

## Memo

Strategic and Place Planning (Development Contributions)

**To:** Paula Moretti, Principal Planner (S&PP4)  
**From:** Liza Cordoba, Manager Strategic and Place Planning (S&PP3)  
**Date:** 11 August 2022 – updated 26 October 2022  
**Subject:** PEX2022/0001 – Commentary infrastructure requirements and delivery mechanism  
**Record Number:** 2022/479742

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The Planning Proposal (the 'PP') seeks to rezone land currently RU2 to Part R3 and Part C2 under the Pittwater LEP 2014 (the 'LEP').

- The land is already identified in the Urban Release Area Map (Sheet URA\_019) and is within the "Southern Buffer Area".
- For that part of the land proposed for R3 "Medium Density Residential", the PP seeks to expressly permit residential development on that part of the land, and particularly for Clause 6.1(3) of the LEP, stipulate a dwelling range from 40 to 45 dwellings.
- The southern-most portion of the land is proposed to be rezoned C2 "Environmental Conservation".
- The PP includes proposal for affordable dwelling limited to a 10 year period.

The following advice is limited to the local infrastructure requirements should it be found that:

- i. if the prevailing hazards and environmental conditions of the land can be overcome to render the land suitable for residential development,
- ii. if there is support for the maximum permissible 45 dwellings being accommodated on that part of land being rezoned R3,
- iii. if there is merit, the provision of affordable dwellings based on Council's adopted Affordable Housing Policy (2018) and the resulting amendment to Council's Affordable Housing Scheme, and
- iv. that portion of land immediate south contains high ecological value and the suitability of the proposed C2 zone.

### **1 Local Infrastructure based on up to 45 dwellings being the upper number in a future dwelling range under changes to Clause 6.1(3)**

*Local Infrastructure in context of planning framework for the Warriewood Valley Release Area*

For Warriewood Valley, a suite of technical studies informed the planning of development and infrastructure for this land release including the development of:

- a. The adopted planning strategy for Warriewood Valley, namely:
  - the Strategic Review of Warriewood Valley (2012) informed by updated technical studies including the Strategic Hydrology Study (Cardno, 2011), and
  - the Strategic Review Addendum Report (2014) and informed by updated technical studies.

Both strategic review reports established a Composite Capability Map, categorising the land in terms of its level of development capability.

- b. The dwelling density in Warriewood Valley is variable, based on which adopted planning framework applied to the land when it was developed/rezoned as well as the development capability of the land.

This approach excludes:

- the development at the corner of Macpherson Street and Boondah Road, developed by Meriton/Karimbla, as that was approved by the PAC under former Part 3A approval. Based on the total quantum of dwellings approved and the PAC's approval, the adopted dwelling density for this site is 60 dwellings per developable area.
  - The rezoning of 120 Mona Vale Road, which was progressed by Sydney East Region Planning Policy, however there is no dwelling range assigned to this land under Clause 6.1(3)
  - The rezoning of 2 Macpherson Street (PP0003/16) progressed by Sydney East Region Planning Policy, resulted in this property (known as Buffer 1m) being assigned maximum 22 dwellings under Clause 6.1(3). This translates to a dwelling density of 36 dwellings per developable area.
- c. The adopted approach for water cycle management by way of the Warriewood Valley Water Management Specifications (2001).
  - d. The adopted approach in 2000 for the road network in Warriewood Valley to be at 1% rather than at PMF level for evacuation. This approach was adopted as it recognised that the roads beyond the Warriewood Valley Release are above the 1%.
  - e. Over time, the adopted practice for any road fronting land for residential development uplift is to be at 1% plus climate change.
  - f. The dwelling density adopted for individual residential sectors and specified residential buffer area is based on that site's suitability for residential development. The adopted dwelling density is calculated on the developable area of the site (total site area minus creekline corridor land or land identified for no development potential due to prevailing condition/hazard).

If the rezoning at 10-12 Boondah Road is to permit residential development, the following needs to be adequately considered:

- i. Approach now in practice following adoption of Council's Resilience Strategy and there is demonstrable acceptance that the flooding hazard has been

resolved within the confines of the land without impact on adjoining properties, infrastructure (Warriewood STP) and ecological communities.

- ii. The section of Boondah Road in front of 10 and 12 Boondah Road (full length and road reserve width) needs to be raised at the 1% plus climate change.

Has the flood assessment considered this road section being upgrade and increased in level to ascertain the impacts especially on adjoining Warriewood Sewage Treatment Plant (a regional infrastructure facility), any other infrastructure and adjoining properties?

- iii. As the PP does not identify location of water management on site, is it clear that the location of this infrastructure will not be adversely impacted in a flood event?

#### *Local Infrastructure Requirements if rezoning to permit additional 45 dwellings*

##### A Traffic – Boondah Road

Boondah Road, from the northern boundary of 12 Boondah Road southwards, is a rural road. Council's future plans is to resurface this road to the current existing road levels and includes the construction of a section of sharepath (on-road).

If residential development does occur on 10-12 Boondah Road, the reconstruction of Boondah Road fronting 10 and 12 Boondah Road to 1%AEP plus climate change is by direct provision (via development consent condition).

##### B Open Space and Recreation

The passive open space area quantum being delivered under the adopted Contributions Plan is being achieved through a number of pathways – there is recreational utility of the multi-functional creekline corridors in Warriewood Valley as well as the delivery of planned passive parks at specific locations in the release area.

The Warriewood Valley Development Contributions Plan Amendment 16 Revision 4 reviewed the outstanding active open space area requirements as the quantum of active space area is difficult to deliver. This Contributions Plan was adopted by Council on 28 June 2022 and came into effect on 1 July 2022. Advice on the requirements of active open space likely from this Planning Proposal was provided by Manager Park Assets – Planning Design and Delivery, which reads as follows:

*The recently adopted Contributions Plan identified that certain augmentations to increase the capacity of existing Boondah Road sportsfields will satisfactorily cater for the active open space area needs of the incoming population. An additional 40 – 45 dwellings will likely increase the incoming population by 108 to 122 people based on an average of 2.7 people per dwelling. This represents an 1.9% to 2.2% increase in the total population forecast for Warriewood Valley. This will place additional pressure on active recreation facilities that serve Warriewood Valley but in and of itself does not justify further augmentation of existing facilities in Warriewood Valley or the acquisition of additional ones. Should further planning proposals of this nature be received the impact on active recreation facilities will need to be reassessed.*

Accordingly, if the rezoning proceeds and DA is eventually lodged, any future development consent on this site for residential development will require payment of development contributions towards the open space infrastructure.

### C Warriewood Valley Community Facility - Floorspace

The detailed design of this community facility has been completed, and development consent DA2021/0199 obtained. The approved floorspace of this facility comprises:

- 833 m<sup>2</sup> of community floorspace and parking required to accommodate the population of Warriewood Valley as well as additional floorspace to meet the future needs of the greater Northern Beaches Community (outside Warriewood Valley).
- The current Nelson Heather Centre (community building) provides approximately 940m<sup>2</sup> of community floorspace. If this building was to be renewed, then it merely meets the needs of the current population outside of Warriewood Valley.
- 407 m<sup>2</sup> of covered external areas.

It is capable of acting as a natural disaster Evacuation and Recovery Centre, facilitating the provision of essential support and services to the community during times of crisis.

The approved DA2021/0199 provides sufficient community floorspace to accommodate additional resident population if the rezoning of 10-12 Boondah Road is supported. Accordingly, if the rezoning proceeds and DA is eventually lodged, any future development consent on this site for residential development will require payment of development contributions towards the community facility.

## 2 Affordable Housing under Council's Affordable Housing Scheme

In accordance with Council's Affordable Housing Policy (2018) and Affordable Housing Scheme, any residential uplift as a result of a Planning Proposal will also contribute towards affordable housing stock being transferred into Council ownership in perpetuity.

The applicant's document alludes to having affordable housing stock for a 10 year period only, which is contradictory to Council's adopted Policy and Affordable Housing Scheme.

If the rezoning is supported:

- i. any residential uplift will require 10% of the dwellings to be affordable housing stock being transferred into Council ownership in accordance with Council's adopted Policy and Affordable Housing Scheme.
- ii. An amendment to Council's Affordable Housing Scheme will need to be made in conjunction with a Planning Proposal being progressed to Gateway Determination and eventually, gazettal as part of the rezoning.

## 3 Portion of Land proposed C2 "Environmental Conservation"

Based on commentary/advice from Council's Biodiversity and Coast & Catchments Teams, the southern portion of land proposed for a C2 zone consists

of Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland (consistent with the vegetation communities found in Warriewood Wetlands) that is listed on the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) (EPBC Act) as a threatened ecological community and listed at state level as an endangered ecological community.

Additionally, Warriewood Wetlands aligns the rear boundary of the subject lands.

As the communities are water-dependent ecological communities, the assessment of the flooding and water cycle management is imperative to ensure the water balance will not detrimentally affect these ecological communities and to enable consideration of what environmental-specific provisions should be applied to this land including:

- The rezoning of this land to C2 or another Conservation zone based on Council's approach on Conservation zones.
- The extent of a proposed Conservation zone.
- Any changes to the Biodiversity Map (PLEP)

The applicant submits this land to be rezoned C2 Environmental Conservation under PLEP.

Currently in the PLEP, land zoned C2 has Council as the nominated acquisition authority. In some cases, this land is an identified infrastructure item in an adopted Contributions Plan eg creekline corridor land in 120 Mona Vale Road is in the adopted Warriewood Valley Contributions Plan.

Concern is raised that rezoning this land to C2 will require acquisition by Council and there is no funding mechanism identified for this land acquisition. Regardless this land is in the Warriewood Valley Release Area, it is unreasonable to now identify this land for acquisition under the Warriewood Valley Contributions Plan given the land release development is nearly complete and highly unlikely to receive sufficient development contributions income to fund purchase of this land.

Conversely, the soon-to-be exhibited Conservation Zones review by Council provides insight on the approach to Conservation zones in the Northern Beaches based on ecological value and land tenure.

It is noted the Planning Proposal application does not accompany a formal Offer to Enter into a Planning Agreement so how this land could/should be zoned C2 if there is no funding mechanism to deliver this land into public ownership?

### **Additional comments based on information referred to S&PP3 on 21 October 2022**

Additional information provided by Calibre identifies that the development will include significant fill although no compensatory storage appears to be provided on the site. As required by the Warriewood Water Management Specification 2001, the application does not contain a *“comparison with the existing balance, and demonstrate how measures are to be implemented to ensure no adverse impact particularly with respect to frequent flows”* (p13).

This will result in additional runoff and flooding on Council's infrastructure (such as Boondah Road and the sports fields/netball courts) and Sydney Water's Warriewood Sewage Treatment Plant (regional infrastructure).

Given Council's recent investment in the new hardcourts and playing fields at Boondah Road, the proposition to simply allow flood waters to flow onto land outside of the development site is an unreasonable impost and is detrimental to Council's infrastructure.

Additional flows will result in damage to infrastructure and reduced available hours of use which is unacceptable. Supporting a rezoning to a residential development that adversely impacts on Council assets is not in the public interest.