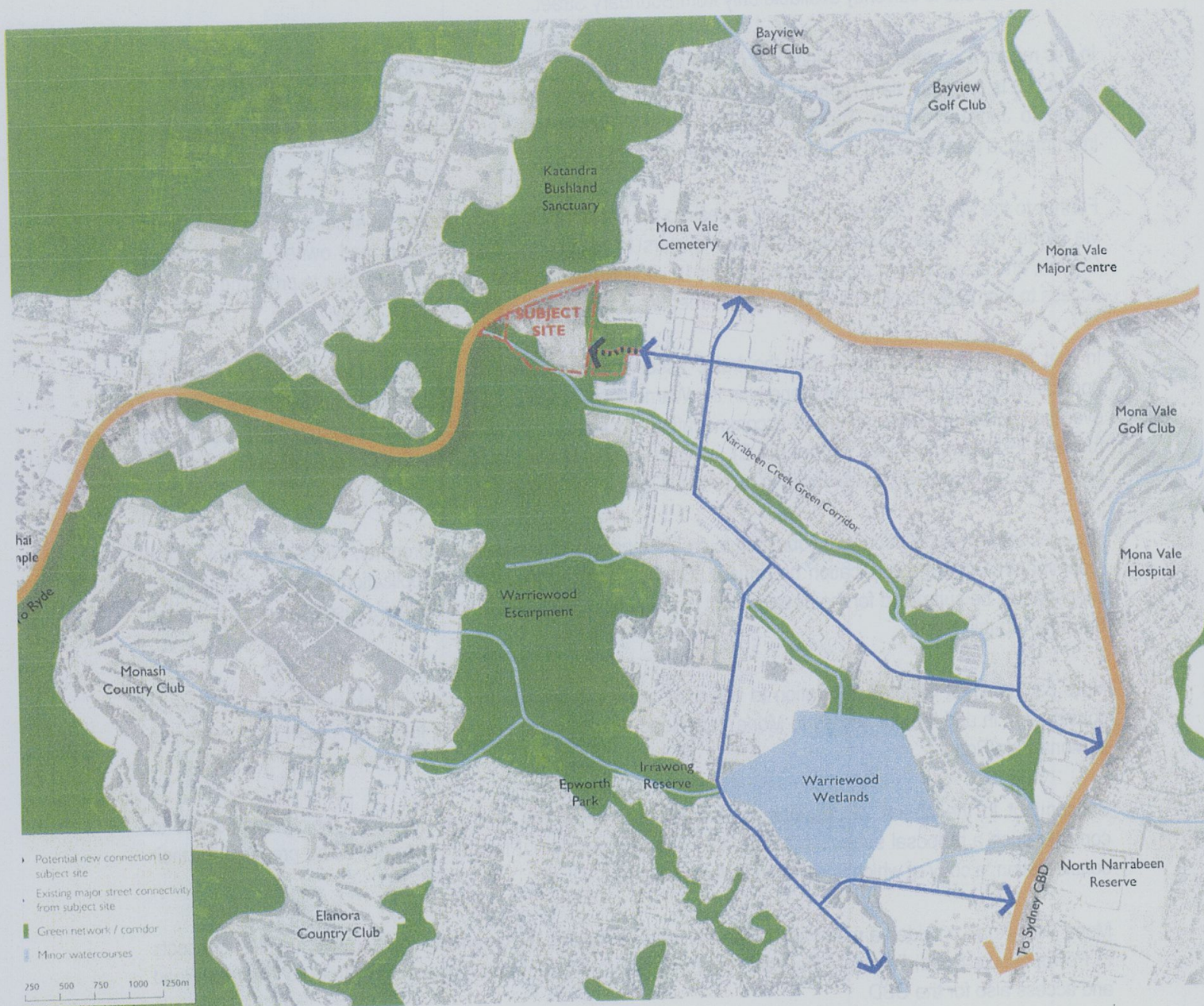


Figure 6: Source: GMU

3 SITE CONSTRAINTS AND OPPORTUNITIES

There are a number of development opportunities and constraints presented by the site. These have been identified and responded to within the preferred development strategy for the site, found at **Appendix A**.

Constraints

The key site constraints identified include:

- Access:** The site's access is essentially restricted to Boundary Street, although there are currently three (3) accesses currently available to Mona Vale Road
- Bushfire:** The area along the western boundary of the 120 – 122 Mona Vale Road is classified under bushfire threat and is therefore subject to a 19 m APZ from the bushfire edge. No. 4 Boundary Road will need to be managed in its entirety as an Asset Protection Zone
- Topography:** The landform of 120-122 Mona Vale Road slopes from the northwest to the southern and eastern parts of the site. The steepest part of the site occurs along the southern boundary. There are three relatively flat landforms across the site that step upwards from the southeast to the northwest of the site. The highest point of No. 4 Boundary Street is located in the north eastern corner with the topography sloping sharply towards the south western corner
- Watercourse:** A 20 m riparian zone for Narrabeen Creek is located from the western boundary of 120-122 Mona Vale Road, generally following Narrabeen Creek. There is an existing creek (natural drainage feature) that runs across the site that demarcates the northeast part of the site from the rest. The topography of No. 4 Boundary Street suggests that a similar drainage feature is also located on that site toward the south eastern boundary.
- Vegetation:** The western boundary of 120-122 Mona Vale Road is heavily vegetated with existing bushland / open forest. Majority of the site is scattered with vegetation (including disturbed woodland and scrubland) except to the south eastern part 4 Boundary Road contains approximately 3,940sqm of open bush land and approximately 290sqm, which potentially can be modified.
- Views:** The area of the 120-122 Mona Vale Road above RL +60 m to RL +80 m has limited visibility. Land above RL +80 m has high visibility and must be carefully treated to avoid visual impacts to the surrounding and long distance context. That portion of No. 4 Boundary Street is generally between + RL 50 and RL 30, which will have little visibility from the valley floor.
- Accommodation:** Potential traffic noise from the heavily used Mona Vale Road to the north of the site.

In addition, these constraints are diagrammatically represented in the **Figure 7** below.



Figure 7: Source: GMU

Opportunities

The key site opportunities identified in **Appendix A** include:

- Introduce a variety of development densities to create social diversity, affordability and housing choice;
- Provide low density development towards the upper end of the site to minimise visual impacts and maintain vegetated character;
- Take advantage of low visibility to increase development density to the lower parts of the site.

- *Introduce public domain benefits such as viewing points, pocket parks, playgrounds and walking trails.*
- *Provide multiple access points into the site from Boundary Street and maintain access for larger lots only to Mona Vale Road;*
- *Maximise connectivity and visual permeability (green fingers) across the site to link the existing bushlands and habitat areas within and across all existing lots.*
- *Provide bushland screening to Mona Vale Road and acknowledge bushland corridor;*
- *Take advantage of the slope direction to capture distant ocean and district views for public and private domain;*
- *Take advantage of low visibility to increase development density to the lower parts of the site;*
- *Maximise preservation of bushland to the western and south western parts of lots 1,2, and 5;*
- *Retain and revegetate the creek natural drainage feature as a landscape feature at the north eastern portion of lot 5 and at the south eastern corner of lot 2.*
- *Retain existing trees on site where possible within verges and rear gardens.*
- *Explore the potential for water management measures that include biodiversity swales and water quality basins as features to add amenity and landscape character.*

In addition, these opportunities are diagrammatically represented in the **Figure 8** below.



Figure 8: Source: GMU

4 PLANNING PROPOSAL

This Planning Proposal is seeking an amendment to Pittwater Local Environmental Plan 1993 for the purposes of permitting residential development of the property known as 120 -122 Mona Vale Road, No. 4 Boundary Street, and 10 Jubilee Avenue Warriewood, generally in accordance with the Master plan prepared by GM Urban Designers and Architects dated July 2012.

A copy of the draft master plan is at **Appendix A** to this report

The Draft Master plan provides an environmental assessment of the subject land and establishes a preferred development strategy for the site.

According to GMU the objectives of the proposal are as follows:

The aims and objectives for the subject site have evolved from consideration of the existing context, the desired future character for residential uses within the Warriewood locality and the DCP's aim for future development to 'maintain a height limit below the tree canopy and minimize bulk and scale'. The objective of the size and location of proposed lots is to reduce any visual impacts from surrounding developments and from lower areas along the coast line as well as providing a choice of housing and affordability.

The location of lots and streets aims to create public and private domain views by responding to the existing slope and geotechnical constraints. The master plan aims to improve connectivity and way-finding as well as enhancing the landscape character through the use of 'green links', vegetated streetscapes and the retention of major vegetated features and clusters of trees as landscape markers throughout the site.

The master plan aims to provide a comprehensive water management strategy that incorporates detention ponds, rain gardens and paths through the riparian area as part of the visual amenity for the site. The master plan aims to mitigate bushfire and slope constraints through the careful location of lots, observance of Asset Protections Zones and through construction techniques.

In general, the master plan objectives seek to create a high amenity subdivision that enhances the local character and maximizes the sites attributes with regards to views, existing vegetation and the site's natural attributes. In summary, the objectives of the master plan aim to:

- Provide a choice of housing and affordability
- Enhance the desired future residential character of Warriewood
- Minimize bulk and scale
- Reduce visual impacts to surrounding developments
- Create public and private domain views
- Improve connectivity to the surrounding locality
- Improve connectivity and way-finding
- Provide a choice of pedestrian and vehicular access networks
- Enhance landscape character throughout the site
- Provide amenity and recreational opportunities for future residents
- Provide a comprehensive water management strategy
- Preserve the existing biodiversity habitat
- Mitigate bushfire and slope constraints

Based on the aims and objectives for the site, GMU Have proposed the following key design principles for the master plan:

Create a range of housing typologies (1-2 storey houses) to respond and work well with the existing topography, vegetated setting and future desired character for the locality.

Provide a range of densities including low to medium density lots along the lower, less visible areas of the site and larger lots (lesser density) along Mona Vale Road and the most visible upper sections of the site.

Locate medium density lots towards the centre of the site to minimise visual impacts to surrounding developments and from the coastline.

Provide a choice of access strategies that will connect Boundary Road to either Mona Vale Road or Jubilee Avenue

Locate and orientate lots and streets to respond to the existing topography and to create public and private domain views towards the ocean front.

Create “green links” to the bush area across the site and enhance the site’s landscape character through a careful selection of trees, under-storey planting and bio swales.

Add character and legibility along the primary access boulevard/street and courts with distinct tree species to add colour and character during certain months of the year.

Provide a comprehensive water management strategy for the site that works with existing slope and contours and that adds to the overall landscape character of the site.

Create a public domain outlook to distinct views as a termination point or as part of the pedestrian link and/or street network.

Provide recreational amenities along the bushland in the form of boardwalks, trails, playgrounds and other passive recreational activities.

Suggest adequate building typologies that can adapt to the slope and bushland character.

Options demonstrating the achievement of these key design principles are shown at Page 23 of the master plan at **Appendix A** to this report.

The master plan also addresses the suitability of the site for the development proposed, provides an assessment of lot typology, housing and built form character, response to topography, urban structure and movement network, on site detention and water quality, landscape character, and issues related to bushfire and geotechnical hazards.

As part of the overall master plan for the subject site, Group GSA (Landscape Consultants) has also prepared an indicative Landscape master plan. Descriptive details of that plan, and images of potential treatment of the various sections of the site, including a planting schedule, is to be found at Pages 30 to 34 of the master plan.

Access is essentially from Boundary Street, although 3 of the larger lots have access from Mona Vale Road via existing access arrangements.

Access from Boundary Street is provided by way of an alternative access road linking Boundary Street to Jubilee Avenue (**Appendix B**), or directly onto Mona Vale Road via a slip lane, which provides left in and left out from Mona Vale Road. (**Appendix D**).

Access is also available via to R.O.W. over Jubilee Lane. However the existing Section 88b which exists over that access would have to be amended to allow use of this access. In that regard it is noted that the Uniting Church is opposed to the use of this access other than that which was agreed to in the Section 88B instrument, a copy of which is attached at **Appendix C** to this report... This issue is discussed in more detail later in this report.

The master plan includes a 20 metre riparian zone along Narrabeen Creek and a 19 metre APZ. A 30 metre buffer zone is also provided to Mona Vale Road, and a vegetated corridor has been provided from the Boundary Road linking with Narrabeen riparian corridor in the south west

Building platforms of at least 10x 15 metres are capable of being accommodated on all allotments.

PART 1 –OBJECTIVES AND INTENDED OUTCOMES

4.1 Objective

The key objective of the Planning Proposal is to provide the appropriate justification for the amendment of the Pittwater Local Environmental Plan 1993 to permit urban development generally as indicated on the attached Masterplan prepared by GM Urban Designs & Architects dated September 2012.

4.2 Intended Outcomes

The result of the amendment would enable a development application to be lodged for the site in order to achieve the following:

- Increase variety and choice of housing;
- Provide a low density development whilst acknowledging the environmental constraints of the site;
- Maximise connectivity and visual permeability across the site linking existing bush land and habitat areas.

It is also considered that the rezoning of the subject land is capable of satisfying the Department's Sustainability Criteria for New Land Releases in that the subject land:

- Is capable of being serviced in a timely manner'
- Is in close proximity, and easily serviced by existing transport links;
- Will provide and accommodate a variety and choice of housing;
- Maintain, if not improve, the existing level of sub regional employment and self containment;

- Acknowledges the environmental constraints of the site, and avoids any land use conflicts with adjoining land;
- Will not place unacceptable pressure on infrastructure capacity to supply water and environmental flows. The proposal prepared by GMU also indicates a most efficient / suitable use of the land;
- Will not adversely impact on the biodiversity of the site, air quality, heritage and waterway health;
- Is in close proximity to quality health, education, legal, recreational, cultural, and community development and other government services.

PART 2 – EXPLANATION OF PROVISIONS

4.3 Description of Planning Proposal

The planning proposal seeks to amend the zoning for the subject site to provide for urban development generally in accordance with the draft masterplan prepared by GM Urban Designs & Architects.

The amendment to the Pittwater Local Environment Plan 1993 as provided in this Planning Proposal will:

Amend the Pittwater Local Environmental Plan 1997 to permit urban development known as 120 – 122 Mona Vale Road, 4 Boundary Street, and 10 Jubilee Avenue, Warriewood, as per the preferred option proposed by GMU in their draft master plan report. (**Appendix A**)

5.2 Supporting Master plan

A preferred development strategy has been formulated in preparation of the Site Specific Masterplan found at **Appendix A** to demonstrate that the subject land can achieve the development as proposed. The aims and objectives of the master plan are addressed at Pages13 to 15 of this report.

PART 3 JUSTIFICATIONS

Section A- Need for the Planning Proposal

Is the planning proposal the result of any strategic study or report?

Whilst the subject land was part of the original Warriewood Valley Land Release Area, it has been excluded from consideration for urban purposes until 2006, following an application by Glendinning Minto and Associates, on behalf of the owners, sought rezoning of the property to permit residential development.

As a result of that application Council invited the owners to submit a master plan for the subject land to determine the capability, potential yield and the means of access.

Subsequent to the above and the purchase by the Mustaca family of additional land to provide alternative access as requested by Council, Council in July 21011 confirmed its commitment to the future development of the land,

and requested the owners to submit full detailed studies, reports and plans addressing the environmental, infrastructure, hazard management, biodiversity, and urban capability of the site.

Although initial technical assessments were prepared by Glendinning Minto and Associates in respect of the original proposal, the development strategy proposed in that application is considerably different to that which has now been prepared by GM Urban Designers and Architects.

In preparing the Master Plan GM Urban Designers and Architects have relied on the views and experiences of a multi disciplinary team of experts. A summary of the reports and information which have been relied on in preparing the master plan is provided later in this report...

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council on **19 September 2006** resolved to include the subject site within the Warriewood Land Release Area and invited Opera Properties P/L to submit a Master plan application to Council.

Subsequently, Council in July 2011, following an application for a new road by Opera Properties resolved in part that:

"1.....

Given the owners agreement to an access has been secured, Council is in a position to consider an overall Masterplan / rezoning to develop 120 Mona Vale Road and the area proposed for the road over 4 Boundary Road and 10 Jubilee Avenue, subject to the submission of full detailed studies, reports and plans addressing environmental, infrastructure, hazard management, biodiversity and urban capability of the sites.

2....."

Also in **July 2011** Council and the Department of Planning and Infrastructure released its Strategic Review of the Warriewood Valley.

In that regard although that report initially considered that the site had environmental constraints, it was conceded that this conclusion was based on outdated geographical sieve analysis, rather than site specific assessment, and as such the report recommended that:

Owner can seek separate rezoning application- no dwelling density or yield allocated until rezoning application.

Opera Properties P/L was subsequently invited to submit a planning proposal seeking rezoning of the subject land.

Accordingly it is considered that the Planning Proposal is the best method for achieving an amendment to the Pittwater Local Environment Plan 1993 to facilitate the future development of the subject land for urban purposes.

Is there a net community benefit?

The proposed LEP amendment will provide a net community benefit, resulting from future development of the site, including:

- Stimulate and encourage protection of environmentally sensitive areas;
- Provide for an improved drainage outcome on the site which also benefits the local area;
- Provides an improved streetscape and visually pleasing outcome along Mona Vale Road and Boundary Street;
- The proposed amendment would provide a benefit to the greater community by providing greater housing choice and housing supply for potential future residents in the Pittwater LGA;
- The site is well serviced by existing public transport and is also provided with all necessary public utility services including electricity, water and sewer and accordingly there are no impediments to a future residential development on the site. Therefore, the amendment will not have a negative impact on the existing services to the local community; and
- The preferred development strategy demonstrates that proposed amendment would provide improved road connectivity and would assist in achieving adequate access to Boundary Road for other approved development in this locality.

4.4 Section B – Need for the Planning Proposal

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following is a review of the key State, Regional and Sub-Regional documents that are relevant to the consideration of the proposed rezoning of the subject land for residential purposes.

The NSW State Plan 2021 defines the goals and outcomes that are intended to shape government policy over the next 10 years. The actions and directions of the Metropolitan Strategy and the Draft North East Sub-Regional Strategy outline the way the State Plan is to be delivered in the Pittwater Local Government Area, particularly in relation to dwelling targets.

In December 2005, the NSW Department of Planning launched the Sydney Metropolitan Strategy 2031: Cities of Sydney-A Plan for Sydney's Future. This plan supported the growth of centres with a view to ensuring that Sydney's residents did not have to travel more than an hour to access jobs, services, higher order medical and legal services, major cultural and entertainment venues, and regional open space and recreational opportunities.

Subsequent to the above the Metropolitan Plan for Sydney 2036 was launched in December 2010 replacing the 2005 Metropolitan Strategy. The 2010 Metropolitan Plan sets boundaries for future urban development and identified strategic transport corridors and major centres which the Department of Planning considered were best placed to focus commercial and residential growth

In particular the Metropolitan Plan for Sydney 2036 (Metropolitan Plan), provides a framework for sustainable growth and development across Sydney to 2036, including a range of local actions and targets (including those related to housing and employment), which Pittwater Council is expected to incorporate into their Local Planning Strategy and the new Standard Instrument Local Environmental Plan at the first opportunity.

In response to the expected population growth, the housing related actions in the Metropolitan Plan seek to deliver well located housing that will meet the needs of the growing, aging population and that will assist in addressing the issue of housing affordability across the city.

A key action of the Metropolitan Plan is to locate 80% of new housing within walking distance of existing or planned centres.

The draft North East Sub-Regional Strategy was released in July 2007, and was prepared by the NSW Department of Planning in liaison with Local government and stakeholders, an aim of which to provide a framework for local councils in their preparation of new Standard Planning Instruments.

The Strategy contains targets for housing and employment to 2031 in response to the forecast growth of Sydney contained in the *Sydney Metropolitan Strategy 2031-City of Cities-A Plan for Sydney's Future*.

The draft North East Sub-Region Strategy interprets how the Metropolitan Strategy is to be applied in Pittwater, by incorporating only those Metropolitan Strategy actions which apply to the North East Sub- Region. Seven subject areas or strategies have been identified, including those related to economy and employment, and housing, together with a clear set of objectives and actions to achieve the identified outcomes at the state, metropolitan, sub-regional and local level.

In accordance with the Draft North East Sub-regional Strategy, the Pittwater Local Government area has a dwelling target of 4,600 new homes (exclusive of the potential Ingleside Release Area), and an employment target of 6,000 new jobs.

The key directions for housing in the Draft North East Sub-regional Strategy are to:

- Increase housing Choice as part of the housing target
- Concentrate development and strengthen major centres, towns, villages, small villages and neighbourhoods.
- Enable communities to age in place.

It is considered that the planning proposal is consistent with the Metropolitan Plan for Sydney 2036 (Metropolitan Plan) and the draft North East Sub-Regional Strategy.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

In 1991 the then Minister for planning included land at Warriewood and Ingleside in the State Government's Urban Development Program.

Pittwater Residential Strategy (PRDS) was first adopted in 1996 (revised in 1998). The preparation of the PRDS was a requirement of the State Government to enable Pittwater Council to gain an exemption from the operation of State Environmental Planning Policy 53-Metropolitan Residential Development, and essentially sought to provide additional housing capacity in the form of multi unit and shop top housing located in the vicinity of existing centres.

In 1997 Pittwater Council produced the draft Warriewood Valley Urban Land Release Planning Framework to support the release of the land in the Warriewood Valley, as well as a Section 94 Contribution Plan. The subject land was not included in that framework at that time.

The PRDS was reviewed again in 2004 with a view to providing an update, however following the release of the Metropolitan Strategy (2005), Council decided to delay any updates until a decision was made in relation to Council's housing target.

The Warriewood Valley Planning Framework 2010(adopted by Council in May 2010), consolidated the draft Warriewood Valley Urban Land Release Planning Framework 1997and the STP Buffer Sector Draft Planning Framework 2011 into a single document.

According to Council's report, the aim of the 2010 Planning Framework was to:

.....ensure planned, orderly development of the Valley continues, responding to changing legislation and economic conditions by developing a planning framework that facilitates completion of the Warriewood Valley Urban Land Release.

Subsequent to the above, *The Pittwater Local Planning Strategy-Planning for Pittwater toward 2031*, was adopted by Council in August 2011.This report purported to confirm the availability of sufficient land to meet the NSW Government's housing target. According to Council's report:

Notwithstanding the uncertainties surrounding the yield in Warriewood Valley, the dwelling yield in Pittwater from 2004 to 2031 is likely to meet the target of 4,600.

Council acknowledges however, that the target should be closely monitored and reviewed following the release of an updated North East Sub-regional Strategy that reflects targets set by the Metropolitan Plan 2036.

Given the NSW government's broad concerns in relation to land supply, and the availability of the subject land to increase supply, with minimum environmental constraints, it is considered that the provision of additional housing in this location is consistent with the overall objectives of both the NSW Government and those of Council, to ensure that there is an adequate housing supply within the Pittwater Local Government, for those who would seek to live in this locality.

As acknowledged by Council, failure to provide sufficient housing has the potential to increase the cost of housing, limit the availability of housing for people who have grown up in the area and unable to continue living in the area, and decreased availability of housing for key workers required to live in the area.

Bearing in mind that less than 80 new dwellings are proposed for the subject land, representing less than 2% of the total target of 4,600 new dwellings proposed by the NSW Government.

It is also noted in particular, that Council on 19/09/2006 had already resolved:

- "1) **that 120 Mona Vale Road, Warriewood be included in the Warriewood Land Release Area for the purpose of residential development;**
- 2) *That the applicant, his advisors and Council staff consult as to the land capability, the potential yield and the securing of adequate access to the site;*

- 3) *That following 2 above that the applicant be invited to submit a formal Master plan application."*

Further to the above in July 2011, Council and the Department of Planning and Infrastructure have recently completed a Strategic Review of the Warriewood Valley, the aim of which was to:

"Establish which underdeveloped lands, if any, may be suitable for increased development beyond that currently proposed for the valley, by examining the constraints that apply to such land."

The subject land was included as part of the Review.

In addition in late 2011, following an application by the owners of the subject land for the construction of a new road access, Council resolved as follows:

- "1) *Council acknowledges that the applicant has proceeded to seek a resolution of 18 April 2006 (Writers Note: should be 19/09/2006) Council acknowledged that the applicant has secured owners agreement to lodge an application for this development of the land.*

Given that owners agreement to an access has been secured, Council is in a position to consider an overall Master plan / rezoning to develop 120 Mona Vale Road, Warriewood, the area proposed for the road over 4 Jubilee Avenue, subject to the submission of full detailed studies, reports and plans addressing environmental, infrastructure, hazard management, biodiversity and urban capability of the sites.

- 2) *That consideration of the present application be defined pending the outcome of the Strategic Review of the Warriewood Valley and consideration of the Master plan suggested above."*

Subsequent to the above and following meetings with representatives from Council and the Department of Planning and Infrastructure, Opera Properties have been invited to submit a planning proposal for Council's consideration seeking rezoning of the subject land for future residential development using the *Gateway Process*.

Accordingly it can be concluded that the subject proposal is consistent with local strategic planning.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposed rezoning would address and/or be consistent with all relevant State Environmental Planning policies (SEPPs). The following outlines the intent of relevant SEPPs and consistency of the Planning Proposal.

Consistency with State Environmental Planning Policies (SEPPs) is outlined below.

State Environmental Planning Policies		
SEPP	Consistent	Comments
SEPP No. 1 – Development	Not Applicable	In accordance with the Standard Principal Local Environmental Plan, SEPP 1 development

Standards		standards no longer apply.
SEPP No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development	Not Applicable	--
SEPP No. 6 – Number of Storeys in a Building	Consistent	The Proposal adopts the new definitions as outlined in the standard instrument.
SEPP No. 14 – Coastal Wetlands	Not Applicable	--
SEPP No. 15 – Rural Land sharing Communities	Not Applicable	--
SEPP No. 19 – Bushland in Urban Areas	Not Applicable	--
SEPP No. 21 – Caravan Parks	Not Applicable	--
SEPP No. 22 – Shops and Commercial Premises	Not Applicable	--
SEPP No. 26 – Littoral Rainforests	Not Applicable	--
SEPP No. 29 – Western Sydney Recreation Area	Not Applicable	--
SEPP No. 30 – Intensive Agriculture	Not Applicable	--
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent	The subject site is suitable for redevelopment for multi-unit housing and in accordance with the aims and objectives of the SEPP.
SEPP No. 33 – Hazardous and Offensive Development	Not applicable	
SEPP No. 36 – Manufactured Home Estates	Not applicable	
SEPP No. 39 – Spit Island Bird Habitat	Not applicable	
SEPP No. 41 – Casino	Not Applicable	

Entertainment Complex		
SEPP No. 44 – Koala Habitat	Not Applicable	
SEPP No. 47 – Moore Park Showground	Not Applicable	
SEPP No. 50 – Canal Estate Development	Not Applicable	
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable	
SEPP No. 53 – Metropolitan Residential Development	Repeated	
SEPP No. 55 – Remediation of Land	Consistent	The site has been validated for the removal of underground storage tanks.
SEPP No. 59 – Central Western Sydney Regional Open Space and residential	Not Applicable	
SEPP No. 60 – Exempt and Complying Development	Not Applicable	
SEPP No. 62 – Sustainable Aquaculture	Not Applicable	
SEPP No. 64 – Advertising and Signage	Not Applicable	
SEPP No. 65 – Design Quality of Residential Flat Development	Not Applicable	
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not Applicable	
SEPP No. 71 – Coastal Protection	Not Applicable	
SEPP (Building Sustainability Index: BASIX) 2004	Applicable	Future development on the site is required to obtain the relevant BASIX certification as part of detailed development applications.
SEPP (Housing for Seniors or People with a Disability)	Not Applicable	

2004		
SEPP (Major Development) 2005	Not Applicable	
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	
SEPP (Infrastructure) 2007	Applicable	Future development applications on the site are required to consider specific provisions within this SEPP related to major roads.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	
SEPP (Temporary Structures) 2007	Not Applicable	
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable	
SEPP (Rural Lands) 2008	Not Applicable	
SEPP (Western Sydney {Parklands}) 2009	Not Applicable	
SEPP (Affordable Rental Housing) 2009	Not Applicable	
SEPP (Western Sydney Employment Area) 2009	Not Applicable	

SEPPs – Formerly known as Regional Environmental Plans (REPs) and Sydney Region Environmental Plans (SREPs)		
Sydney REP No. 5 – (Chatswood Town Centre)	Not Applicable	
Sydney REP No. 8 – (Central Coast Plateau Areas)	Not Applicable	
Sydney REP No. 9 – Extractive Industry (No. 2 – 1995)	Not Applicable	
Sydney REP No. 11 – Penrith Lakes Scheme	Not Applicable	
Sydney REP No. 13 – Mulgoa Valley	Not Applicable	
Sydney REP No. 16 – Walsh Bay	Not Applicable	
Sydney REP No. 17 – Kurnell Peninsula (1989)	Not Applicable	
Sydney REP No. 18 – Public Transport Corridors	Not Applicable	
Sydney REP No. 19 – Rouse Hill Development Area	Not Applicable	
Sydney REP No. 20 – Hawkesbury – Nepean River (No. 2 – 1997)	Not Applicable	
Sydney REP No. 24 – Homebush Bay Area	Not Applicable	
Sydney REP No. 25 – Orchard Hills	Not Applicable	
Sydney REP No. 26 – City West	Not Applicable	
Sydney REP No. 28 – Parramatta	Not Applicable	
Sydney REP No. 29 – Rhodes	Not Applicable	

Sydney REP No. 30 – St Marys	Not Applicable	
Sydney REP No. 33 – Cooks Cove	Not Applicable	
Sydney REP (Sydney Harbour Catchment 2005)	Not Applicable	
Drinking Water Catchments REP No. 1	Not Applicable	
Greater Metropolitan REP No. 2 – Georges River Catchment	Not Applicable	

Is the planning proposal consistent with applicable Ministerial Directions (s. 117 direction)?

The planning proposal is consistent with all relevant S117 Directions. The assessment of these is outlined in the table below.

Section 117 Ministerial Directions			
Clause	Direction	Consistent	Comments
1 Employment and Resources			
1.1	Business and Industrial Zones	Not Applicable	
1.2	Rural Zones	Not Applicable	
1.3	Mining, Petroleum Production and extractive Industries	Not Applicable	
1.4	Oyster Aquaculture	Not Applicable	
1.5	Rural Lands	Not Applicable	

2 Environment and Heritage			
2.1	Environment Protection Zones	Consistent	The planning proposal has taken into consideration environmentally sensitive area. The resulting preferred development strategy demonstrates that the proposed amendment to PLEP 1993 does not impact on the environmentally sensitive areas that are located on the boundary of the site.
2.2	Coastal Protection	Not Applicable	
2.3	Heritage Conservation	Not Applicable	
2.4	Recreation Vehicle Areas	Not Applicable	
3 Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Consistent	The resulting preferred development strategy demonstrates that the proposed amendment encourages greater diversity of housing in the Pittwater LGA and provides more efficient use of land.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable	
3.3	Home Occupations	Not Applicable	
3.4	Integrating Land Use and Transport	Not Applicable	
3.5	Development Near Licensed Aerodromes	Not Applicable	
4 Hazard and Risk			
4.1	Acid Sulphate Soils	Not Applicable	
4.2	Mine Subsidence and Unstable Land	Not Applicable	
4.3	Flood Prone Land	Not Applicable	

4.4	Planning for Bushfire Protection	Consistent	A Preliminary Bushfire Protection study has been prepared to support this Planning Proposal. The proposed amendment would not result in any bushfire risk and therefore a risk to human life, property and the environment.
5 Regional Planning			
5.1	Implementation of Regional Strategies	Not Applicable	
5.2	Sydney Drinking Water Catchments	Not Applicable	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable	
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See Amended Direction 5.1)	Not Applicable	
5.7	Central Coast (Revoked 10 July 2008. See amended Directions 5.1)	Not Applicable	
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable	

6 Local Plan Making			
6.1	Approval and Referral Requirements	Not Applicable	The result of the planning proposal does not include any specific provisions for future development applications on the site to be referred to other approval bodies.
6.2	Reserving Land for Public Purposes	Not Applicable	
6.3	Site Specific Provisions	Not Applicable	
7 Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	Consistent	The Proposal is consistent with the aims, objectives and provisions of the Metropolitan Plan for Sydney 2036 (the Metropolitan Plan replaced the Metropolitan Strategy in 2010).

4.5 Section C – Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is highly modified with little remnant vegetation. There are no signs or evidence that any critical habitat, threatened species, population or ecological communities, or their habitats are in fact present on the site. Therefore the likelihood of such an impact is not of a concern as a result of this Planning Propos

In that regard a flora and Fauna Report was prepared by Footprint Green P/L in July 2011. A copy of that report is at **Appendix G** to this report. An earlier report prepared by Footprint Green in January 2010, was also prepared in relation to the proposed alternative Road connecting Boundary Street with Jubilee Avenue. A copy of that report is at **Appendix Q**.

The 2011 report was prepared to present the findings of detailed flora and fauna surveys and habitat assessments carried out over the site known as 120 and 122 Mona Vale Road Warriewood. The report also incorporates species and ecological communities known to occur within the local area which has been identified through data base and literature searches.

Specific assessment has been undertaken to identify potential habitats of threatened species, populations and ecological communities known to occur in the local area and listed in the schedules of the *Threatened Species Conservation Act (NSW) 1995*.

According to the consultants, the site has been considered in 3 main habitat units based upon similarities in the vegetation's physical structure, floristic composition, level of disturbance and the current use as follows:

- Area A-Open Forest
- Area B- Disturbed Woodland and Scrubland areas.
- Area C- Open Paddocks and Infrastructure areas.

The consultants note that despite extensive field survey the Magenta Lillypilly (*Syzygium paniculatum*) and the Easter Bent –wing Bat (*Miniopterus schreibersil oceanensis*) were the only threatened species recorded on the site.

To minimise the impacts on threatened species and the local ecology and to comply with the requirements of the Office of Water guidelines (2011) the consultants have recommended the following planning priorities in order of importance:

- *Retain the vegetation and habitats in the riparian areas (30m from top of bank) along the Narrabeen Creek.*
- *Maximise the retention of vegetation and habitats within the Open Forest areas.*
- *Maximise the retention of vegetation and habitats in the lower gully line in the Disturbed Woodland and Scrubland.*
- *Maximise the retention of other areas of the Disturbed Woodland and Scrubland*
- *Maximise the retention of indigenous trees in the Open Paddocks and Infrastructure areas.*

The report also notes that at the time of writing this assessment, that the master plan for the site had not been finalised, and as such recommended that, as the site did contain potential habitat for a number of threatened species, once the master plan had been finalised it would be necessary to give further consideration of the impacts on those species.

Subsequent to the above and the finalisation of the draft master plan Footprint Green P/L on 25 September 2012 provided advice in relation to the proposed rezoning and subdivision, and the Preferred Options 1, and 2 (GMU 2012) **Appendix H.**

The report considers the key habitat features, and the impact of the two options on the key habitat components of the subject site. The report also acknowledges that two flora and fauna surveys have been previously undertaken in 2010 and 2011. The report reviews those documents, copies of which are appendix to this report at **Appendix G and Q.**

The report notes in particular that:

In July 2012 the Office of Water amended its guidelines for Riparian Corridors on Waterfront Land (2011) which had the effect of reducing the overall width of the riparian zone to a distance of 20 m from the top of bank of Narrabeen Creek. In light of these amendments the first point in the recommendation in the Ecological Site Analysis (2011) should also be amended to incorporate:

- *Retention of the vegetation and habitats in the riparian areas (20m from top of bank) along Narrabeen Creek.*

The consultant has also acknowledged that whilst no impact assessment has been specifically carried out in respect of the proposed rezoning and subdivision, the Ecological Site Analysis(2011) did highlight(and has identified) the threatened species that will need to be considered under Part 1 Sec 5A (assessment of significance) of the *Environmental Planning and Assessment Act 1979(NSW)*.

Further to the above, the consultant advises that the ecological assessment of 29 January 2010 was prepared separately and considered the impact of the proposed private road linking Boundary Street with Jubilee Avenue. According to the consultant, that report involved detailed flora and fauna surveys and considered the impact of the construction of the road on threatened species.

The report concluded that:

Based upon the assessment criteria outlined in Part 1,section 5A of the Environmental Planning Act 1979(NSW), it is considered that the proposed development will not have a significant impact on threatened species listed in the schedules of the Threatened Species Conservation Act 1995(NSW).

Based on the above conclusion the consultant made a number of recommendations which are repeated in this current report.

The report concludes that:

Based upon the extent of key habitat features on the site and the potential areas affected it is considered that Option 1, provision of road access from Mona Vale Road, is the preferred option from an ecological perspective.

Whilst no impact assessment has been carried out, based upon the current land use and the flora and fauna surveys carried out to date, it is likely that some form of development on 120 Mona Vale Road and 4 Boundary Street can occur without having a significant impact on threatened species listed in the schedules of the Threatened Species Conservation Act 1995(NSW) and the Environmental Protection and Biodiversity Act 1999(NSW).

A copy of full detailed report provided by the consultant is attached at **Appendix H**

GMU urban designers and architects in preparing the master plan have incorporated the advice provided by Footprint Green.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire Assessment

In order to determine the suitability of the site for residential purposes, a preliminary bushfire hazard assessment was undertaken by Building Code and Bushfire Hazard Solutions in respect of the original application prepared by Glendinning and Associates. A copy of that report prepared in 2005 is at **Appendix I** to this report.

The report provides an assessment as to the likely required Asset Protection Zones that would apply to the site, together with likely combustion requirements for future dwellings and access provisions.

The report concludes that:

Residential development within the property is possible and can comply with the legislation requirements of Planning for Bushfire Protection 2001 with respect to bushfire mitigation matters. The application for rezoning to allow residential should therefore receive the concurrence from the NSW Rural Fire Service.

Subsequent to the above Advanced Bushfire Performance Solutions (ABPS) were engaged by Opera Properties to address the bushfire matters relating to the proposed subdivision master plan.

The consultants note that the site has been identified as a bush fire prone land due to its proximity to bushfire hazard vegetation on the property and adjoining lots.

The report addresses the performance criteria within the *Planning for Bush Fire Protection 2006* for subdivision and assesses the potential bushfire behaviour of the vegetation to the north, east, south and west of the subject lots. The report also determines the likely bushfire attack level for each proposed lot and identifies which lots may no longer be subject to bushfire regulations.

The report concludes:

Assessment of the proposal demonstrates that the proposed setbacks and managed areas provide adequate mitigation to the effects of radiant heat and flame contact such that each residential lot has adequate space for a building footprint that will meet or exceed the PBP2006 29 W m.2 performance criteria and subdivision intent of measures.

The entire area of all lots (excluding vegetated riparian corridor) is to be managed to asset protection zone (APZ) standards. A vegetated Management Plan will detail the management regime for all APZs.

Proposed road and service infrastructure supports compliance with the provisions within the RFS guideline.

All other bushfire protection measures required within the performance criteria for subdivision development are provided as required.

A copy of the consultant's report is at **Appendix R** to this report.

GMU in preparing the master plan have incorporated the advice received from the fire consultant into their assessment.

Geotechnical

A geotechnical investigation and risk assessment was carried out by Crozier Geotechnical Consultants in April 2011 in respect of the original proposed subdivision at 120 Mona Vale Road Warriewood. A copy of that report is at **Appendix K** to this report.

The report acknowledged that the site had been classified by Pittwater Council Interim Risk Management Policy 2009 as being within the H1 landslip hazard zone and as such required a Geotechnical Landslip Risk Assessment.

In that regard the geotechnical assessment describes the location and description of the site, geology, aerial photogrammetric assessment, and field work that was undertaken.

According to the report:

There were no signs of deep seated or large scale landslip instability identified within the site. Similarly there were no indicators of previous small scale landslip or excessive erosion. However the site has been significantly modified from its natural condition and contains numerous filled embankments along the areas of ongoing groundwater seepage.

Further:

The majority of the site is underlain by geology which generally has a low susceptibility to landslip instability (i.e. sandstone bedrock). Whilst the lower portion is considered more susceptible similar developments have occurred across the region successfully whilst maintaining the risk from landslip instability within acceptable levels. The site is therefore considered suitable for the proposed subdivision and subsequent residential development provided all works are undertaken with the implementation of proper engineering design and contraction practices, especially those which are developed for use in landslip prone areas.

Further to the above a peer review and independent assessment of the draft master plan was undertaken by Arrgus **environmental** consultants in July 2012. A copy of their report is at **Appendix L** to this report.

The report advises amongst other matters that:

Lots within the proposed development area and in specific the high risk areas are capable of being built upon as long as the Geotechnical Risk Management Policy for Pittwater-2009 and the AGS 2007 Guidelines are adhered to. The property is located on the upper escarpment where the Hawkesbury Sandstone geology is prevalent.

In preparing the master plan, GMU have had regard to the information provided by the Geotechnical consultant.

Visual Impact

Preliminary investigations indicate that the Warriewood Valley escarpment, sits above and beyond the subject site.

In that regard the subject site is largely screened by intervening land forms and structures together with vegetation located both within and adjoining the subject site.

Figure 7 below are selected panoramas taken from the site



View at south of site looking east: *Source: GMU*



Figure 7: View at middle of site looking east and south east: *Source: GMU*

The other main vantage point of the site from the public domain is when the site is viewed from Mona Vale Road, and then only by moving traffic.

Accordingly it can be concluded that from this perspective, except for a gap towards the sites north eastern corner, the frontage of the site is obscured by either vegetation or the rock excavation caused by the roadway.

More distant views of the upper portion of the subject site are available from Emma Street, Warriewood Road/ Macpherson Street, and Jubilee Av/ Foley Av.

Further to the above it should be noted that a consultant experienced in the preparation of visual analysis has been engaged to provide a more detailed assessment of the visual impact of the proposal, and it is intended that would be provided as part of any future detailed planning proposal for the subject site

Traffic and Access

It is noted that the subject site would be required to comply with a number of specific traffic management conditions, should the development proceed.

In that regard it is also noted that access to the site has been denied to Mona Vale Road by the closure of the Boundary Road access by Council, resulting in the only currently remaining access to the site being via Jubilee Lane which runs perpendicular off Boundary Road.

Jubilee Lane exists as a right of carriageway over land owned by the Pittwater Uniting Church and currently serves the Church, a preschool and a sports and recreation centre together with existing residential properties fronting Boundary Street. It has a width of 6 m with 90 degree angle parking and a speed limit of 10 km/hour, and which is self enforcing with a number of speed humps.

An assessment of the environmental capacity (a measure of road safety and amenity) of Jubilee Lane was undertaken by TAR Technologies P/L in January 2006 as part of the original request to include the subject land in the Warriewood Land Release, and the provision of some 104 single dwelling residential allotments. A copy of this report is at **Appendix E**.

This report was prepared on the assumption of a residential development comprising approximately 104 allotments and in accordance with traffic generations contained within the Roads and Traffic Authority's Guide to *Traffic Generation Developments*

The report concluded that:

- *The impact of traffic generated by the development on the surrounding road network has been assessed for the AM and PM peak hour periods. The results indicate the additional traffic will have negligible impact on the existing operations of Ponderosa Parade and Jubilee Avenue.*
- *The site is to use a shared access way, Jubilee Lane, which currently serves Pittwater Uniting Church and associated activities that would operate outside of the main travel times from a residential estate*
- *The environmental capacity, which is a measure of road safety and amenity, has been considered in the study for Jubilee Lane and Jubilee Avenue. The results show that future traffic volumes are within the roads environmental capacity, which is acceptable.*

Further to the above the planning report prepared by Glendinning Minto and Associates also indicated that if Jubilee Lane was deemed to be not a suitable means of accessing a redevelopment of the site, there were two other options as follows:

1. To create a slip road running parallel with Mona Vale Road which runs from either Ponderosa Parade or Daydream Avenue through to Boundary Street and which is located within the existing road reserve; or
2. To create a new road over the land located opposite the subject site and which also fronts Boundary Street. The new road would provide access from Boundary Street through to Daydream Avenue.

Initial discussions have been held with RMS in relation to the possibility of access to Boundary Road via Mona Vale Road. In that regard, RMS have indicated their agreement in principle to a left in and left out access, subject to a satisfactory design solution.

Subsequent to the above, a plan of the proposed slip lane has been prepared (**Appendix D**); however at the time of writing this report, the concurrence of RMS had not been received.

Further to the above, a report prepared by Council staff dated 18 September 2006 in respect of the original zoning proposal indicates that:

*The creation of the R.O.W. (over the Pittwater Uniting Church property) followed negotiations and a L and E Court decision ,and permits owners, occupiers, invitees and all other visitors of and persons requiring lawful access to the **Approved Dwellings**. For the purposes of this clause, **Approved Dwellings** means:*

- a) a maximum of 1 dwelling on Lot 2 in DP 383009.
- b) a maximum of 1 dwelling on Lot 1 in DP 383009
- c) a maximum of 3 dwellings on Lot 5 in DP 124602, and
- d) a maximum of 1 dwelling on Lot 2 in DP 816070

Note Lot 2 in DP 383009 and Lot 2 in DP 816070 adjoin the subject site land and are not included in the subject proposal.

On the basis of these access rights over the adjacent land, the subject lots have access rights to four (4) dwellings.

A copy of the Section 88B notice setting out the Terms of Easement is at **Appendix C** to this report...

Should Council support use of the R.O.W as the preferred access to the site it will be necessary for Council (and possibly the Church) to agree to the amendment of the Section 88B notice. As indicated previously however in this report, representatives of the Uniting Church have indicated their opposition to any increased use of the R.O.W, other than that which was adopted in the Section 88B instrument.

In that regard therefore the master plan does not propose use of the R.O.W.

In the same report Council has also indicated that:

- *Any assumption in the (consultant's traffic) report that the additional traffic generated by the proposal would be able to obtain access to Jubilee Avenue across the Uniting Church property is questionable.*

- *The current access to Boundary Street across the Uniting Church land is a R.O.W. across a private internal driveway in favour of Council. The R.O.W was created for traffic with a legal right to travel to existing developments in Boundary Street, but not for new developments.*
- *Access to new developments such as this proposal must either be approved by the Uniting Church (and Council) via the R.O.W, or obtain an alternative access to the local road system across private land or obtain RTA approval to construct an access direct to Mona Vale Road.*

Further to the above Opera Properties have purchased the property known as No. 4 Boundary Street, and a small parcel of land through the Uniting Church, (Number 10 Jubilee Avenue) with a view to providing alternative access to the subject property. Plan at **Appendix B**.

A development application was subsequently lodged with Council to construct the road, accompanied by a detailed Statement of Environmental Effects, traffic report, arborist's and geotechnical report etc. Copies of those reports can be provided if required.

The traffic consultant (**Appendix J**) concluded that:

With minor modifications to the roundabout at Ponderosa Parade and Jubilee Avenue, generation of 150 dwellings from Mona Vale Road would be easily accommodated at full development of the Warriewood Valley Area.

The Council assessment recommended initially recommended refusal of the application essentially on the basis of the proposed roads impact on the surrounding environment, the lack of sufficient information as to the construction of the proposed road, non compliance with relevant standards and traffic management, and more particularly that the proposal intended;

to service a site which at that time had not been included with the subject application, and no formal application had been made to rezone the site at 120-122 Mona Vale Road as required for such an intensification of development.

Subsequent to the above reports were prepared in response to Council's concerns from TAR Technologies, traffic consultants, and Footprint Green, Aboricultural Environmental and Horticultural Consultants.

A copy of the consultant's responses are at **Appendix J and S** to this report...Council's assessment report, is at **Appendix M**.

Council on **19 July 2011** deferred consideration of that application, and invited Opera Properties to submit a master plan for the site (details of the background to this application are provided in **Section 2** of this report).

It is considered that notwithstanding the concerns raised by Council in relation to the alternative route, it is understood that following discussions with Council engineers, it has been agreed that the concerns raised by Council are capable of being resolved.

More recently discussions have been held with RMS who has indicated verbally that they are not opposed to a left in and left out from Mona Vale Road and Boundary Street, subject to an acceptable design outcome, which is currently being prepared.

In addition TAR Technologies have reviewed the preferred option contained in the draft master plan for the subject site. A copy of the consultant's assessment is at **Appendix N** to this report.

The report addresses Council's concerns in relation to access in and out of the location and the potential impact of increased traffic on the neighbouring local streets.

The report concludes that the additional traffic generated by the proposed development is

negligible and can easily be accommodated within the Warriewood Valley road network at full development.

Regardless of the above it can be concluded that the two access options are feasible (that is slip lane off Mona Vale Road via Boundary Road, and use of the proposed alternative road from Boundary Road to Jubilee Avenue), and a matter which should and can be resolved in liaison with Pittwater Council, at the development application stage once, the subject land has been rezoned to permit urban development as proposed in the master plan.

Rezoning of the subject land will of course facilitate the determination of future access arrangements, either by Council at the development application stage, or by an appeal to the Land and Environment Court, having regard to a detailed environmental assessment, negotiations with Council and other stakeholders, the particular circumstances of the case, and the history of decision making in relation to future access to the site.

Servicing Availability

Mepstead and Associates have reviewed the availability of services for development of the subject site. A copy of their advice is at **Appendix 0** to this report.

Mepstead advise that potable water is available at the north east corner of the site, and if upsizing is required as a result of the increased load, this will be subject to Sydney Water requirements.

In relation to sewer connection Mepstead note that there is a Sydney Water main on the opposite side of Mona Vale Road and within the development along Jubilee Avenue., which may require lead in sewer line to service the site which would be to the developers expense and in compliance with the requirements of Sydney Water in respect of any additional major works.

Overhead electricity is also available along Mona Vale Road.

In relation to storm water and water quality Mepstead have advised as follows:

Storm water and water quality is the subject of a separate report relating specifically to the guidelines as set out in the Warriewood Valley Strategic Review Hydrology Study.

A copy of that review is at **Appendix F** to this report

Flood Assessment

The Warriewood Valley Strategic Review Hydrology Study prepared by Cardno (November 2011, detailed the extent of flooding over Warriewood Valley, with a view to determining the suitability of undeveloped land for future development in terms of flooding and water management..

In that regard Mepstead and Associates, registered surveyors and development consultants have been engaged by Opera Properties P/L to comment on the flood modelling undertaken by Cardno, and the implications, if any for the subject site. A copy of their response dated September 2012, is at **Appendix F** to this report.

In short the report dated 6 September 2012 notes that the subject land is:

1. Not directly affected by the 100 year flood event and Probable Maximum (PMF) events.
2. Defined as Category A under a classification system devised by the Department of Planning and Infrastructure and Council.
3. Category A land is that land which:
 - is located above the PMF plus Climate change allowance level.
 - may be subject to overland flow
 - allows for flood evacuation with minimum risk to life and no possibility of flood entrapment or flood isolation.

Further to the above the report indicates that:

- The OSD basin size has been calculated by Cardno at 3,060 m², and a Water Quality Basin Area of 4,150 m².
- This calculation is based on a developable area of 83,000 m², where as the developable area as shown on the attached map is only 5.3 hectares. According to Mepstaed this area is made up as follows:
 1. *A developable area of 3.13 hectares, being a combination of residential lots and roads west of Boundary Street and proposed lots east of Boundary Street will drain to the head of a small watercourse which eventually drains to Narrabeen Creek (Catchment A)*
 2. *A further 2.54 hectares of developable area comprising lots and roads can be directed to an existing pipeline under Boundary Street, approximately 120 metres south of Mona Vale Road (Catchment B).*
- Based on these areas Mepstaed has advised that the required OSD storage volume and Water Quality area would be as follows:

Catchment A: OSD Volume: 1152m² Water Quality Basin Area: 1565 m²

Catchment B OSD Volume: 935 m² Water Quality Basin Area 1270 m²

The report also provides details as to how OSD storage will be achieved for each catchment

Landscaping

In preparing the master plan, GM Urban Designers and Architects have consulted with Group GSA, landscape consultants.

In that regard GSA have provided advice in relation to such matters as the main features of the proposed landscape design in terms of trees, and the character of the streets, footpath and recreational areas treatment.

This advice has been supported by graphical representation of the landscape elements, and is included in the draft master plan proposal.

A copy of GSA advice is included in the master plan at **Appendix A** to this report.

How has the planning proposal adequately addressed any social and economic effects?

The proposed amendment would allow for the site to achieve number social and economic benefits, including:

- Provides a consistent urban form.
- Results in providing greater housing choice and supply for development on the site, which is in close proximity to public transport;
- Results in housing that is close to a range of services and facilities including major hospitals;
- Provides more economically efficient use of the land;
- Results in providing employment in the construction industry; and
- Results in providing housing that is in close proximity to employment areas and retail uses;

In summary, the provision of housing on the site is considered to be an economic and social improvement to a site that is underutilised, given the strategic location of the site. This is recognised by Council in identifying the site within the Warriewood Valley Land Release Area.

4.6 Section D – State and Commonwealth Interests

Is there adequate public infrastructure for the proposal?

The subject site is currently serviced with electricity, water supply, telecommunications, sewer and stormwater. It is anticipated that any development on site would need to supplement some or all of these services to cater for the increased demand placed upon them. The Proposal ensures adequate infrastructure would be provided with subsequent development applications that result from the Planning Proposal.

In addition:

- The site is well serviced by transport options including major bus corridors along Mona Vale Road;
- Primary, Secondary and Tertiary education options are all in reasonable proximity to the site.
- The site is adjacent to Narrabeen Creek and a large open space network that is publicly accessible.
- Shops, restaurants, libraries and community services are all within reasonable proximity to the site.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

It is expected that the following public authorities would need to be consulted regarding the Proposal:

- Roads and Maritime Service (formally RTA);
- NSW Office of Water;
- NSW Rural Fire Service;

5 PART 4 – COMMUNITY CONSULTATION

This Planning Proposal is considered to be a type that falls within the definition of a low impact Planning Proposal and may be adequately exhibited for a period of 14 days. Community Consultation would take place following a Gateway determination made by the Minister for Planning and Infrastructure, in accordance with Section 56 and 57 of the Environmental Planning and Assessment Act 1979. It is anticipated that public exhibition would include:

- Notification on the Pittwater Council website;
- Advertisement in local newspapers that are circulated within the local government area; and
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders.

Further, a Draft Master plan for the subject site has been provided to accompany the exhibition of the Planning Proposal, found at **Appendix A**.

6 CONCLUSION

The Planning Proposal has been prepared in accordance with:

- Section 55 of the Environmental Planning and Assessment Act 1979, (the Act);
- NSW Department of Planning Guidelines to Preparing a Planning Proposal; and,
- Relevant s.117 Directions.

The Planning Proposal pertains to the land, currently described as follows:

- Lot 1 in DP 383009;
- Lots 3, 4 and 5 in DP 124602
- Lot 2 in DP 816070.
- Lot 10 in DP 5055

This report provides a full justification of the proposal in line with the Department of Planning's template for gateway rezonings. The justification demonstrates that:

- The proposal is consistent with the Metropolitan Plan and the draft North East Subregional Strategy;
- The proposal is considered to be consistent with the Local Strategy 2031:
- The proposal is consistent with relevant S.117C Directions;
- The site is well serviced by transport options including major bus corridors along Mona Vale Road which is within close proximity;
- Primary, and secondary educational options are all within walking distance of the site;
- The site is adjacent to a large open space network that is publicly accessible;
- The provision of housing in close proximity to public transport, community services, shops and employment creates a socially improved work-home life balance for residents and improves the local economy through increased patronage;
- The proposed development will see an improved stormwater and flooding outcome in comparison with the existing scenario; and
- The proposal aims to commit to a range of ESD measures to improve water usage and carbon reduction on site.