

**PRELIMINARY REQUEST FOR
REZONING OF LAND
RESIDENTIAL DEVELOPMENT
120 MONA VALE ROAD, WARRIEWOOD
Prepared For
Planet Warriewood
January 2006**

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PRELIMINARY REQUEST FOR REZONING OF LAND

Proposed Residential Development

at

120 Mona Vale Road, Warriewood

*Prepared under instructions from
Planet Warriewood*

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1. INTRODUCTION

This report has been prepared at the request of Planet Warriewood P/L in respect of land situated at 120 Mona Vale Road, Warriewood. In this regard a preliminary assessment has been undertaken of the potential for the rezoning of the subject land from a Non Urban zoning to a Residential zoning.

The report identifies the site and its surrounding environment including landforms, structures and zonings. The report also identifies key issues which it is considered are fundamental in determining the suitability of the site for residential purposes. Those issues include:

- Potential Bushfire Impacts;
- Traffic Management;
- Visual Impacts; and
- Water and Sewerage Management.

It is considered that the findings of this report demonstrate that at this time none of the above matters would prevent the subject site from being rezoned for residential purposes.

It is therefore requested that on the basis of this report Council consider including this site in the Warriewood Land Release for the purpose of extending the residential development potential of the Warriewood Valley

Following Council's favourable consideration of the inclusion of the site in the Warriewood Land Release the applicant would then commission all of the necessary studies and reports required to accompany a formal rezoning application. It is to be noted that this report is not a formal rezoning application but rather a request for Council endorsement of the inclusion of the site within the Warriewood Land Release.

The subject property is currently zoned 1(a) Non Urban under the Pittwater LEP and as such residential uses other than the existing dwelling house together with subdivision are prohibited on the land.

The property comprises of sloping land of varying grades and is largely cleared although the property does support a number of stands of significant trees. These trees are mainly located around the sites perimeter together with a portion of dense vegetation in the sites south west corner. The property also includes a natural watercourse 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 sites south western boundary.



The subject site as viewed from Boundary Street

Structures currently erected upon the property include:

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

The subject site is bushfire affected with the extent of affectation detailed on the accompanying extract from Council's Bushfire Prone Land Map. The significant feature of the bushfire map is that the bulk of the threat is located up slope of the subject site.

2. THE SITE

The subject property is currently identified as Lot 1 in DP 383009 and Lots 3, 4 & 5 in DP 124602 and is known as 120 Mona Vale Road, Warriewood. The property has a total area of 83,261m². The property is located on the corner of Boundary Road & Mona Vale Road, although noting that Boundary Street has recently been closed at its intersection with Mona Vale Road.

The subject property is in single ownership, being owned by Anka Urlich. The written consent of the property owner for the making of this request has been provided and is included as an appendix to this report. The fact that the property is in single ownership is considered to assist with its potential rezoning.



Access to the property is currently available from both Mona Vale Road and Boundary Street.

In this regard a right of carriageway over the Uniting Church land on the opposite side of Boundary Street gives access from 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 included as an Appendix to this report.

It is apparent from the terms of the right of carriageway that general access to the site is currently not permissible, however at the same time it is noted that Council is the authority empowered to vary or modify the terms of the approval. In this regard were the Council to rezone the subject land then it would also be necessary to modify the terms of the Section 88B Instrument. The capacity of the existing right of carriageway to cater for additional vehicles associated with any future rezoning of the subject site is dealt with in Section 5 of this report under the heading of Traffic Management.

3. THE SURROUNDING ENVIRONMENT

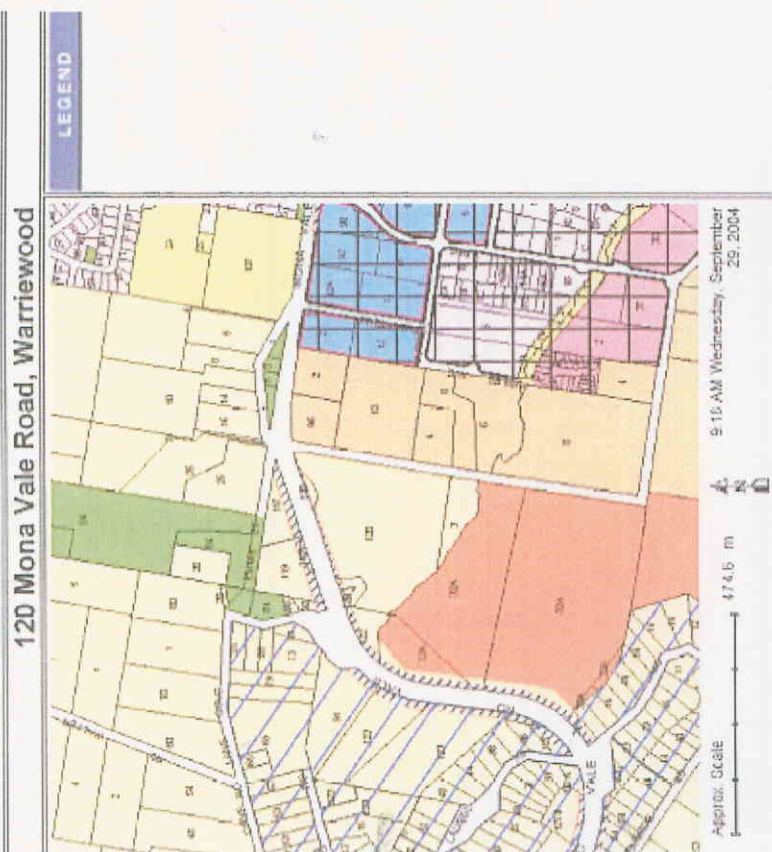
The area surrounding the subject site as detailed on the attached extract from Council's Zoning Map comprises a range of land uses. Those land uses are generally as follows:

- North 1(a) Non Urban
- West 1(a) Non Urban
- South Environment Protection
- East 1(b) Non Urban directly adjoining with light industrial and commercial uses beyond

Of additional note is that further to the south east of the site exist a number of existing and proposed small lot housing estates.



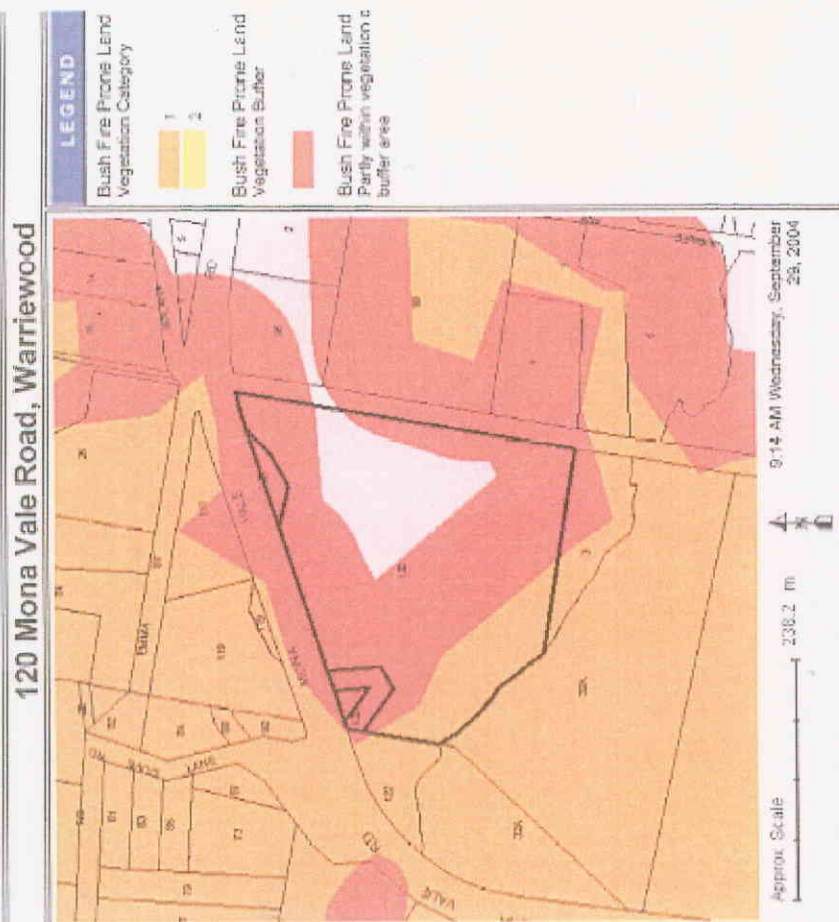
Pittwater Council Mapping



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4. ZONING & DEVELOPMENT CONTROLS

The following is an assessment of the proposal against the relevant provisions of the Environmental Planning and Assessment Act and of the relevant planning instruments and policies of Pittwater Council that would apply to the site were it proposed to be redeveloped for residential purposes.

4.1 Pittwater Local Environmental Plan 1993

The subject property is currently zoned 1(a) Non Urban under the Pittwater LEP and as such residential uses other than the existing dwelling house together with subdivision are prohibited on the land. Subdivision of the land is currently restricted to allotments having a minimum allotment size of 2 ha.

It is therefore necessary that for the subject land to be used for residential purposes beyond the existing dwelling with the consent of Council that it be rezoned.

5. PRELIMINARY CONSIDERATIONS

In assessing the suitability of the subject site for residential purposes it was determined that the following matters were fundamental precursors in determining if there was merit in pursuing an application for the rezoning of the land. Those matters include but are not necessarily limited to:

- Potential Bushfire Impacts;
- Traffic Management;
- Visual Impacts; and
- Water and Sewerage Management.

It is acknowledged that were it deemed by Council that the subject site was potentially capable of being rezoned for residential purposes that a comprehensive assessment of the site and its surroundings together with potential impacts would need to be undertaken.

The following is a summary of the preliminary findings made in respect of each of the above matters.

Bushfire

As previously identified the subject site is bushfire affected in that it contains both Category 1 Bushfire Prone Vegetation and Bushfire Prone Land Vegetation Buffer. The extent of the affectation of each of the above is reflected in the extract from Council's Bushfire Prone Land Map contained within Section 2 of this Report.

In order to determine the suitability of the site for residential purposes having regard to the bushfire hazards detailed above a preliminary bushfire hazard assessment was undertaken by Building Code and Bushfire Hazard Solutions. Their report is attached as an Appendix to this document.

Their report correctly identifies the site together with its features including topography and vegetation and also makes reference to the Council's Bushfire prone Land Map. The report then goes on to provide an assessment as to the likely required Asset Protection Zones that would apply to the site, together with likely construction requirements for future dwellings and access provisions.

It is acknowledged that the Bushfire Report at Page 5 under the heading – Moving Forward, does identify additional work which is required to be undertaken in the form of environmental assessments and geotechnical considerations in order to determine the final dimensions of the asset protection zones as well as maintenance regimes. It is understood that the outcomes of these additional studies will not result in the conclusions of the preliminary bushfire assessment being dramatically altered.

In this regard it is important to note the conclusion of the report which states:

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

It is therefore my opinion that on the basis of this report that issues relating to bushfire would not prevent the site from being rezoned for residential purposes.

Traffic Management

The subject site, were it to be redeveloped for residential purposes would be subject to a number of specific traffic management issues. Access to the site would most likely not be available from Mona Vale Road due to the nature and traffic conditions associated with this frontage of the site. In addition the site's remaining road frontage is to Boundary Street which has recently been closed to Mona Vale Road, resulting in the only remaining access to the site being via Jubilee Lane which runs perpendicular off Boundary Road.



The intersection of Jubilee Lane and Boundary Street

Jubilee Lane currently serves the Pittwater Uniting Church, a preschool and a sports and recreation centre. It has a width of 6m with 90° angle parking and a speed limit of 10km/h and which is self enforcing with a number of speed humps.

Obviously was the subject property to be redeveloped for residential purposes Jubilee Lane would be relied upon for vehicular access. In this regard an assessment of the environmental capacity (a measure of road safety and amenity) of Jubilee Lane has been undertaken by TAR Technologies.

Their report has been prepared on the basis of a residential development comprising of approximately 104 allotments and in accordance with traffic generations contained within the Roads and Traffic Authority's Guide to Traffic Generating Developments.

The findings of their assessment as contained within the conclusion to the report in part state:

- *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 a negligible impact on the existing operation 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 time 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.*

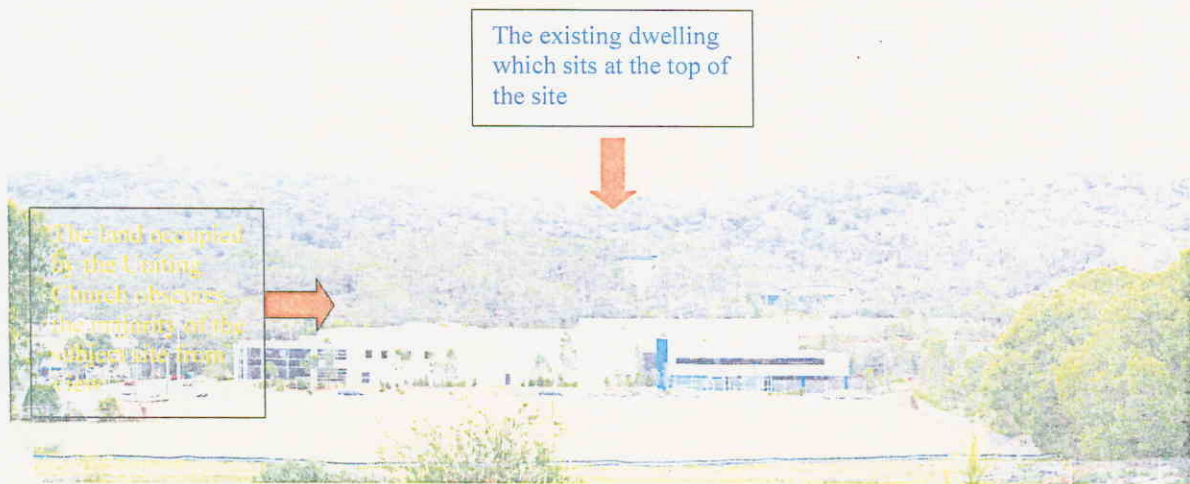
In summary it is considered by the traffic report that there are no significant traffic issues that would preclude the change of the site to a residential use.

Visual Impacts

It is my understanding from discussions with Council officers that one of the reasons that the subject site had not previously been rezoned was through a concern relating to the impact that redevelopment may have on the Warriewood escarpment.

It is my opinion based upon a detailed inspection of the site and its surroundings that an appreciate form of residential development including significant plantings could be provided on the site without validating these concerns.

It is my opinion that the Warriewood escarpment, being the ridge line visible from within Warriewood Valley, sits above and beyond the subject site. In this regard the subject site is largely screened by intervening landforms and structures together with vegetation located both on and adjoining the subject site.



The subject site as viewed from the rear carpark of the Pittwater RSL Club

The above photo was taken from the Pittwater RSL Club carpark being the most prominent public vantage spot having a view towards the site. It is apparent from that photo that the vast majority of the site is obscured from view by the intervening landform and vegetation.

The other main vantage point of the site from the public domain is when the site is viewed from Mona Vale Road. In such a circumstance it is noted that vehicles would at all times be moving with there being no opportunity for stopping. From this perspective save 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. It is therefore my opinion that there would be little if any opportunity to view development on the site from Mona Vale Road.

It is therefore my opinion that the subject site could be developed for the purpose of residential development, typically comprising of detached housing, without unreasonably impacting upon the Warriewood escarpment and with the provision of replenishment vegetation could enhance the current situation.

Water and Sewerage Management

A formal request was made to Sydney Water to determine the availability of water supply and sewage disposal services for the subject site. A copy of Sydney Water's response is included as an Appendix to this report. It is apparent from that advice that given the existing zoning of the land that Sydney Water will only provide written comments at the written request of Council.

It is therefore not possible to provide any formal indications as to the capacity of the existing system at this time.

6. CONCLUSION

In conclusion it is my opinion that based upon the findings of this preliminary report that the subject site is suitable for residential development. It is acknowledged that a far more comprehensive assessment of the site and its surroundings would be required together with the preparation of a formal rezoning application for a definitive decision to be made.

However in respect of those matters deemed to be fundamental to the redevelopment of the property for residential purposes, particularly issues relating to bushfire and vehicular access, it is my opinion that a rezoning of the site for residential purposes would not result in any unreasonable impacts or issues.

It is therefore requested that Council consider including this site in the Warriewood Valley Land Release for the purpose of residential development. Should the Council give favourable consideration to this request the applicant will then prepare a formal rezoning application for the site.

It is requested that should you have any queries regarding this matter that you do not hesitate to contact the writer to discuss.

Andrew Minto
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GLENDINNING MINTO & ASSOCIATES PTY LTD
January 2006