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## Assessment of Planning Proposal



6 Jacksons Road, and  
3, 6, 8, 10 and 12 Boondah Road

Warriewood Valley Release Area

Prepared for: Pittwater Council  
Project No: 8730A  
Date: March 2014



## Assessment of Planning Proposal

6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood

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F.	Analysis of and Responses to Comments and Submissions
G.	Assessment of Section 117 Ministerial Directions

## **1 Introduction and Summary**

### **1.1 Commission**

DFP has been commissioned by Pittwater Council (Council) to undertake an independent assessment of the Planning Proposal submitted for the rezoning of land at 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood (the Site).

The Planning Proposal was prepared by SJB Planning on behalf of the landowners and seeks to rezone the Site to permit mixed use retail, commercial and residential development.

### **1.2 Purpose of this Report**

The purpose of this report is to provide Council with the necessary information to make a decision on whether to advance the Planning Proposal to the Minister for Planning and Infrastructure to make a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### **1.3 Material Relied Upon**

For the purposes of undertaking this assessment of the Planning Proposal (herein referred to as the Assessment), we have reviewed documents and undertaken the following investigations:

1. Site inspection undertaken on 17 January 2014 and 14 February 2014;
2. Briefing discussions with Pittwater Council on 17 January 2014;
3. Planning Proposal PP0007/13 and supporting documentation submitted by SJB Planning to Pittwater Council on 16 December 2013, including:
  - a. Urban Design Study prepared by GMU Urban Design and Architecture;
  - b. Flood Assessment prepared by Brown Consulting;
  - c. Ecological Constraints Analysis prepared by Travers Bushfire and Ecology; and
  - d. Transport Assessment prepared by GTA Consultants.
4. Comments regarding Planning Proposal PP007/13 from the following Pittwater Council Business Units:
  - a. Natural Environment and Education;
  - b. Reserves and Recreation; and
  - c. Traffic.
5. Comments regarding Planning Proposal PP007/13 from Pittwater Council Property Team.
6. Comments from external referrals of the Planning Proposal, including:
  - a. Ausgrid;
  - b. NSW Office of Environment & Heritage;
  - c. NSW Police Force;
  - d. NSW Roads and Maritime Service
  - e. NSW Rural Fire Service; and
  - f. Sydney Water.

7. 24 Submissions from the Pittwater community and their representatives following notification of the Planning Proposal;
8. Planning and strategic documentation prepared by NSW Department of Planning and Infrastructure and Pittwater Council including:
  - a. Metropolitan Plan for Sydney 2036;
  - b. Draft Metropolitan Strategy for Sydney to 2031;
  - c. New South Wales in the Future: Preliminary 2013 Population Projections;
  - d. A Guide to Preparing Local Environmental Plans, April 2013;
  - e. Draft North East Subregional Strategy;
  - f. Pittwater Local Environmental Plan 1993;
  - g. Draft Pittwater Local Environmental Plan 2013;
  - h. Pittwater 21 Development Control Plan;
  - i. Pittwater Local Planning Strategy;
  - j. Pittwater Open Space Bushland and Recreation Strategy 2000;
  - k. Pittwater Walks and Rides Strategy Masterplan 2012;
  - l. Warriewood Valley Planning Framework 2010;
  - m. Warriewood Valley Strategic Review Report 2012 (adopted 12 June 2013) and supporting consultant reports, including:
    - i. Hydrology Study prepared by Cardno;
    - ii. Urban Design Study prepared by HBO+EMTB Urban and Landscape Design;
    - iii. Strategic Transport Study prepared by AECOM Australia; and
    - iv. Review Economic Feasibility Study prepared by Hill PDA.
  - n. Warriewood Valley Section 94 Contributions Plan;
  - o. Narrabeen Lagoon Flood Study 2013;
9. Pittwater Council report to Council for Meeting on 12 June 2013, subject: *Warriewood Valley Strategic Review Report – Outcomes of Public Exhibition and Final Report*.
10. SHOROC Sub Regional Employment Study prepared by Hill PDA dated March 2008 and SHOROC Employment Lands Study Addendum for Pittwater Council dated January 2011;
11. Part 3A Major Project No. MP09\_0162 being the Concept Plan for a residential and child care development at 14-18 Boondah Road, Warriewood and supporting documentation approved by the NSW Planning Assessment Commission on 18 January 2010;
12. Development Application No. N0195/13 for alterations and additions to Warriewood Shopping Centre and supporting documentation approved by the Joint Regional Planning Panel on 21 November 2013, including:
  - a. Objection submission prepared by Henroth Investments Pty Ltd.

## 1.4 Appendices Accompanying this Assessment

This Assessment is supported by the following appendices:

- Appendix A** Contour Map of Warriewood Valley Southern Buffer
- Appendix B** Flooding Peer Review Report prepared by Cardno
- Appendix C** Traffic Peer Review Report prepared by AECOM
- Appendix D** Independent Economic Review prepared by Hill PDA
- Appendix E** Council Internal Referrals and Comments
- Appendix F** Analysis of and Response to Comments and Submissions
- Appendix G** Assessment of Section 117 Ministerial Directions

## 1.5 Report Structure

This Planning Proposal is structured in the following manner:

- Section 2** outlines an **Executive Summary** of this Assessment;
- Section 3** provides a brief **Background** to the Planning Proposal;
- Section 4** describes the **Site Context** and provides a detailed description of the Site and the nature of surrounding development;
- Section 5** provides a **Description of the Planning Proposal** for the Site;
- Section 6** outlines the **Key Issues and Considerations** of the Planning Proposal;
- Section 7** outlines the **Assessment Process** employed to approach the Planning Proposal;
- Section 8** provides an assessment of the **Strategic Context**;
- Section 9** provides an assessment of all **Considerations** relating to the Planning Proposal;
- Section 10** provides commentary on the **Proposed Provisions** of the Planning Proposal;
- Section 11** summarises and addresses the **Responses Received by Council during the Notification Period**;
- Section 12** provides a **Planning Assessment of the Planning Proposal** pursuant to Section 55 of the EP&A Act.
- Section 13** describes **Other Assessment Considerations**;
- Section 14** is a **Conclusion** to the Assessment of the Planning Proposal; and
- Section 15** sets out the final **Recommendation** of this Assessment.



## 2 Executive Summary

### 2.1 Commission

DFP has been commissioned by Pittwater Council (Council) to undertake an independent assessment of the Planning Proposal submitted to Council for the rezoning of land at 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood (the Site).

### 2.2 Background

In June 2013, Council resolved to adopt the **Warriewood Valley Strategic Review Report 2012** following endorsement by the Director General in May 2013. Pittwater LEP and DCP are amended to be consistent with the Strategic Review. The Warriewood Valley Strategic Review recommends not to proceed with the Concept Plan for a mixed use town centre in the Southern Buffer. Notwithstanding this decision, the investigations and recommendations of the consultant reports supporting the Strategic Review remain valid and relevant to the Southern Buffer.

### 2.3 The Site and Surrounds

The site comprises six properties including 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road having a combined site area of 6.2 hectares. The site represents approximately 37% of the area within the Southern Buffer.

The Site sits within a low-lying area of the Warriewood Valley. The topography and flooding of the site are key considerations of this Assessment. The highest area of the Site is located at the northern end of 12 Boondah Road, being 5 metres AHD. The remainder of the Site falls generally between 2-3 metres AHD.

The Site comprises a variety of vegetation communities, including Endangered Ecological Communities (EECs) and adjoins areas of significant vegetation and the Warriewood Wetlands. The ecological biodiversity of the Site and its surrounds is a key consideration of this Assessment.

The Site is located in the southern areas of the Warriewood Valley Release Area and is in close proximity to the major carriageway (Pittwater Road) which provides regional north/south access between Manly and Palm Beach and also connects with other arterial roads to access the Sydney CBD and other parts of the Sydney Metropolitan Area. The Site is located adjacent to the Warriewood Square shopping centre.

The Site is surrounded by open space to the east and south, Warriewood shopping centre to the west, Warriewood Wetlands to the west and north, 3 to 4 storey residential flat buildings currently under construction to the north and the Sydney Water Sewerage Treatment Plant, Council offices and Works Depot and commercial uses to the north east.

### 2.4 The Planning Proposal

Section 9.5 of the Warriewood Valley Strategic Review Report 2012 recommends the following in regard to development of the land at the Southern Buffer:

*It is recommended that the Draft Concept Plan for the Southern Buffer not proceed at this time.*

*Should landowners wish to pursue other development opportunities for their land, either individually or in partnership, they should do so through the preparation of a rezoning application, fully supported by the necessary studies including those matters highlighted by the Strategic Review (such as flood extent and potential impacts as a result of developing the land including cut and fill to provide building platforms above the flood level and low lying roads in the area would have to be raised if evacuation in the event of a major flood is to be achieved).*

The Planning Proposal represents the first rezoning application submitted to Council for the development of and within the Southern Buffer, as predicated by the Warriewood Valley Strategic Review.

The base objectives of the Planning Proposal are to:

1. Rezone the Site under the Draft Pittwater Local Environmental Plan 2013 (Draft Pittwater LEP) from the proposed/translated RU2 Rural Landscape Zone to the B4 Mixed Use Zone.
2. Rezone the Site from RU2 Rural Landscape to B4 Mixed Use zone under the Draft Pittwater Local Environmental Plan 2013 (Draft Pittwater LEP);
3. Increase the building height development controls under Clause 4.3 Height of Buildings of the Draft Pittwater LEP for each allotment to enable building heights between 10m and 24m measured from the PMF level of 4.5 metres AHD;
4. Delete the subject land from the Minimum Lot Size map under Clause 4.1 Minimum Subdivision Lot Size to remove the restriction on a minimum lot size, presently at 1ha; and
5. Include a provision enabling "*Residential Accommodation*" in Lot 3 DP 26902 and Lot 2 DP 552465 as an additional permitted use under Schedule 1 of the Draft Pittwater LEP.

The Planning Proposal is supported by the Boondah Precinct Masterplan Urban Design Report (herein referred to as the Masterplan), prepared by GMU Urban Design & Architecture Pty Ltd on behalf of the applicant.

The Planning Proposal envisages that the timing of the application will enable the requested modifications to be undertaken as an amendment to the yet to be made Draft Pittwater LEP. A summary of the key development characteristics of the Masterplan is provided below:

- Between 330-350 residential units (based upon 100m<sup>2</sup>/unit), equating to;
  - A dwelling density of between 56-59 dwellings per developable hectare; and
  - 924-980 new residents;
- 7,737m<sup>2</sup> gross floor area (GFA) of commercial floor space;
- 23,427m<sup>2</sup> GFA of retail floor space, anticipated to comprise:
  - 1 x full-line supermarket; and
  - 1 x discount department store (DDS).
- 1,537m<sup>2</sup> of community floor space; and
- 2,053 car parking spaces, comprising parking for the following components:
  - Retail;
  - Commercial; and
  - Residential.

## 2.5 Strategic Context

The following conclusions are drawn from the assessment of the consistency of the Planning Proposal with relevant strategic policies:

### Metropolitan Plan for Sydney 2036

The Planning Proposal is generally consistent with the objectives and actions of Sydney 2036 through providing a high concentration of housing close to an existing and planned

centre with the opportunity to incorporate a range of housing options and levels of affordability.

Draft Metropolitan Strategy for Sydney 2031

The Planning Proposal can assist in meeting the housing and job targets of the Strategy. Recommendations relating to the strengthening of Brookvale-Dee Why are considered to be less relevant than the centres and corridors guidelines detailed in the Draft Subregional Strategy.

Draft North East Subregional Strategy

The Subregional Strategy nominates an additional employment capacity target of 6,000 jobs and 4,600 additional dwelling to 2031 for the Pittwater LGA. The Planning Proposal would contribute to these targets.

The Subregional Strategy identifies Warriewood Square as a “Stand Alone Shopping Centre”, and may have potential to become a traditional town centre in the long term. The proposal is consistent with this intention of the Subregional Strategy, however expansion of and integration with Warriewood Square may not be achievable.

Net community benefit test must continue to be applied to out-of-centre retail proposals.

SHOROC Regional Employment Lands Study 2008 and Addendum 2011

Pittwater LGA has significant capacity for retail floor space, with a demand forecast to grow from 18,240m<sup>2</sup> by 2016, to 102,744m<sup>2</sup> by 2036. Not all this demand needs to be met within the Pittwater LGA. The Planning Proposal would provide a quantum of retail GFA which is within the demand forecast for the Pittwater LGA.

Recommends investigating opportunities through the Masterplan exercise to expand Warriewood Square shopping centre and integrate additional retail and commercial services. This Assessment has identified a number of issues which may prevent the preferred Masterplan from achieving integration between the two centres.

The delivery of a Planning Proposal requires further investigation to ensure that an integrated Town Centre outcome with Warriewood Square will be achieved (including having regard to the layout of retail GFA).

Warriewood Valley Planning Framework 2010

Southern Buffer identified as land suitable for urban development as part of superseded constraints mapping. The constraints mapped within the Planning Framework have been superseded by more recent and more detailed mapping under subsequent studies undertaken by Council, therefore, consistency with the Planning Framework is not of particular relevance. Notwithstanding, the Planning Proposal is generally consistent with the objectives of the Planning Framework.

Pittwater Local Planning Strategy 2011

The Local Planning Strategy nominates the Southern Buffer as one of the last available large lot greenfield development opportunities in Pittwater.

Constraints mapping identifies the Site as containing highly constrained land, generally unsuitable for urban development.

The Local Planning Strategy identifies the potential for the expansion of Warriewood Square shopping centre to provide a new town centre, however the Masterplan supporting the Planning Proposal may not achieve the desired integration between the shopping centres.

Local Planning Strategy recommends undertaking further investigation of options to develop the Southern Buffer. The Planning Proposal represents a response to this recommendation in relation to some of the land holdings within the Southern Buffer.

Warriewood Valley Strategic Review Report 2012

The Warriewood Valley Strategic Review Report 2012 (the Strategic Review) was jointly prepared by Council and the Department of Planning and Infrastructure (DoPI) in accordance with the recommendations of the PAC's approval of a Part 3A Major Project at 14-18 Boondah Road, Warriewood. The final Strategic Review was endorsed by Council's General Manager and the Director General of Planning and Infrastructure on 1 May 2013 and subsequently adopted by Council on 12 June 2013.

The Draft Concept Plan was informed by specialist consultant advice which addressed the constraints of the Southern Buffer. Even though the Draft Concept Plan did not proceed, the consultant reports provide relevant recommendations to be considered in the assessment of the Planning Proposal.

The Planning Proposal is unable to achieve a clear and direct link with Warriewood Square shopping centre, and is inconsistent with the majority of the recommendations of the consultant reports relating to flooding, building height, dwelling density, land use, traffic generation and the format of retail floor space.

Notwithstanding, the Planning Proposal represents the first rezoning application for land holdings within the Southern Buffer following the adoption of the recommendations of the Strategic Review, and comprises a quantum of retail floor area envisaged by the Strategic Review.

Warriewood Valley Section 94 Contributions Plan No. 15 Amendment No. 16

The Section 94 Contributions Plan envisages acquiring land notionally located within the Buffer Areas to meet the forecasted open space needs of the Warriewood Valley residents, including land on Boondah Road (extension to Boondah Reserve) and within the Southern Buffer area utilising flood prone land.

The Planning Proposal would not enable the acquisition of this land to meet the open space needs of the residents of Warriewood Valley, and would result in an increase in demand for open space not planned for in by the Section 94 Contributions Plan.

## **2.6 Assessment Conclusions**

### **2.6.1 Flooding**

- The Planning Proposal relates to land subject to inundation at 1% AEP and Probable Maximum Flood (PMF) flood events. The land is identified within developable land Category F, being land below PMF plus climate change for which the recommended use is only for sporting fields and recreational areas (Cardno, 2011).
- The Masterplan is informed by flooding advice which relies upon a 1% AEP of 3.15m AHD and PMF of 4.5m AHD from the Warriewood Valley Flood Study, 2005. However the most recent adopted 1% AEP (as per Narrabeen Lagoon Flood Study 2013) is 3.04m AHD and PMF of 4.9m AHD. Therefore the PMF level upon which the Masterplan has been based (4.5m AHD) is lower than that required by Council (4.9m AHD).
- The Planning Proposal is inconsistent with Section 117 Direction 4.3 - Flood Prone Land.
- The Planning Proposal's approach to managing flooding constraints (suspended floor) has unacceptable implications including frequency of flood events that would

pose risk to life and property, inadequate flood evacuation and resultant built form implications.

- Any planning proposal should consider the wider context and include all land in the Southern Buffer as such an approach would enable a more strategic and holistic approach to the management of the flooding constraints.

### **2.6.2 Ecological Biodiversity**

- The Planning Proposal relates to land which comprises a range of vegetation communities including Endangered Ecological Communities (EECs), a riparian corridor and which adjoins Warriewood Wetlands.
- The Ecological Constraints Analysis which informed the Masterplan proposed three (3) options for adequate biodiversity corridors. None of these options appear to have been incorporated into the Masterplan.
- The rezoning of 6 Jackson Road (Lot 9 DP 806132) to relocate Boondah Road is not supported on the basis of ecological impacts.
- The vehicular connection to Vuko Place is not supported on the basis of ecological impacts. A pedestrian or cycleway would be more suitable, provided flood impacts can be addressed.

### **2.6.3 Bushfire**

- APZ mapping can be undertaken in more detail in accordance with Planning for Bushfire Protection 2006 if a Gateway Determination is obtained, particularly in regard to Sites A, C and F.
- Further investigation of riparian corridor for Narrabeen Creek and corresponding APZs is to be undertaken.

### **2.6.4 Traffic, Parking & Public Transport**

- New Boondah Road access from Jacksons Road is not supported on the basis of undesirable traffic outcomes and incompatible separation from the intersection of the Warriewood Square shopping centre car park entry. Further, the proposed road would not deliver a public benefit on traffic planning grounds that would warrant the removal of EEC vegetation.
- The rezoning of 6 Jackson Road (Lot 9 DP 806132) to relocate Boondah Road is not supported on the basis of traffic impacts.
- The proposed connection between Boondah Road and Vuko Place is not supported on traffic grounds.
- Replacement car parking for Boondah Reserve and Jacksons Road Reserve has not been identified.
- There are inconsistencies in the Traffic Assessment that would need to be resolved, having regard to the significant increase in traffic volume proposed. More detailed modelling, assessment and identification of mitigation measures is also required. This can occur if a Gateway determination is issued.

### **2.6.5 Economic and Retail Feasibility**

- Hill PDA has acknowledged an undersupply of retail floor space within Pittwater LGA, and has forecast a significant increase in demand for retail floor space to 2036, with residents in Pittwater generating demand for an estimated 100,000m<sup>2</sup> of retail floor space (all of which does not need to be provided within the Pittwater LGA).
- The Independent Economic Review has identified that the extent and range of adverse impacts of the Planning Proposal upon surrounding retail centres varies

and may include significant adverse impacts upon Warriewood Square, if a connected town centre is not realised. Further detailed assessment of potential economic impacts is required as part of an Economic Impact Assessment.

- The quantum of proposed retail floor space is supported as it addresses a present undersupply of retail floor space and contributes towards the significant forecast demand for retail floor space within the Pittwater LGA to 2036.
- The quantum of proposed commercial floor space is a concern as it may result in potential over-supply of commercial floor space within the Pittwater LGA. Further detailed investigation of commercial floor space demand is required as part of an Economic Impact Assessment.

### 2.6.6 Open Space & Recreation Lands

- The Section 94 Contributions Plan for Warriewood Valley is responsible for acquiring open space land to meet the needs of the incoming population of Warriewood Valley. This demand has increased, while land availability has not. At present, the undersupply of public open space and recreation lands still required to be provided within Warriewood Valley is some 4.6ha.
- The Masterplan supporting the Planning Proposal would contribute to an increased net undersupply of public open space and recreation lands within the Warriewood Valley Land Release Area to a quantum of 12.38ha as a result of direct and indirect impacts upon existing and future demand for public open space and recreation land to 2031.
- The flood prone land within the Southern Buffer may be suitable for public open space and recreation purposes as it is subject to inundation, it adjoins existing public reserves (thus allowing sharing of infrastructure) and has access to valuable bore water irrigation. The topography of alternative areas within Pittwater LGA present cost, infrastructure and maintenance issues.
- Availability of public open space and recreation land areas across Pittwater LGA is limited by a number of factors. The Planning Proposal would result in the removal of strategically significant land from a precinct which presently suffers from an under supply of public open space and recreation land particularly for sports fields and will be subject to a future increase in demand for these areas.

### 2.6.7 Urban Design

- The Masterplan removes flooding as a constraint by the use of a suspended floor. This approach is not supported on the basis of urban design related matters.
- To ensure that the design intentions of a Masterplan are realised, it would be necessary for Pittwater LEP to contain a provision that requires a DCP to be in place before consent could be granted pursuant to any Planning Proposal within the Southern Buffer.
- The opportunity for development of land at the corner of Pittwater Road/Jacksons Road, should not be discounted as a constraint in light of the previously identified opportunities of this land under the Warriewood Valley Strategic Review and also when compared to the constraints of land the subject of the Masterplan.
- Connectivity is a key principle which requires a holistic approach. Direct and convenient connections are required between a new town centre and Warriewood Square shopping centre (and to an extent, the commercial development along Vuko Place) to foster synergy. The Masterplan does not achieve direct and convenient connections with surrounding retail and commercial development.

- The relocation of Boondah Road is a good concept for its intended purpose to create a 'high street', however various significant issues outweigh and preclude this option from being realised, such as traffic and ecological impacts.
- The extent of active streets proposed at the raised ground floor level presents a questionable urban design outcome having regard to the internal nature of both car parking and the supermarket/DDS floor plates. Without sufficient pedestrian activity the extent of active streets may present an adverse urban design outcome. Further investigation is required in this regard.
- The approach to master-planning the Southern Buffer should not be piecemeal. A holistic, coordinated planning approach to rezoning the Southern Buffer must be undertaken, and should incorporate all land and land owners, including the whole of the Warriewood Square shopping centre site. Principles of the GMU Masterplan could be applied elsewhere in the Southern Buffer.

### 2.6.8 External Considerations and Consultation

A number of the external effects are directly related to the Planning Proposal including:

- Landscape edge treatments or batters to elevated roads.
- Works to the Sydney Water pumping station.
- Redevelopment of the eastern edge of the Warriewood Square site.
- Reconstruction and regrading of the existing Boondah Road to tie in with the lifting of Boondah Road within the Planning Proposal boundary.
- The reliance upon the creation of a biodiversity corridor on Council land to compensate for the removal of vegetation (including EEC) in the land to be rezoned.
- Ownership of the roads raised to 4.5m AHD. If these roads are suspended with flood storage underneath, then they will have very different construction requirements and maintenance costs compared to conventional at grade roads. The question of ownership and responsibility for maintenance costs is not addressed.

Other external effects are a consequence of the preferred Masterplan including:

- The proposed connection to Vuko Place over Sydney Water land.
- The closure of Boondah Road.
- Reconfiguration of the playing fields.
- Relocation of the community facilities on Jackson Road to realise the reconfiguration of the playing fields.
- The creation of a new biodiversity corridor on Council's land.
- Reuse of Council's depot site for community facilities.
- Insufficient consultation with adjoining land owners has been undertaken and the Planning Proposal does not adequately represent the interests of all affected land owners.
- Future master planning of the Southern Buffer should be undertaken in a holistic manner and incorporate the interests of all land owners to achieve a feasible development which is capable of development consent.

## 2.7 Submissions

Pittwater Council placed the Planning Proposal on a period of non-statutory notification from 7 January 2014 to 2 February 2014, and sought comments from external authorities/agencies.

A total of eight (8) submissions were received from external authorities and agencies, the majority of which raised no objection to the Planning Proposal. Sydney Water advised that they object to the rezoning or development of any of their land. Roads and Maritime Service advised that the Transport Assessment does not adequately address the traffic impacts of the proposed Masterplan and further traffic analysis is required.

A total of 24 public submissions were received from 22 parties (comprising one (1) letter of support), including detailed submissions from Federation Centres (owner/operator of Warriewood Square), co-owners of Warringah Mall and the Warriewood Residents Association. The 5 key issues raised in objection to the Planning Proposal relate to the following matters (in order from 1 – 5):

1. Open Space;
2. Traffic;
3. Flooding;
4. Building Height; and
5. Strategic consistency.

A summary of responses to all matters raised by each public submission is provided at **Appendix H**.

## **2.8 Conclusions and Comments**

This report concludes that the Planning Proposal should not be supported on the following grounds:

- While the Planning Proposal is consistent with regional and subregional planning and transport strategies, particularly in relation to the opportunities for providing housing and employment close to existing facilities or facilities that could be realised in the Masterplan, the proposal is not considered to be entirely consistent with the Warriewood Valley Strategic Review Report 2012 which is a strategy endorsed by Council and DoPI;
- Further, the proposal is inconsistent with the concept of expanding Warriewood Square shopping centre to become a new town centre, or integrating a new town centre on adjoining land which has clear and direct linkages with Warriewood Square, as envisaged by a number of primary strategic documents;
- Is inconsistent with Section 117 Direction 4.3 – Flood Prone Land, with which the Planning Proposal is inconsistent on a number of key issues as outlined in **Appendix I** of this report;
- The approach to managing flooding constraints in order to justify an urban zone on the subject land is not supported as it has unacceptable implications including:
  - Risk to property and life by providing over 1000 car parking spaces in the flood storage area which is susceptible to a high probability of flood inundation;
  - Insufficient accommodation of flood evacuation measures have been considered/proposed; and
  - Level changes between the Planning Proposal site and adjoining public domain areas (roads and open space) and resultant adverse urban design outcomes.
- The ecological recommendations are not adopted in the Masterplan. All land is zoned B4 creating the expectation that EECs could be redeveloped and therefore no certainty is provided in the ongoing protection of the vegetation.



- The 45m corridor on Lot 3 DP 26902 recommended by Travers (as a compensatory measure for ecological corridors including EEC removed elsewhere) is proposed to be zoned B4 – Mixed Use and does not guarantee satisfactory ecological outcomes.
- The rezoning of No. 6 Jackson Road (Lot 9 DP 806132) to relocate Boondah Road is not supported on the basis of unacceptable ecological and traffic impacts, including a road design conflict with the roundabout serving Warriewood Square shopping centre. Further, as no satisfactory ecological outcomes are achieved for this land, it should not be rezoned to permit development as proposed.
- The vehicular connection to Vuko Place from Boondah Road is not supported on the basis of unacceptable ecological and traffic impacts, and as consent from Sydney Water as the land owner would be required (which has been refused). An alternative, less intensive option such as a pedestrian footpath or cycleway should be considered.
- The Planning Proposal also proposes that Sites A and C not only be zoned B4 - Mixed Use, but the LEP also contain a clause to permit “*residential accommodation*” on those sites. The Masterplan does not envisage mixed use development on Site A and therefore that approach is not necessary. If Site C contained such a provision it would allow residential development without ground level active retail frontage, contrary to the Masterplan. Therefore this component is not supported and alternative zones for these Sites should be investigated.
- An Economic Impact Assessment is required to determine potential impacts of the Planning Proposal on surrounding retail centres, and to determine the potential for oversupply of commercial floor space within Pittwater LGA.
- The Masterplan supporting the Planning Proposal will result in unacceptable adverse outcomes for open space and recreation areas within the Southern Buffer, including:
  - A net reduction in the availability of public open space and recreational facilities resulting from direct (i.e. net reduction in playing field areas) and indirect (i.e. generating a significant increase in demand for public open space areas which cannot be provided) impacts upon the existing public open space and recreation land including Boondah Reserve and Jacksons Road Reserve;
  - Failure to provide or dedicate any suitable public open space areas which can be used for recreational purposes;
  - Removal of car parking facilities along Boondah Road without identifying replacement or compensatory car parking facilities;
  - Removal of strategically significant land from a precinct which presently suffers from an undersupply of public recreational open space and will be subject to a future increase in demand for these areas.
- The urban design outcomes of the Masterplan supporting the Planning Proposal are not supported having regard to the following:
  - Adequate connectivity between the Site and surrounding retail and commercial development is not achieved and therefore the concept of an ‘expanded Warriewood Square’ would not be realised, resulting in two competing shopping centres; and
  - The extent of active retail street frontages proposed at the raised ground floor level presents a significant challenge upon which hinges the success and vibrancy of the proposed town centre. Further investigation of this potential outcome is required.

## Assessment of Planning Proposal

6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood

- Insufficient consultation with adjoining landowners has been undertaken to guide the Masterplan supporting the Planning Proposal, therefore the Planning Proposal does not adequately represent the interests of all affected land owners.

Accordingly, we recommend that Council does not endorse this Planning Proposal or forward it to the Minister for Gateway Approval.

In addition to this recommendation, the Assessment has found that any Planning Proposal within the Southern Buffer is subject to a wide range of issues and constraints. Therefore a holistic and coordinated planning approach to the rezoning of the Southern Buffer should be undertaken which incorporates all land and land owners within the Southern Buffer, extending to include the whole of the Warriewood Square shopping centre site.

Any such master planning exercise should provide due consideration of the findings of the specialist consultant reports which informed the Warriewood Valley Strategic Review Report 2012 and provide sufficient justification if these findings are to be discarded.

### 3 Background of Planning Proposal

Warriewood Valley is a land release (known as the Warriewood Valley Release Area) within the southern area of the Pittwater Local Government Area (LGA), comprising some 190 hectares of land. The Warriewood Valley Release Area represents one of the last major land release areas within the North East Sydney Subregion.

For nearly 25 years Warriewood Valley has been the focus of statutory and strategic planning initiatives seeking to take advantage of the development opportunities within this area. A summary of the key events relating to Warriewood Valley is outlined in **Figure 1**:

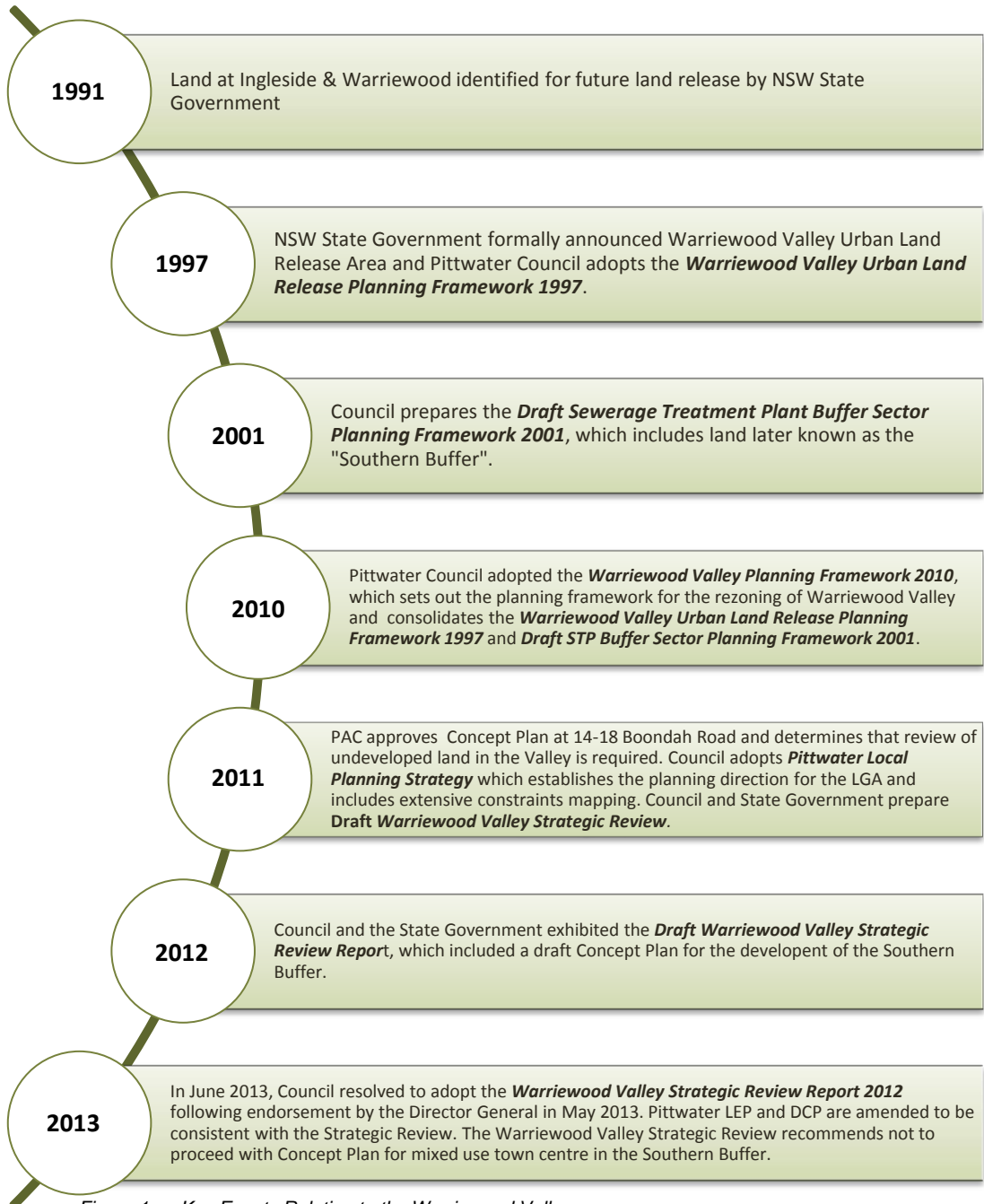


Figure 1 Key Events Relating to the Warriewood Valley

In order to understand that strategic context for development within the Warriewood Valley (and more specifically, the Southern Buffer) it is necessary to consider the background to the relevant strategic planning studies.

In 2010, Council adopted the Warriewood Valley Planning Framework 2010 which set out the planning framework for the rezoning of the Warriewood Valley and consolidated two preceding strategic planning studies including:

- Warriewood Valley Urban Land Release Planning Framework 1997; and
- Draft Sewerage Treatment Plan Buffer Sector Planning Framework 2001.

The Warriewood Valley Planning Framework 2010 made use of a number of constraints studies undertaken as part of these preceding strategic planning studies, and includes a range of recommendations for the urban release and development of land within the Warriewood Valley.

In 2011, Council prepared the Pittwater Local Planning Strategy which sets the direction of the Pittwater LGA towards a new Comprehensive Local Environmental Plan, and comprised an extensive constraints mapping analysis to determine the land most suitable for development throughout the LGA. The Pittwater Local Planning Strategy only overlaps the Warriewood Valley Planning Framework 2010 to the extent that the constraints mapping represents the most current of its kind, however the specific recommendations of the Warriewood Valley Planning Framework 2010 still apply to the urban release area land.

In 2013, Council adopted the Warriewood Valley Strategic Review Report 2012 which sets out a strategic planning approach to the urban release of undeveloped land within the Warriewood Valley. The Warriewood Valley Strategic Review incorporated a draft Concept Plan for the Southern Buffer, supported by specialist consultant reports. Despite the findings of the specialist consultant reports which were exhibited with the Draft Warriewood Valley Strategic Review, the Final Warriewood Valley Strategic Review recommended that the draft Concept Plan for the Southern Buffer not proceed in response to local community opposition to the Plan.

As the Warriewood Valley Strategic Review Report 2012 does not adopt any specific recommendations for the development of the Southern Buffer (instead requiring any future planning proposal to be supported by a Masterplan), the recommendations of the Warriewood Valley Planning Framework 2010 still apply to this land. However the constraints mapping undertaken as part of the Pittwater Local Planning Strategy provides the most comprehensive understanding of constraints across the LGA (including the Warriewood Valley), with more specific investigations of the Southern Buffer undertaken by the specialist consultants. A summary of the relevant strategic considerations for urban land release and development in the Southern Buffer is provided in **Figure 2**.



Figure 2 Summary of Relevant Strategic Considerations for the Southern Buffer

## 4 Site Context

### 4.1 Locality

The Site is located in the southern areas of the Pittwater LGA, north of Narrabeen Lagoon and approximately 1.5km west of the coastline (see **Figure 3**).

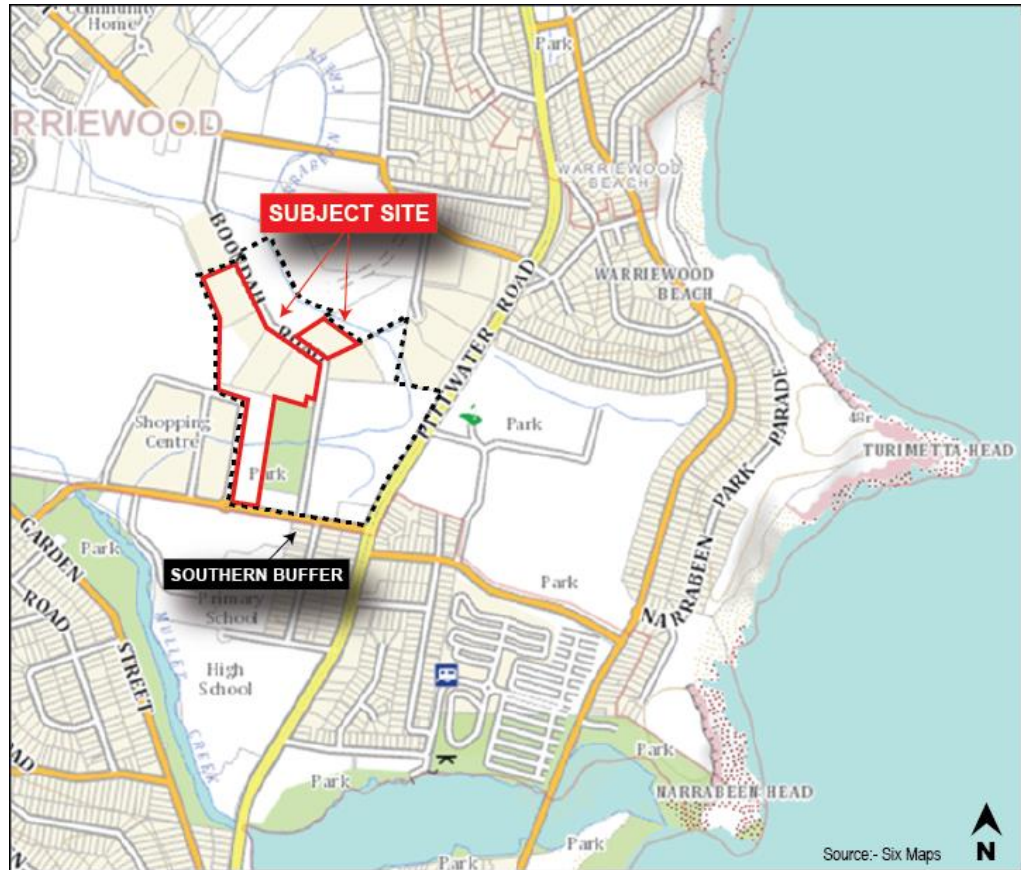


Figure 3 Site Location Map

### 4.2 Site Description

The landholdings of the proponents comprise six (6) allotments which are described in **Table 1** (being the Site).

Table 1 Description of the Site				
Property Address	Lot	DP	Land Owner	Approx. Land Area (ha)
3 Boondah Rd	2	552465	Ms Colleen Rooke	0.61
6 Boondah Rd	2	574339	Kamfam Pty Ltd	1.01
8 Boondah Rd	5	26902	Mrs Dragica Trobjevic	1.02
10 Boondah Rd	4	26902	Henry Fraser Pty Ltd	1.02
12 Boondah Rd	3	26902	Cassius Investments Pty Ltd	1.01
6 Jacksons Rd	9	806132	Henlen Pty Ltd	1.53
<b>TOTAL</b>				<b>6.2</b>

The Site is located within the area referred to in the Warriewood Valley Strategic Review Report 2012 as the “Southern Buffer”, being land formally known as Sector 15, Sector B and part of Sector 17 under the revision of sectors which informed the Warriewood Valley Planning Framework 2010. The Southern Buffer has a total land area of 16.54ha<sup>1</sup>, therefore the Site for this Planning Proposal comprises approximately 37% of the total land area within the Southern Buffer. An aerial photograph of the Site and the Southern Buffer is provided at **Figure 4**.



Figure 4 Aerial Photograph

### 4.3 Key Site Characteristics

This Assessment has taken into consideration the detailed description of the characteristics of the Site and the Southern Buffer as set out in the following documents:

- Warriewood Valley Planning Framework 2010;
- Warriewood Valley Strategic Review Report 2012 and supporting consultant reports; and
- Planning Proposal prepared by SJB Planning and supporting specialist consultant reports.

The key site characteristics relevant to the Planning Proposal are identified and addressed further below:

1. Topography and flooding;
2. Vegetation and ecological biodiversity;
3. Vehicular and pedestrian access

#### 4.3.1 Topography and Flooding

The Site sits within a low-lying area of the Warriewood Valley, immediately north of the junction of Narrabeen Creek (which intersects the Site and Southern Buffer) and Mullet Creek, which is a tributary which drains into the Narrabeen Lakes Lagoon. The topography

<sup>1</sup> Warriewood Valley Urban Design Study prepared by HBO+EMTB dated October 2011

and flooding of the Site are key considerations of this Assessment as the Masterplan supporting the Planning Proposal proposes extensive building works within the most flood prone areas of the Southern Buffer.

A Contour Map provided by Pittwater Council (**Appendix A**) indicates the topographical characteristics of the Site (and Southern Buffer), the majority of which is between 1m and 5m AHD. The land generally slopes towards Narrabeen Creek with a fall of less than 10%. The highest area of the Site is located at the northern end of 12 Boondah Road, being 5m AHD. The remainder of the Site falls generally between 2-3m AHD.

In terms of flooding, the Warriewood Valley Hydrology Study prepared by Cardno to inform the Warriewood Valley Strategic Review Report 2012 identified the flood extents across the whole of the Warriewood Valley, including allowance for climate change. Flood extents of a 100 year event + climate change and for a Probable Maximum Flood event + climate change have been mapped across the Warriewood Valley. As shown at **Figure 5** and **Figure 6**, the Hydrology Study identifies the majority of the site is subject to both the 100 year + CC and PMF + CC flood extents, while the southeast and northwest areas of the Southern Buffer are subject only to the PMF + CC flood extent.

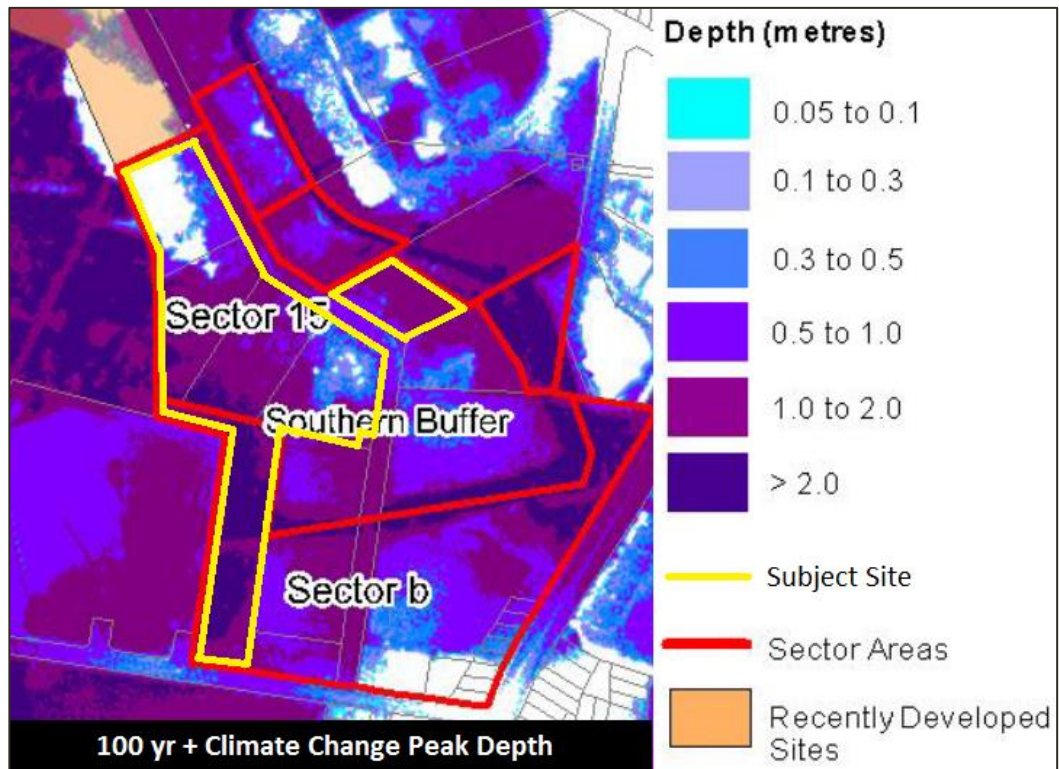


Figure 5 Extract of Figure 4-1 from Hydrology Study, prepared by Cardno November 2011

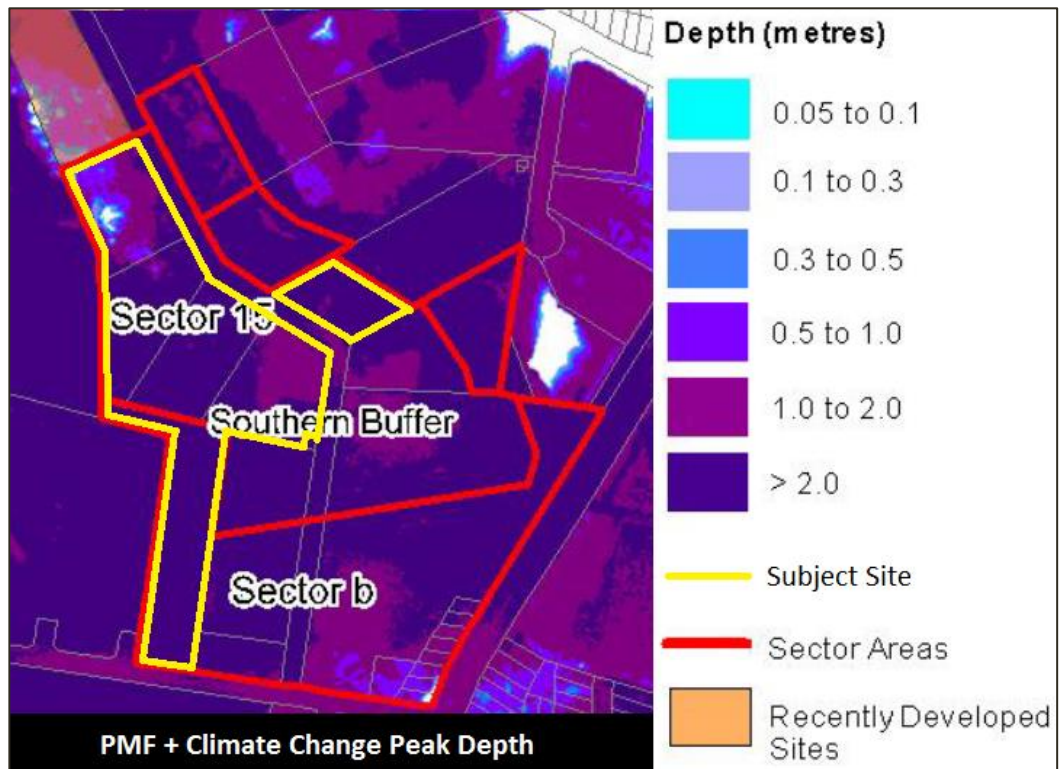


Figure 6 Extract of Figure 4-2 from Hydrology Study, prepared by Cardno November 2011

#### 4.3.2 Vegetation and Ecological Biodiversity

The Site comprises a variety of vegetation communities, including Endangered Ecological Communities (EECs) and adjoins areas of significant vegetation and the Warriewood Wetlands. The ecological biodiversity of the site and its surrounds (particularly within the Southern Buffer) is a key consideration of this Assessment as the Masterplan supporting the Planning Proposal indicates disturbance to vegetated areas.

Travers Bushfire and Ecology has undertaken an Ecological Constraints Analysis, including site surveys in 15 May 2012 and 13 April 2013. The Ecological Constraints Analysis identifies the Site as containing a number of vegetation communities as follows:

- Swamp Oak Floodplain Forest (EEC);
- Planted Swamp Oak;
- Swamp Sclerophyll Forest (EEC);
- Bangalay/Apple Open Forest (characteristic of Sydney Coastal Sand Bangalay Forest EEC); and
- Freshwater Wetlands (EEC).

An extract from Figure 2 – Vegetation Communities of the Ecological Constraints Analysis by Travers Bushfire and Ecology is provided at **Figure 7** for reference.



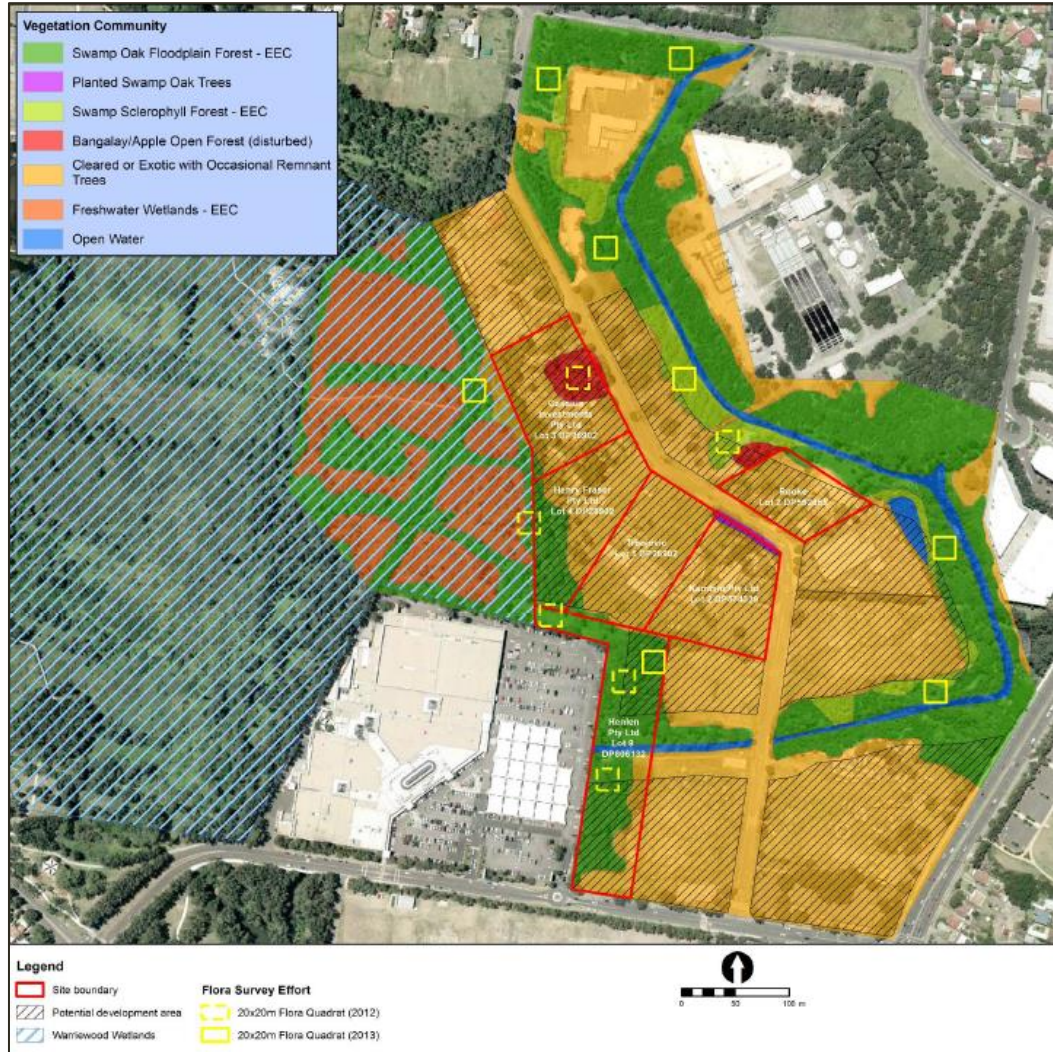


Figure 7 Extract from Vegetation Communities Map, prepared by Travers Bushfire and Ecology July 2013

A conditions assessment of these vegetation communities found that the majority of the Site and Southern Buffer comprises “*non-native landscape with some scattered remnant trees only*”. Notwithstanding, the majority of the vegetated areas of the Site and Southern Buffer are classified as good and moderate condition vegetation, with select areas identified as poor condition vegetation.

#### 4.3.3 Vehicular and Pedestrian Access

The Site is located in the southern areas of the Warriewood Valley Release Area and is in close proximity to the major arterial road (Pittwater Road) which provides regional north/south access between Manly and Palm Beach and connects with other arterial roads to access the Sydney CBD and other major centres in the Sydney Metropolitan Centre. The Site is located adjacent to the Warriewood Square shopping centre, informal public paths through Boondah Reserve to the east and paths and boardwalks through the Warriewood Wetlands to the west. Vehicular and pedestrian access are key considerations having regard to the connectivity of the Site with the surrounding road and pedestrian networks, and the impacts future development may have on these networks.

In 2011, AECOM prepared the Warriewood Valley Strategic Transport Study, which examined the transport background of the Warriewood Valley including traffic levels, road networks, parking, public transport access, cycling networks and pedestrian access within the context of the evolving urban development of the Warriewood Valley Release Area.

The traffic scenarios examined by AECOM included two (2) development options for the Southern Buffer. From the traffic impact assessment it was found that the intersections throughout the Warriewood Valley would in general perform adequately, with some intersections experiencing a reduction in the level of service (LOS). Specifically, the Pittwater Road and Jackson Road intersection would experience a significant reduction in LOS if the Southern Buffer experiences intensive mixed use development. From this it can be determined that development in the Southern Buffer must examine the likely impacts of increased vehicle movements upon the intersection of Pittwater Road and Jackson Road.

There are formal and informal footpaths and cycleways in the immediate area of the site. Urban development of the Site and the Southern Buffer represents an opportunity to improve the connection of Warriewood Valley to this network, as well as improve pedestrian/cycle access between the western areas of Warriewood (to the escarpment) to the coastal areas in the east. Of note is the opportunity to connect Boondah Road with the Warriewood Wetlands walking track to the west and Boondah Reserve pathways to the east.

#### **4.4 Surrounding Development and Facilities**

The context of the surrounds of the Site and Southern Buffer is also a key consideration for this Assessment having regard to adjoining retail and commercial development, public open space and recreational facilities, community support facilities, approved local development in the pipeline, environmental areas and other land uses. **Figure 8** identifies land uses surrounding the Site which are of relevance to this Assessment.

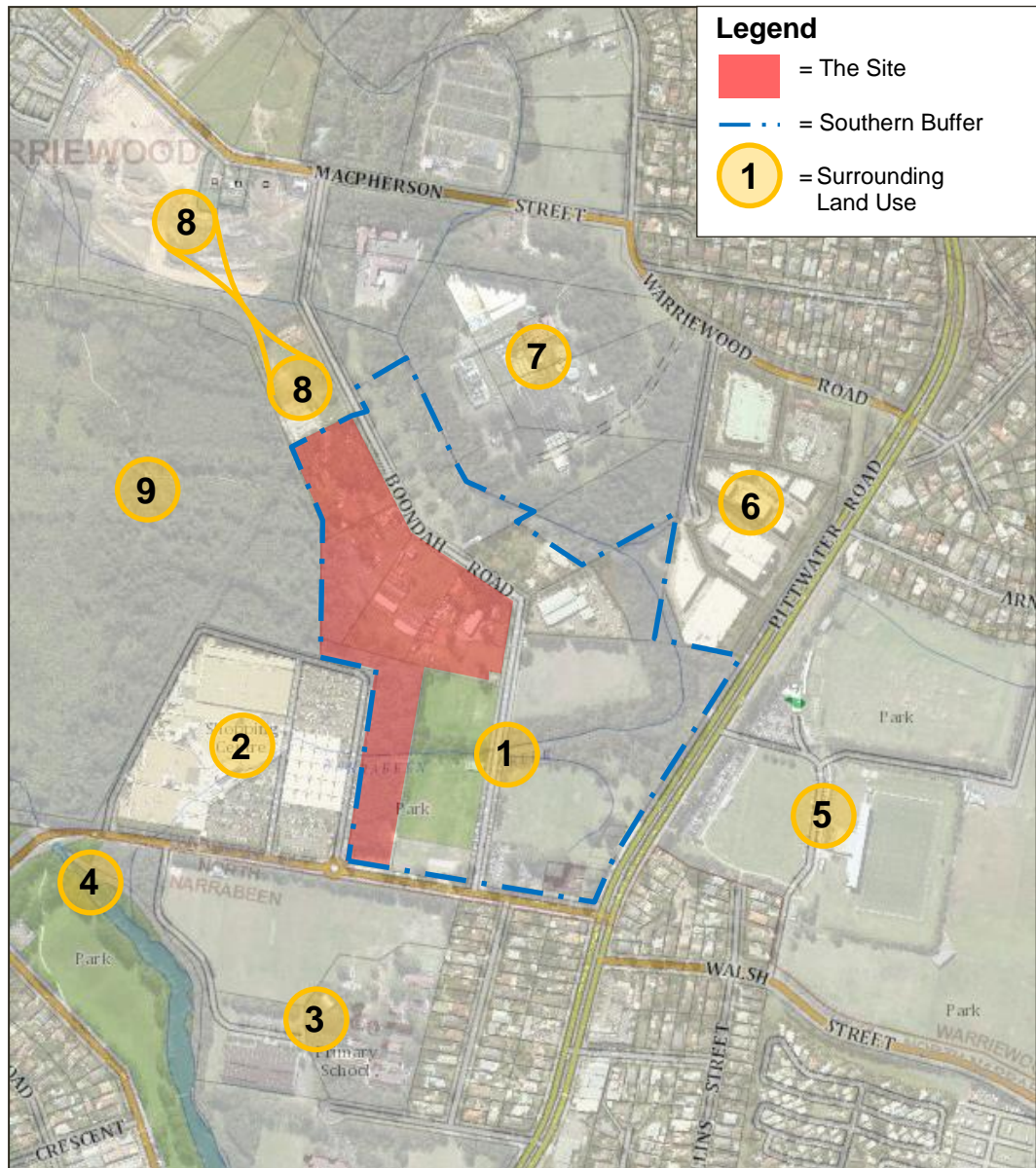


Figure 8 Land Uses and Development Surrounding the Site and Southern Buffer

1. Boondah Reserve/Jacksons Road Reserve: Pittwater Open Space, Bushland and Recreation Study identifies Boondah Reserve (including Jacksons Road Reserve) with a total area of 8.02ha, including football (soccer), baseball, softball and cricket fields. Adjoining the south of Boondah Reserve is the Ted Blackwood Community Centre, and to the south of Jacksons Road Reserve is the Narrabeen Senior Citizens Club and Nelson Heather Centre.
2. Warriewood Square (Centro) Shopping Centre: Warriewood Square shopping centre has a gross leasable floor area (GLFA) of 22,150m<sup>2</sup>, comprising a Coles, Woolworths, Kmart, 88 speciality stores and 1080 car parking spaces<sup>2</sup>. On 21 November 2013, the Joint Regional Planning Panel issued Development Consent to DA N0195/13 for alterations and additions to Warriewood Square shopping centre, comprising 8,015m<sup>2</sup> of additional GLFA. The resulting development will have a combined GLFA of 30,165m<sup>2</sup> and 1,270 car parking spaces.

<sup>2</sup> Shopping Centre Council's "Shopping Centre News" publication, Volume 29, Number 5, 2011

3. Schools and Sports Centres: To the south of the Site across Jacksons Road is Narrabeen North Public School, adjoining playing fields, Northern Beaches Indoor Sports Centre, Narrabeen Sports High School and the Pittwater Sports Centre. The Pittwater Open Space, Bushland and Recreation Strategy outlines that these playing fields have shared usage managed between the schools and the local community.
4. Mullet Creek/Narrabeen Creek Junction: Immediate south of Warriewood Square shopping centre, Narrabeen Creek converges with Mullet Creek (through the Warriewood Wetlands), which in turn drains into Narrabeen Lagoon.
5. Parklands: To the east of the site across Pittwater Road is located a variety of public recreation/open space facilities including a Golf Driving Range, Pittwater Rugby Park, Clive Rogers Equestrian Ground and North Narrabeen Public Reserve.
6. Warriewood Commercial Complex: To the northeast of the site located on Vuko Place is a range of commercial developments including Pittwater Business Park (comprising 12 tenancies), Warriewood Cinema Centre, Warriewood Business Centre (comprising 18 tenancies), Business Centre at 1 Vuko Place (comprising 13 tenancies), McDonald's restaurant and Hogs Breath Café Restaurant.
7. Sydney Water Sewerage Treatment Plant: The Sydney Water Sewerage Treatment Plant in Warriewood was initially constructed in the 1960's servicing an area of 25km<sup>2</sup>. The Plant has recently undergone two (2) upgrades including a \$35.5m upgrade to meet long term population growth, and \$14m upgrade to reduce odour impacts and a cogeneration plant to convert biogas into electricity<sup>3</sup>. The site is approximately 12.8ha in area and has frontage to Warriewood Road and Macpherson Street in the north, Vuko Place to the east and Boondah Road to the west and south. Narrabeen Creek runs through the site from north to south.
8. Meriton Development Site: The Meriton development site is the subject of Part 3A Major Project No. MP09\_0162, being the Concept Plan for a residential and child care development at 14-18 Boondah Road, Warriewood. The Meriton development site adjoins the Site to the north of No. 12 Boondah Road (Lot 3 DP 26902) and is presently under construction.
9. Warriewood Wetlands: The Warriewood Wetlands are approximately 26ha in size and represent the largest remaining sand plain wetland in the northern Sydney area. The Warriewood Wetlands are the subject of a Plan of Management which identifies ongoing management issues and mitigates these issues through direct action. The Warriewood Wetlands contain a wide variety of flora and fauna species, and serve as an important habitat for many native bird and animal species. The Wetlands contain a pedestrian boardwalk and track network which stretches 2.4km in length and has linkage with external pedestrian footpath networks at:
  - o Shearwater Drive to the north;
  - o Garden Street to the west and south; and
  - o Katoa Close to the southwest.

<sup>3</sup> Sydney Water Media Centre: <http://www.sydneywaternews.com.au/2011/06/16/34-5-million-upgrade-for-warriewood-plant-to-meet-growing-population/>

## 5 Description of Planning Proposal

The base objectives of the Planning Proposal are to:

1. Rezone the Site under the Draft Pittwater Local Environmental Plan 2013 (Draft Pittwater LEP) from the proposed/translated RU2 Rural Landscape Zone to the B4 Mixed Use Zone.
2. Increase the building height development controls under Clause 4.3 Height of Buildings of the Draft Pittwater LEP for each allotment to enable building heights between 10m and 24m measured from the PMF level of 4.5 metres AHD;
3. Delete the subject land from the Minimum Lot Size Map under Clause 4.1 Minimum Subdivision Lot Size to remove the restriction on a minimum lot size, presently at 1ha; and
4. Include a provision enabling “*Residential Accommodation*” in Lot 3 DP 26902 and Lot 2 DP 552465 as an additional permitted use under Schedule 1 of the Draft Pittwater LEP.

The Planning Proposal is supported by the Boondah Precinct Masterplan Urban Design Report (herein referred to as the Masterplan), prepared by GMU Urban Design & Architecture Pty Ltd on behalf of the applicant.

The Masterplan provides an assessment of the site and its surrounds, Council controls and strategies, and the opportunities and constraints of the site. The Masterplan then details strategy options for the Site and provides a detailed analysis of the preferred Masterplan option, being a new town centre situated on a new alignment of Boondah Road with a ‘main street’ element.

The Masterplan supports and informs the rezoning of the site to accommodate a mixed use development (within a B4 Mixed Use Zone) and indicates the layout, built form, height, density and use of each parcel of land. As the Masterplan also envisages components of Residential Flat Building (RFB) development in Lot 3 DP 26902 and Lot 2 DP 552465, the Planning Proposal seeks to enable development for the purpose of “*Residential Accommodation*” on these allotments. In effect, the Masterplan describes how the town centre would be designed and provides the justification for the proposed B4 Mixed Use Zone as a result of the development constraints to which the Site is subject.

The Masterplan was informed by specialist consultant reports which aided in addressing these development constraints, including the following:

- Flood Assessment prepared by Brown Consulting;
- Ecological Constraints Analysis prepared by Travers Bushfire & Ecology; and
- Transport Assessment prepared by GTA Consultants.

### Warriewood Valley Strategic Review 2012

Section 9.6 of the Warriewood Valley Strategic Review 2012 recommends the following in regard to development of land within the Southern Buffer, and the Planning Proposal responds to this recommendation:

*“It is recommended that the Draft Concept Plan for the Southern Buffer not proceed at this time.*

*Should landowners wish to pursue other development opportunities for their land, either individually or in partnership, they should do so through the preparation of a rezoning application, fully supported by the necessary studies including those matters highlighted by the Strategic Review (such as flood extent and potential impacts as a result of developing the land including cut and fill to provide building platforms above the flood level and low lying roads in the area would have to be raised if evacuation in the event of a major flood is to be achieved).”*

A summary of the key development characteristics of the Masterplan (as described in the supporting Transport Assessment) is provided below:

- Between 330-350 residential units (based upon 100m<sup>2</sup>/unit), equating to;
  - A dwelling density of between 56-59 dwellings per developable hectare<sup>4</sup>; and
  - 924-980 new residents<sup>5</sup>;
- 7,737m<sup>2</sup> gross floor area (GFA) of commercial floor space;
- 23,427m<sup>2</sup> GFA of retail floor space, anticipated to comprise:
  - 1 x full-line supermarket; and
  - 1 x discount department store (DDS).
- 1,537m<sup>2</sup> of community floor space; and
- 2,053 car parking spaces, comprising parking for the following components:
  - Retail;
  - Commercial; and
  - Residential.

## **5.1 Description of Proposed Local Environmental Plan Amendments**

The Planning Proposal envisages that the timing of the application will enable the requested modifications to be undertaken as an amendment to the yet to be made Draft Pittwater LEP. Therefore no modification to Pittwater Local Environmental Plan 1993 (Pittwater LEP) is proposed. It is proposed that the rezoning could occur as a stand-alone amendment to the Draft Pittwater LEP once it is made.

The three (3) components of the Planning Proposal are discussed further below.

### **5.1.1 Component 1: Rezoning of the Land**

The current zoning of the Site under Pittwater LEP 1993 is Zone 1b Non-Urban "B", which is identified under the Draft Pittwater LEP as being the equivalent zone of a RU2 Rural Landscape Zone. The Draft Pittwater LEP sets out the following provisions for development within the RU2 Rural Landscape Zone:

#### **1 Objectives of zone**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To ensure that any development minimises unnecessary impacts on the natural environment of the site and surrounding areas, and is compatible with the desired character of the locality.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones*

#### **2 Permitted without consent**

*Extensive agriculture; Home businesses; Home occupations*

#### **3 Permitted with consent**

<sup>4</sup> Based upon 5.9ha developable area of 6.2ha site area (accommodating land impacted by creekline corridor).

<sup>5</sup> Based on occupancy rate of 2.8 persons/dwelling adopted by Warriewood Valley Section 94 Contributions Plan No 15 Amendment No 16

*Agriculture; Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Forestry; Function centres; Home-based child care; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Research stations; Respite day care centres; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals*

**4 Prohibited**

*Any other development not specified in item 2 or 3*

It is proposed to rezone the Site to the B4 Mixed Use zone. The Draft Pittwater LEP sets out the following provisions for development within the B4 Mixed Use Zone:

**1 Objectives of zone**

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To strengthen the role of Mona Vale as a centre of employment in Pittwater.*
- *To provide healthy, attractive, vibrant and safe mixed use areas.*
- *To provide an active day and evening economy.*
- *To provide for residential uses above ground level, where they are compatible with the characteristics and uses of the site and its surroundings.*
- *To encourage retail vitality and provide a high level of amenity for pedestrians and cyclists.*
- *To achieve the desired character of the locality.*

**2 Permitted without consent**

*Home businesses; Home occupations*

**3 Permitted with consent**

*Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental protection works; Function centres; Health services facilities; Home-based child care; Home industries; Horticulture; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals*

**4 Prohibited**

*Any development not specified in item 2 or 3*

The proposed amendments to the Draft Pittwater LEP will require modification of the Zoning Map to identify the whole of the Site within the B4 Mixed Use Zone. The Planning Proposal is supported by a map which indicates the proposed rezoning of the land, an extract of which is provided at **Figure 9**. The zoning plan includes Lot 1 DP 574339 within the land proposed to be rezoned to B4 Mixed Use, which does not comprise part of the Site.

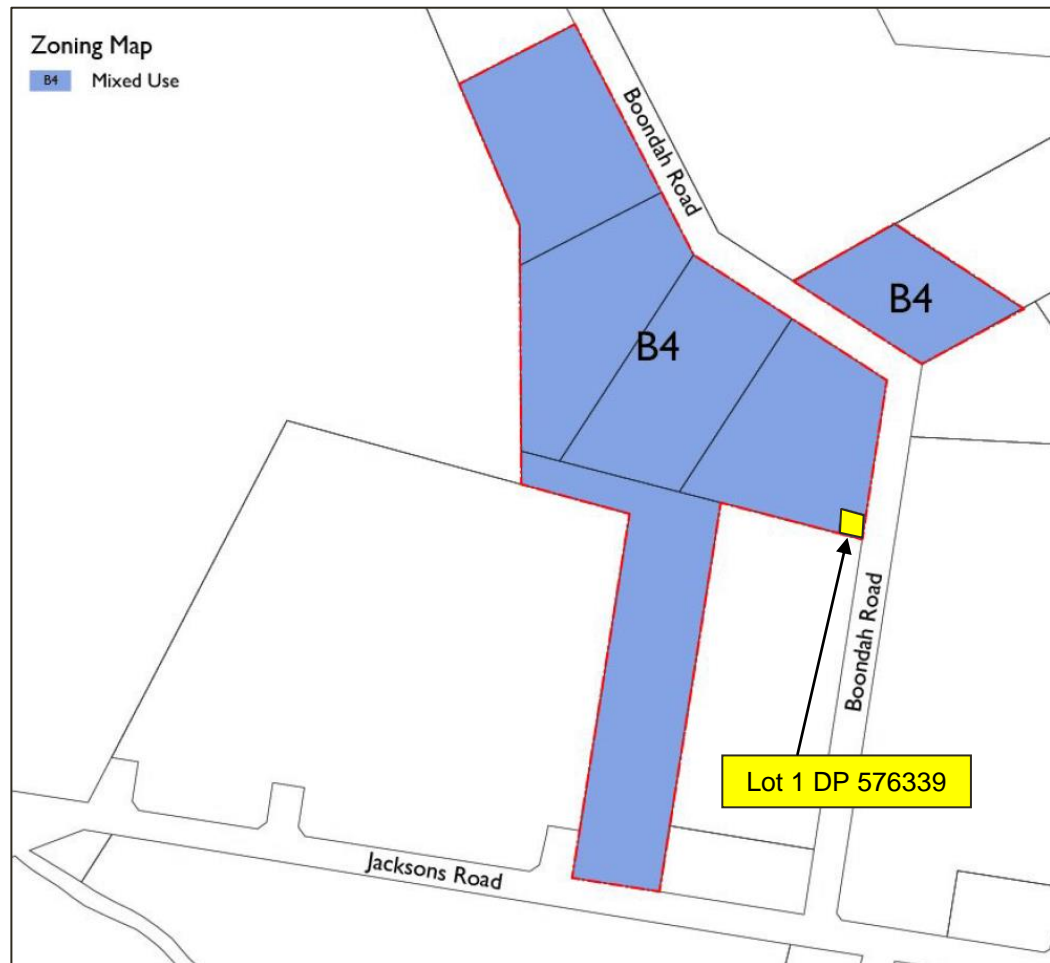


Figure 9 Extract of Proposed Zoning Plan

### 5.1.2 Component 2: New Building Height Controls

The Masterplan envisages a 'main street' element within the town centre, which has a future urban structure of incremental building heights from 10-12m (2-4 storeys) at the northern and southern approaches to the proposed town centre to a maximum height of 18-24m (5-7 storeys) at the northern intersection of Boondah Road and the proposed main street.

The proposed amendments to the Draft Pittwater LEP will require the modification of the Building Height Map to identify the various building heights proposed. The Planning Proposal is supported by a map which indicates the proposed building height controls for the Site, an extract of which is provided at **Figure 10**. The building height plan includes Lot 1 DP 574339 within the land proposed to be rezoned to B4 Mixed Use, which does not comprise part of the Site.



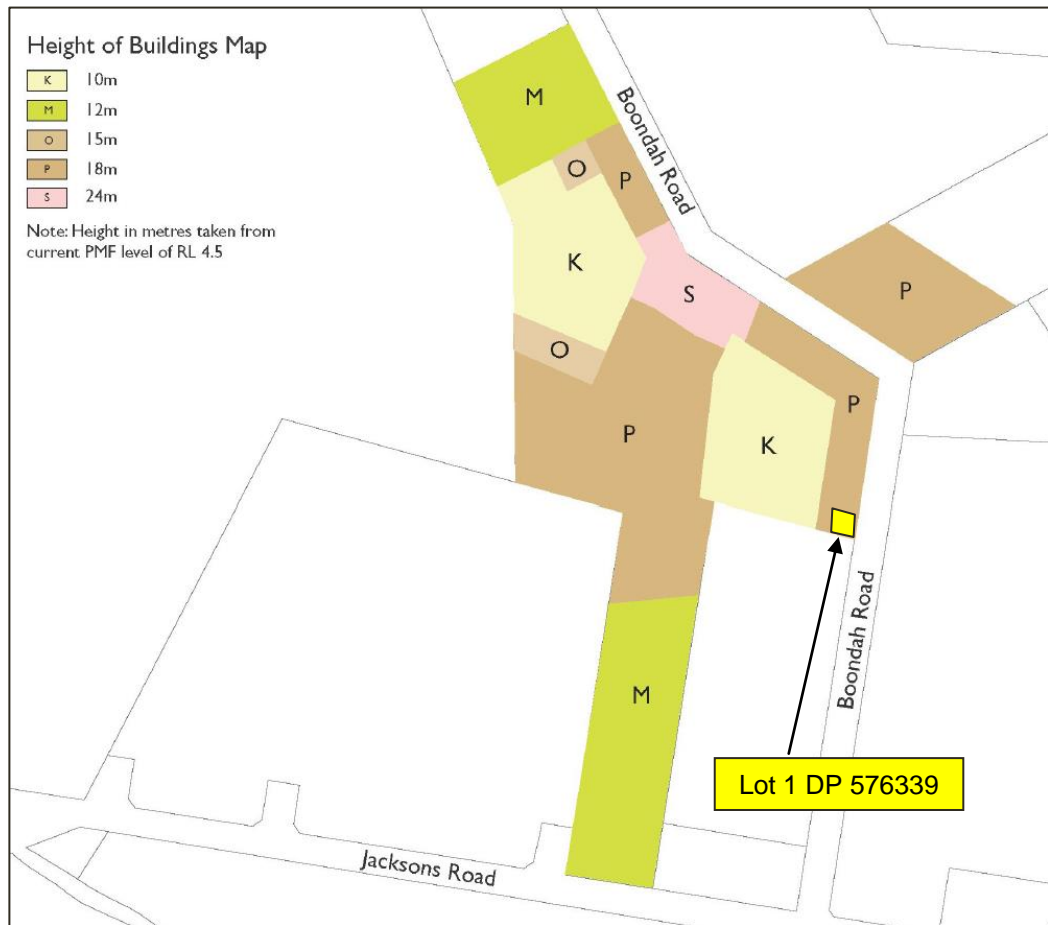


Figure 10 Extract of Proposed Building Height Plan

### 5.1.3 Component 3: Removing Minimum Lot Size Controls

Pursuant to Clause 4.1, the Draft Pittwater LEP sets a minimum lot size of 1ha for the allotments comprising the Site. The minimum lot size control responds to the zoning of the land (in this case the RU2 Rural Landscape Zone) and reflects the desired development outcome of that zone. On the basis that the zoning of the land is proposed to be amended to B4 Mixed Use, it is also proposed to remove the 1ha minimum lot size restriction to enable the development of the Masterplan.

Removal of the minimum lot size control could potentially enable the re-subdivision of land to enable development of individual components of the Masterplan. Further discussion is made under this Assessment in regard to the appropriate nature of this amendment, having regard to the complex construction process for the suspended floor town centre, raised roads, staging and other components which require substantial works across multiple allotment boundaries.

### 5.1.4 Component 4: Additional Permitted Land Use

The Masterplan envisages a range of land uses across the Site, including components of “residential flat building” development in Lot 3 DP 26902 and Lot 2 DP 552465. Residential flat building is defined under the Draft Pittwater LEP as follows:

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The only form of residential development permissible with consent within the proposed B4 zone is “shop top housing”, which is defined under the Draft Pittwater LEP as follows:

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

Therefore if a residential dwelling is not erected above a ground floor retail premises or business premises, it does not meet the definition of shop top housing and is therefore prohibited within the B4 zone. Accordingly in order to accommodate components of the Masterplan which envisage other forms of residential development, it is proposed to incorporate an additional permitted use for “*residential accommodation*” under Schedule 1 of the Draft Pittwater LEP. Residential accommodation incorporates all forms of residential development, pursuant to the definition of the term under the Draft Pittwater LEP:

*residential accommodation* means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

*but does not include tourist and visitor accommodation or caravan parks.*

Residential flat buildings, and all other forms of residential development would then be permissible on those allotments with consent in the B4 Mixed Use zone.

## 6 Key Components/Issues of Planning Proposal

The Planning Proposal is founded and justified by the Masterplan. It is necessary to undertake an assessment of both the Masterplan and the Planning Proposal as well as other factors to determine if the Planning Proposal should proceed to Gateway.

The Assessment outlined in **Section 7** and undertaken at **Section 8, Section 9** and **Section 10** will determine if the Planning Proposal is appropriate having regard to the key components/issues summarised below:

1. Consistency with Strategic Objectives;
2. Flooding Risk, Flood Mitigation and Flood Storage;
3. Ecological Biodiversity;
4. Bushfire Safety;
5. Traffic Movements, Parking and Access to Public Transport;
6. Retail and Economic Feasibility;
7. Public Open Space and Recreational Land Supply;
8. Urban Design/Built Form Outcomes; and
9. Consultation with and Obligations to Adjoining Land Owners.

The significance of each of these issues to the Planning Proposal varies, however each issue is a crucial consideration in the Assessment process having regard to:

- The significance of the residential, commercial, retail and recreational opportunities of the Warriewood Valley (and more specifically, the Southern Buffer) to the Pittwater LGA;
- The opportunity for the town centre to be consistent with strategic planning objectives for the Sydney North East Subregion and Pittwater LGA;
- The extent and findings of previous investigations of the Site as part of the Warriewood Valley Urban Release Area;
- The role of a new town centre within Pittwater LGA and the SHOROC region; and
- The public interest.

## 7 Assessment Process

### 7.1 Introduction

The Planning Proposal was lodged with Pittwater Council on 16 December 2013 by SJB Planning on behalf of the land owners of 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road. The non-statutory exhibition of the Planning Proposal commenced on 7 January 2014 and concluded on 2 February 2014. 24 submissions were received by Council during this non-statutory exhibition of the Planning Proposal.

DFP Planning Consultants on behalf of Council staff has assessed this Planning Proposal application which has been reported to Council for determination within 90 days of lodgement. The 90<sup>th</sup> day from the lodgement date is considered to be 17 March 2014.

In circumstances where the Council does not determine an application within 90 days of lodgement, the applicant may make a request for a Pre-Gateway Review. A Pre-Gateway Review is enabled under Section 56(5) of the *Environmental Planning and Assessment Act 1979* (the Act) and allows the Minister for Planning and Infrastructure (the Minister) to arrange for a review of a Planning Proposal by the Joint Regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC).

If a decision is made that the Planning Proposal is to be referred to the JRPP/PAC for review, these bodies will provide advice based on the merits of the proposal and make a recommendation to the Minister as to whether the proposal should progress to a Gateway Determination under Section 56 of the Act. The Minister (or delegate) will make the final decision on whether the Planning Proposal should be issued with a Gateway Determination.

### 7.2 Assessment Framework

This Planning Proposal application has been assessed against the Department of Planning and Infrastructure's *A Guide to Preparing Local Environmental Plans* (April 2013) which outlines a set of assessment criteria that must be reasonably satisfied to justify the proposal. The criteria to be considered by Council and the Department of Planning and Infrastructure when undertaking an Assessment is set out below to determine whether the proposal:

a. *Has strategic merit as it:*

- *Is consistent with the relevant local strategy endorsed by the Director-General; or*
- *Is consistent with the relevant regional strategy or Metropolitan Plan; or*
- *Can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)*

b. *Has site specific merit and is it compatible with the surrounding land uses, having regard to the following:*

- *The natural environment (including known significant environmental values, resources or hazards); and*
- *The existing uses, approved uses and likely future uses of land in the vicinity of the proposal; and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

### 7.3 Specialist Consultants Contributing to Assessment

The following specialist consultants have contributed to the Assessment with specialist advice as follows:

- Cardno (NSW/ACT) Pty Ltd: Cardno has been engaged to review the Planning Proposal in regard to flooding. Cardno's involvement in previous investigations, reports and concept plans provides an informed background to the Assessment. Cardno has prepared the following which are of relevance to this Assessment:

- Warriewood Valley Flood Study (2005);
- Warriewood Valley Flood Study – Addendum 1 (2005); and
- Hydrology Study for the Warriewood Valley Strategic Review (2011).

A copy of the Peer Review Report prepared by Cardno is provided at **Appendix B**.

- AECOM Australia Pty Ltd: AECOM has been engaged to review the Planning Proposal in regard to traffic, parking and public transport access. AECOM has prepared the following document of reference to this Assessment:

- Strategic Transport Study for the Warriewood Valley Strategic Review (2011).

A copy of the Peer Review Report prepared by AECOM is provided at **Appendix C**.

- Hill PDA Pty Ltd: Hills PDA has been engaged to review the Planning Proposal in regard to economic feasibility. Hill PDA's involvement in previous investigations, reports and concept plans provide an informed background to the Assessment. Hill PDA has prepared the following documents which are of relevance to this Assessment:

- SHOROC Employment Lands Study (2008);
- SHOROC Employment Lands Study – Addendum for Pittwater Council (2011); and
- Economic Feasibility Study for Warriewood Valley Strategic Review (2011).

A copy of the Independent Economic Review prepared by Hill PDA is provided at **Appendix D**.

The findings and recommendations of these specialist consultant reports for the Assessment of this Planning Proposal are referenced and contained within the body of this Assessment Report prepared by DFP Planning.

### 7.4 Pittwater Council Internal Comments

Internal comments provided by the following Business Units of Council's Technical Team have also contributed to the Assessment:

- Natural Environment and Education;
- Reserves and Recreation; and
- Traffic

In addition, comments have been received from Council's Property Team. Matters raised in the above commentary have been incorporated into the body of this Assessment. The internal comments of Pittwater Council are included at **Appendix E**.

## 8 Assessment of Strategic Context

### 8.1 Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (Sydney 2036) contains broad strategic planning directions for the Sydney metropolitan area, including aims, objectives and actions for urban growth, transport, housing, the economy, the environment and Plan delivery.

Whilst not containing objectives which are specific to the hierarchy of retail and commercial centres (these being delivered more directly within the draft North East Sub Regional Strategy), Sydney 2036 sets out more broad objectives for the growth and change of centres over time, with the higher level of detail to be provided in subregional and local strategies and plans.

Generally, Sydney 2036 sets out Actions which are aimed at shaping the lower order strategic policies. Of relevance to this Assessment, the following is set out at Action B3.1:

*“Appropriateness of locations for new centres to depend upon a range of factors including public transport access, proximity to open space and primary schools, and market demand. Consideration should also be given to the impact of new centres upon facilities and services in existing centres.*

*New centres should focus commercial development in the core of that centre around a public transport hub rather than dispersed throughout the entire walking catchment of the centre.”*

Sydney 2036 also seeks to locate development around existing and planned transport capacity, provide 770,000 additional homes in a range of housing types, sizes and affordability levels, while locating at least 70% of these new homes in existing suburbs and up to 30% in Greenfield areas.

Sydney 2036 provides no indication of significant population growth, urban development or new centres within the northeast subregion of Sydney, however this is not considered to be highly relevant having regard to the focus of the Plan on the Sydney metropolitan area and its key growth areas, such as the northwest and southwest growth corridors and the global corridor between Sydney and Parramatta via Macquarie Park and surrounds. Further, Sydney 2036 prescribes that a higher level of detail in regard to growth and development of centres be provided in subregional plans.

The Planning Proposal is generally consistent with the objectives and actions of Sydney 2036 through providing a high concentration of housing close to an existing and planned retail and commercial centre with the opportunity to incorporate a range of housing options and levels of affordability.

However the Planning Proposal is not situated within the ‘core’ of a public transport hub (being Pittwater Road and surrounds) and instead is dispersed throughout the walking catchment of the centre (being the Southern Buffer). This has not been taken into consideration as a result of the more site-specific controls which are relevant to the northeast subregion, Pittwater LGA and Warriewood Valley, set out in lower-order strategies.

### 8.2 Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy for Sydney to 2031 (Draft Sydney 2031) was publicly exhibited in early 2013 and is expected to be adopted soon by the NSW Government to replace Sydney 2036.

Draft Sydney 2031 specifies a broad framework for Sydney’s urban growth through to 2031. Draft Sydney 2031 sets out key goals, targets and actions for the Sydney metropolitan region which provides a focus on balanced growth, a liveable city, improved productivity, protected environment and improved accessibility which are tied in directly to

complementary strategies for transport and for infrastructure. Similar to Sydney 2036, Draft Sydney 2031 sets out guidelines and prescribes specific objectives for subregions.

Draft Sydney 2031 envisages balanced growth across the Sydney metropolitan area through which housing growth reflects market demand, development feasibility and infrastructure, transport, and services provisions. In order to achieve 'balanced growth' across the metropolitan area, growth must consider the structure and layout of the city, with housing and employment encouraged in transport accessible centres and mixed use development encouraged in all centres where there is market demand and complementary land uses.

As an indication of growth in the northern subregion (newly defined under Draft Sydney 2031) envisaged to 2031, the northern subregion (including Hornsby, Ku-ring-gai, Manly, Pittwater and Warringah) is to provide 19,000 additional homes by 2021 and 37,000 additional homes by 2031. This represents only about 7% of the total 273,000 and 545,000 additional homes to be provided in all subregions of Sydney by 2021 and 2031 respectively, thus being the subregion with the lowest housing growth target in the Sydney Metropolitan Area.

In terms of jobs growth, Draft Sydney 2031 envisages 22,000 new jobs within the northern subregion by 2021, and a total of 39,000 new jobs to 2031. When identifying minimum jobs targets for 2011-2031, Warriewood is not identified at any level. The nearest growth envisaged at this level is in Brookvale-Dee Why, with an increase in 2,000 jobs. However this should not be seen as a restriction to jobs growth elsewhere in the subregion.

In regard to retail space, Draft Sydney 2031 calls for the preparation of an assessment of retail space availability in Sydney with a metropolitan area-wide demand and supply analysis. When providing additional capacity for retail, Draft Sydney 2031 outlines to plan for additional retail space in all centres where retail assessments demonstrate a need.

Draft Sydney 2031 incorporates the scope of improvements envisaged within the NSW Transport Plan, but does not identify future expansion of public transport within the vicinity of Warriewood. In regard to accessibility and connectivity, Draft Sydney 2031 seeks to strengthen the Brookvale-Dee Why as a location for integrated retail, office, employment and services for the northern beaches and wider subregion. In this regard, the Planning Proposal is not strictly consistent as it would have an adverse (albeit minor) impact upon Brookvale-Dee Why.

Notwithstanding, the guidelines for the development of centres within Draft Sydney 2031 are not considered to be as relevant to the Planning Proposal as the centres and corridors guidelines of the Draft North East Subregional Strategy (discussed below). Where the guidelines for the development of centres under Draft Sydney 2031 are inconsistent with those of the Draft North East Subregional Strategy, the guidelines of the Draft North East Subregional Strategy will be considered more relevant.

### **8.3 Draft North East Subregional Strategy**

The Draft North East Subregional Strategy (Subregional Strategy) was prepared in 2007 and provides a level of strategic planning for the north east subregion at greater detail than Sydney 2036 or Draft Sydney 2031. The Subregional Strategy sets out key directions across the areas of employment growth, housing choice and sustainable communities, major centres and access to, from and within the North East Subregion.

In regard to jobs growth, the Subregional Strategy nominates an additional employment capacity target of 6,000 jobs to 2031 for the Pittwater LGA, representing 30% of the jobs growth for the subregion. In regard to the location of employment lands, the Subregional Strategy identifies the Warriewood Valley as contributing to the demand for industrial employment lands, but does not go on to identify any precincts within which "*land with potential to allow for a wider range of employment uses*", or "*land that could be*

*investigated for alternative uses” could be located. Notwithstanding, the Subregional Strategy goes on to identify that “in Pittwater there is some additional industrial land to be developed in the Southern Sewage Treatment Plant Buffer (Boondah Road) and Warriewood Valley”.*

The Subregional Strategy nominates the hierarchy of centres and corridors across the North East Subregion, identifying Warriewood Square shopping centre as a “Stand Alone Shopping Centre”, with the following description summary:

*Internalised, privately owned centres located away from other commercial areas, containing many of the attributes of a Town Centre but without housing or public open space – may have potential to become a traditional town centre in the long-term.*

This statement is relevant to the Planning Proposal in that the Subregional Strategy envisages the potential evolution of the ‘stand-alone shopping centre’ into a traditional town centre – i.e. that Warriewood Square will form part of any future town centre development. However as a result of a number of issues (discussed in **Section 9**) integration of a future retail area/town centre with Warriewood Square shopping centre might not be achievable in the present form.

The Subregional Strategy seeks to improve the connection between new development and existing transport corridors, with a focus placed on new jobs and housing targets in areas with reasonable access to public services. Further to this, the Strategy seeks to concentrate retail activity in centres, business development zones and enterprise corridors.

Action B4.1.4 seeks to “continue to apply net community benefit criteria to out-of-centre retail proposals prior to Principal LEPs adopting Standard LEP zones”. The net community benefit criteria of the following documents will continue to apply as a merit based test for major development applications and spot rezonings (as required by Section 117 Ministerial Direction 3.4 – Integrating Land Use and Transport):

- *Improving Transport Choice – Guidelines for planning and development (DUAP 2001); and*
- *The Right Place for Business and Services – Planning Policy (DUAL 2001).*

Section 117 Ministerial Directions have been addressed at **Appendix I**.

In regard to housing, the Subregional Strategy envisages 4,600 additional dwellings within the Pittwater LGA to 2031, towards which the Masterplan supporting the Planning Proposal would potentially contribute 330-350 dwellings, or 7.7%.

## **8.4 SHOROC Regional Employment Lands Study 2008 + Addendum 2011**

In 2008 Hill PDA prepared the SHOROC Regional Employment Study (the Employment Study) encompassing Mosman, Manly, Warringah and Pittwater LGAs. The Employment Study provides an analysis of the provision and demand for employment lands within the SHOROC region, which is considered a study area of high relevance to the assessment of economic land and retail trade. This is due to the extent of land included in the Employment Study and scope of assessment and recommendations which can be made under the Employment Study.

The Employment Study identifies that demand for retail floor space within the SHOROC region is generally higher given the affluence of the population, however due to accessibility constraints throughout the surrounding area, up to one third of the retail expenditure generated within the region escapes to higher order centres outside of the SHOROC region.

In regard to Pittwater LGA specifically, the Employment Study identifies that the LGA has an undersupply of supermarket floor space and bulky goods retail. When this demand is forecast (to be consistent with the forecasting of Sydney 2036), Pittwater LGA will have an increase in retail floor space demand of 18,240m<sup>2</sup> by 2016, 77,595m<sup>2</sup> by 2031 and



101,196m<sup>2</sup> by 2036. Hill PDA notes that this equates to between 4-17 supermarkets (depending on floor area).

The Employment Study makes a series of observations and recommendations which are relevant to this Assessment, including the following:

- Supermarket locations should be carefully planned for within the region, to target town centres and villages that minimise the need to travel longer distances;
- All retail floor space generated by demand does not have to be provided for within the respective LGAs;
- Recommends supporting the viability of town centres and villages through the encouragement of anchor tenants such as supermarkets within these centres;
- Recommends to investigate potential sites for new or expanded supermarkets within town centres and villages;
- Recommends to retain higher order expenditure within the region and attract additional expenditure to the region through the growth of major centres such as Warringah Mall and villages such as Warriewood Square shopping centre; and
- Specifically recommends investigating opportunities through a master plan exercise to expand Warriewood Square shopping centre and integrate it with additional retailers and commercial services to form a village centre for Warriewood Valley.

The recommendations of the Employment Study envisage the expansion of Warriewood Square shopping centre to form a village centre. A number of issues identified as part of the Assessment Consideration (refer **Section 9**) may prevent the preferred Masterplan from achieving integration with Warriewood Square.

In January 2011 Hill PDA prepared an addendum to the Employment Study (the Addendum) which provided an update to the analysis undertaken in 2008 with newly available information and population forecasts.

The Addendum forecast a reduction in the growth in demand for industrial floor space by 2031, down some 141,000m<sup>2</sup> from earlier forecasts. By 2031, revised estimates show that there will be demand for close to 127,500m<sup>2</sup> of commercial floor space representing a net increase of 23,583m<sup>2</sup> from the 2006 base year. Demand for floor space relating to special uses will increase. And finally, by 2031 there would be sufficient household expenditure generated within Pittwater LGA to substantiate additional retail floor space demand (assuming no expenditure escapes or is gained by the LGA), representing a small increase of 1,548m<sup>2</sup> from the 2008 forecasts.

The Planning Proposal provides a quantum of retail GFA which is within the demand forecast for the LGA between now and 2036. The Masterplan supporting the Planning Proposal nominates that an in-line supermarket and discount department store (DDS) would be located within the development, however the delivery of this retail GFA (over one or two storeys) needs to be further examined to ensure desirable outcome with Warriewood Square shopping centre will be achieved.

## **8.5 Warriewood Valley Planning Framework 2010**

The Warriewood Valley Planning Framework 2010 (the Planning Framework) was prepared by Council to provide for the development of Warriewood Valley as a whole which is environmentally and economically sustainable, ensure that residents of the Valley are provided with the appropriate level of community facilities and services, and that the Valley is compatible with and does not detract from the amenity of surrounding land uses.

The Planning Framework adopted the investigations, considerations and recommendations of a number of preceding reports to inform the suite of specific objectives of the document, including most notably:

- Warriewood Valley Urban Land Release Planning Framework 1997; and
- Draft Sewer Treatment Plant Buffer Sector Planning Framework 2001;

In this regard the Planning Framework considered the broad strategic implications of previous studies, as well as the localised considerations for the Sewer Treatment Plant on surrounding development.

The Planning Framework set out broad objectives, actions and responsibilities for a range of outcomes including flora and fauna, contaminated land, urban design, heritage, open space and recreation, water cycle management, bushfire, traffic and other matters.

In regard to residential development within the Warriewood Valley, the Planning Framework undertook a projection of development density and population for each sector within the Valley, including possible land uses, dwelling density, dwelling yield and in turn population increase. Sectors within the Warriewood Valley were subsequently revised to respond to development criteria and previous studies, and according the dwelling density and yield was determined for the revised sectors. The Planning Framework indicates that the area has the capability to provide for 2012 dwellings, not including a detailed review of the Southern Buffer.

The Planning Framework subsequently set out strategies to develop the opportunities identified within the study, including more specific details regard the levying of Section 94 Contributions for necessary public services and facilities within each sector.

The Southern Buffer is not addressed in a specific section of the Planning Framework but is identified in the land capability maps. The Site is identified as land suitable for urban development (as part of the Draft Warriewood Valley Urban Land Release Planning Framework 1997), subject to the Sewerage Treatment Plant buffer, flora and fauna conservation, and to flooding. The constraints mapped within the Planning Framework have been superseded by more recent and more detailed mapping under subsequent studies undertaken by Council, therefore consistency of the Planning Proposal with the Planning Framework is not of particular relevance. The Planning Proposal is generally consistent with the objectives of the Planning Framework.

## **8.6 Pittwater Local Planning Strategy**

The Pittwater Local Planning Strategy 2011 (the Local Planning Strategy) was prepared to establish a policy framework for local level planning in Pittwater LGA that will guide land use planning and decision-making into the future. The Local Planning Strategy adopts evidence-based rationale for future land uses, utilising a comprehensive constraints mapping “sieve” analysis of the LGA.

The Local Planning Strategy investigates:

- The current and potential role for the centres and corridors of Pittwater LGA as outlined in the Draft North East Subregional Strategy;
- Pittwater LGA existing and future economic and employment trends;
- Key issues affecting housing in Pittwater LGA;
- Key transport and infrastructure provisions of the Pittwater LGA;
- Issues associated with the environment, heritage and resources;
- Parks, public places and culture as they relate to land use planning; and
- How the findings of these investigations are to be realised.

The Southern Buffer features throughout the Local Planning Strategy as an area presenting a unique opportunity to achieve a higher and better outcome for the land area which will benefit the Pittwater LGA into the future.

Notably, the Local Planning Strategy identifies the potential for the expansion of the Southern Buffer into a larger town centre, enabling a mix of commercial and retail developments and possibly residential development. The resultant town centre would achieve integration with future development, and will incorporate Warriewood Square shopping centre. The Masterplan supporting the Planning Proposal has a number of issues which may prevent an integrated and expanded retail town centre from being realised (refer to Assessment at **Section 9**).

More specifically, the Local Planning Strategy investigated a number of options to meet employment targets, including (as Option 6) the option to create a new centre in the Southern Buffer, adjoining Warriewood Square shopping centre. The Local Planning Strategy identifies that “*outside of Ingleside, the Southern Buffer represents the last available land for large lot Greenfield development in Pittwater*”. The option explores the opportunities and constraints of the site, undertaking a SWOT analysis as follows:

**Table 2 Pittwater Local Planning Strategy – Southern Buffer SWOT Analysis**

Analysis	Discussion
Strengths	<ul style="list-style-type: none"> <li>• Large lots – this represents the last large lot Greenfield development opportunity in Pittwater (apart from Ingleside).</li> <li>• Opportunity to achieve a large footprint on well positioned development site is highly attractive to developers.</li> <li>• Community understanding and expectation that Warriewood Valley is being developed.</li> <li>• Good exposure to Pittwater Road.</li> <li>• Reduced pressure to increase height and expand footprints of established centres in the LGA.</li> <li>• Improved open space without through roads.</li> </ul>
Weaknesses	<ul style="list-style-type: none"> <li>• Hazards including flooding, sea level rise, bushfire and acid sulphate soils.</li> <li>• Environmentally sensitive location in vicinity of Narrabeen Creek and Warriewood Wetlands.</li> <li>• Community Centre relocation.</li> <li>• Sports field relocation.</li> </ul>
Opportunities	<ul style="list-style-type: none"> <li>• Undercapitalisation of area.</li> <li>• Potential synergies with Warriewood Square (Centro).</li> <li>• Bulky Goods opportunity.</li> <li>• Long term solution to management of environmentally sensitive site.</li> <li>• Close Boondah Rd to maximise developable land area.</li> <li>• Sustainability leading development - Green Star development opportunity.</li> </ul>

**Table 2 Pittwater Local Planning Strategy – Southern Buffer SWOT Analysis**

Analysis	Discussion
Threats	<ul style="list-style-type: none"> <li>• Public opposition.</li> <li>• Public opposition to perceived loss of Community Centres.</li> <li>• May stymie development imperative in existing Centres.</li> <li>• Financial cost of the land and land swap.</li> <li>• Probity (having regard for Council ownership).</li> <li>• Competing land uses (i.e. competing demand for other land uses such as industrial, commercial/retail, and open space).</li> <li>• Traffic issues.</li> <li>• Upfront costs such as environmental studies.</li> <li>• The high level of complexity and associated hurdles which would need to be overcome if any development was to be realised.</li> </ul>

The Local Planning Strategy recommended support for further investigation of this option. The Warriewood Valley Strategic Review Report 2012 (discussed below) represents the detailed investigation which the Local Planning Strategy supported for the Southern Buffer to identify an option for a new Town Centre.

## 8.7 Warriewood Valley Strategic Review Report 2012

The Warriewood Valley Strategic Review Report 2012 (the Strategic Review) was jointly prepared by Council and the Department of Planning and Infrastructure (DoPI) in accordance with the recommendations of the PAC's approval of a Part 3A Major Project at 14-18 Boondah Road, Warriewood. The final Strategic Review was endorsed by Council's General Manager and the Director General of Planning and Infrastructure on 1 May 2013 and subsequently adopted by Council on 12 June 2013.

The Strategic Review identified the scope of opportunity for new development throughout the Warriewood Valley, including development options for the Southern Buffer. In this regard, the Strategic Review was supported by the following specialist consultant reports:

- Hydrology Study by Cardno;
- Urban Design Study by HBO+EMTB;
- Strategic Transport Study by AECOM; and
- Economic Feasibility Study by Hill PDA.

For the remaining undeveloped land in the Warriewood Valley (excluding the Southern Buffer), the Strategic Review assessed land capability and made recommendations for residential densities, resolution of flood emergency response policy issues, and the provision of infrastructure and services. These recommendations included:

- Dwelling densities and estimated yields for each property (resulting in an additional 193 dwellings above the yield allocation identified in the Warriewood Valley Planning Framework 2010) with a maximum dwelling density of 32 dwellings per developable hectare and maximum height of 10.5 metres;
- Flood evacuation options and sectors with capacity for increased density;
- Additional requirements for infrastructure and services, including the following for open space and recreation facilities:
  - Increase in dwelling yield will require additional quantum of open space and recreational areas, especially for sports fields. An initial analysis

indicates future opportunity available to meet the required quantum of land.

- The requirement to prepare a new Section 94 Contributions Plan for all remaining development, including the Southern Buffer; and
- Limiting the developer contribution rate (State and local) to approximately \$50,000 per dwelling (down from the previous \$62,100 local levy). Note: the Section 94E Direction dated 13 May 2011 has set a cap of \$62,100 per dwelling or residential lot.

For the Southern Buffer, the Strategic Review commissioned an in-depth review of development options for the site, including specific Concept Design input from the four (4) specialist consultants. The Strategic Review establishes support for an expanded centre adjoining or in the vicinity of Warriewood Square shopping centre (provided there are clear, direct linkages with Warriewood Square shopping centre) to respond to the Subregional Strategy and sought to nominate a Concept Plan which provided an expanded centre (forming a Town Centre) which responded to the relevant constraints of the Southern Buffer.

A Draft Concept Plan was publically exhibited which provided a preliminary layout for a potential new Town Centre, being located on the corner of Jacksons Road and Pittwater Road (See Figure 11).

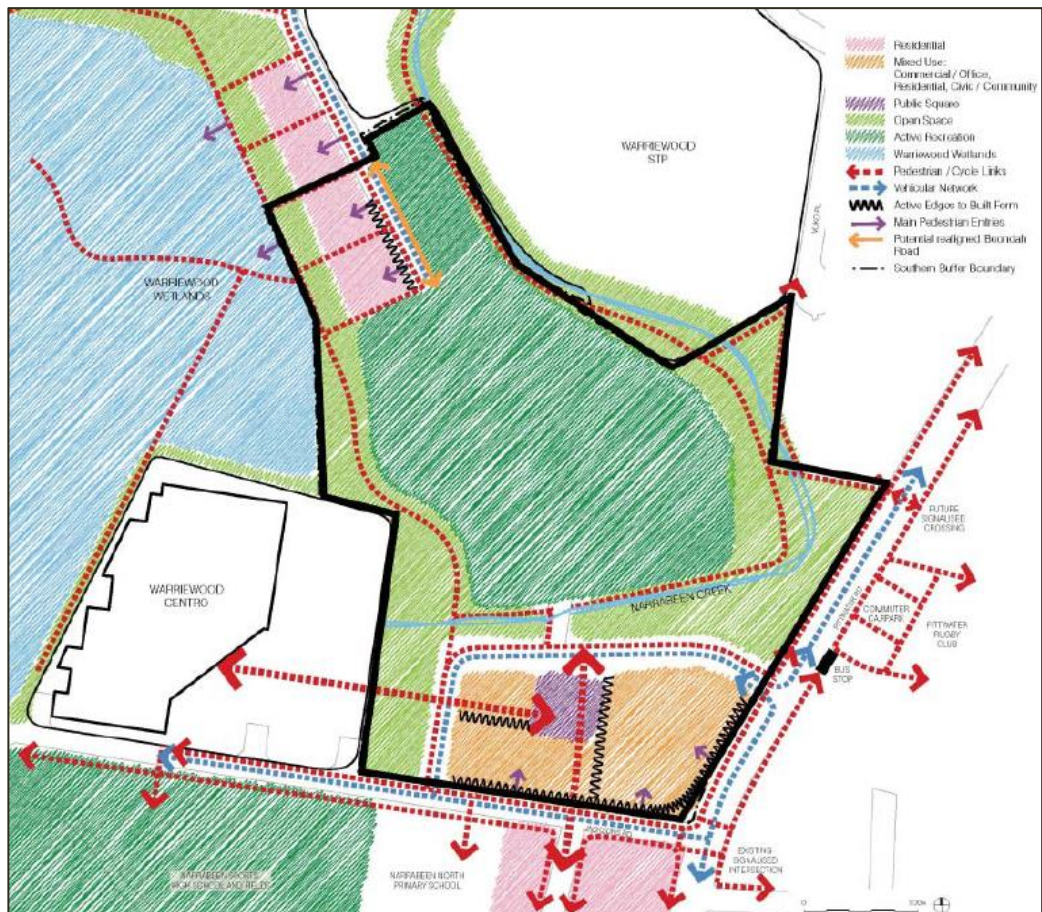


Figure 11 Extract of Draft Concept Plan Exhibited as part of the Warriewood Valley Strategic Review Report 2012

The Strategic Review notes that, “following the public exhibition of the Draft Strategic Review Report, it is clear that the community is generally opposed to the proposal”. Therefore the Strategic Review concluded to not proceed with the Draft Concept Plan. Notwithstanding this outcome, the investigations and recommendations of the specialist

consultant reports remain valid to potential urban development within the Southern Buffer and are an important consideration for this Planning Proposal.

Further investigations into development opportunities on privately owned land must be pursued individually or in partnership and must do so through a rezoning application. This Planning Proposal represents the first rezoning application for land within the Southern Buffer submitted to Council following the adoption of this recommendation. The Assessment at **Section 9** identifies a number of issues which would prevent a new town centre with 'clear and direct linkages with Warriewood Square'.

Further, the Planning Proposal is not consistent with the recommendations of the specialist consultant reports prepared to inform the draft Concept Plan, particularly in regard to:

- Flooding;
- Land use;
- Traffic generation and road upgrades;
- Format of retail floor space to be located in the Town Centre.

Notwithstanding the above, the quantum of retail floor space and commercial floor space is considered to be acceptable by Hill PDA, even though the quantum of commercial floor space was above that considered under the Strategic Review.

## **8.8 Warriewood Valley Section 94 Contributions Plan No. 15 Amendment No. 16**

Council adopted the Warriewood Valley Section 94 Contributions Plan No. 15 Amendment No. 16 (Section 94 Plan) on 1 September 2008 which was informed by the Warriewood Valley Urban Land Release Draft Planning Framework (from which its objectives are derived), thus preceding the investigations, considerations and recommendations of the Planning Framework, Local Planning Strategy and Strategic Review.

The Section 94 Contributions Plan envisaged a scope of development within the Warriewood Valley to which public services and infrastructure demand could be calculated, and appropriate levies determined to meet the relevant works schedule. The Section 94 Plan envisages that residential development in the Warriewood Valley will have the following characteristics:

- New dwellings: 1,886
- Average household occupancy rate: 2.8 persons/household
- Approximate additional population in Warriewood Valley: 5,300 residents

The housing forms envisaged by the Section 94 Contributions Plan comprised traditional, single detached housing on individual lots, multi-unit housing and integrated housing. Commercial and industrial uses were also envisaged for the Valley, expecting a total of 27.107ha industrial/commercial land.

The Section 94 Contributions Plan goes on to anticipate the demands of the incoming population, finding it necessary to provide the following additional public amenities and services:

- Traffic and transport facilities (including road and creek crossing upgrades for emergency access and evacuation purposes);
- Water management facilities, including stormwater, drainage and water quality facilities;
- Community service facilities;
- Open space and recreational areas (including multi-purpose creekline corridors);

- Pedestrian and cycle links;
- Bush fire protection facilities; and
- Library services.

### **8.8.1 Emergency Access and Evacuation**

The works schedule of the Section 94 Contributions Plan provides for a variety of road upgrades throughout the Warriewood Valley to address the main components of the Warriewood Valley Roads Masterplan, including five classes of roads, a public transport network and a network for use by cyclists and pedestrians.

The Section 94 Contributions Plan also provides for four (4) major road creek crossings to be updated for emergency access and evacuation purposes, including:

- Ponderosa Parade/MacPherson Street at Narrabeen Creek (west) (1% AEP storm event);
- Macpherson Street Narrabeen Creek (east) (1% AEP storm event);
- Garden Street at Fern Creek (1% AEP storm event); and
- Boondah Road at Narrabeen Creek (5% AEP storm event).

In addition to these upgrades, the Section 94 Contributions Plan provides for the realignment of the Warriewood Road/MacPherson Street intersection.

The road creek crossings included in the Section 94 Contributions Plan are designed to be above a 1% AEP storm event, except the crossing of Boondah Road at Narrabeen Creek which is to be above a 5% AEP storm event. This is inconsistent with the Floodplain Development Manual 2005 and NSW State Emergency Service Advice for Floodplain Development, which require emergency access and evacuation to be constructed above PMF levels upgrades of roads to levels above PMF are not included in the Section 94 Plan. This matter is discussed further at **Section 9.1**.

### **8.8.2 Public Open Space and Recreation Facilities**

Also of relevance to this Assessment is the recognition of the demand for public open space and recreation facilities likely to be generated by future development and the incoming population to Warriewood Valley. This will be achieved through the provision of augmented and additional public recreation and open space facilities. The Section 94 Contributions Plan recognises that the population demand will have a varied demographic profile, which reflects directly upon the needs of that population. Accordingly the demand for public open space and recreation areas is based upon an understanding of the cross-section of the incoming population.

In regard to the acquisition of public open space and recreation areas, the Section 94 Contributions Plan allows for residential development within the Sewerage Treatment Plant (STP) buffer area (including land within the Southern Buffer) with the option to directly dedicate land for public open space and recreation facilities. The Section 94 Contributions Plan goes on to identify the following factors which have been considered in developing the Plan:

- *New Warriewood residents will add pressure in terms of the need for sports grounds, large developed parks (or central local parks), small parks and walking trails (Heather Nesbitt et al 1999);*
- *Existing sports grounds in the remainder of Pittwater are being overutilised, with Boondah Reserve (adjacent to the release area) at saturation during peak times.*
- *The current level of sports grounds provided in the local government area is not serving the needs of any increase in sporting group numbers;*

- *Incoming residents will contain younger age groups that are more likely to participate in organised sporting activities. In this regard, provision of a 4-field complex is appropriate to the projected needs of the area (Heather Nesbitt et al 1999);*
- *Areas within the remainder of Pittwater will also be developed for additional infill dwellings in the future, necessitating the provision of additional facilities in those areas;*
- *Existing local and large developed parks in Pittwater are well used by existing residents and there is need to provide an additional facility for new Valley residents (Heather Nesbitt et al 1999);*
- *The provision of publicly inviting, publicly accessible, well-equipped small neighbourhood parks with high landscape and environmental quality will be essential for the incoming population and the provision of parks for the Valley, as identified, is considered appropriate;*
- *Walking (including bushwalking) has been identified as the most popular recreational activity in Pittwater and tracks for walking and cycling have been identified by the Pittwater community as the number one type of additional facility residents desire; and*
- *It is necessary to preserve the unique environment of the Warriewood Valley, including the existing natural habitat, from increasing demand by urban development. Multifunctional corridors will be provided in the Valley to help conserve remnant vegetation and fauna habitat and also to provide walking and cycling facilities that will be a key recreation demand generated by new residents.*

For the purposes of calculating the demand for public open space and recreation areas, the rate of supply in the Warriewood Valley Land Release is 2.83ha/1,000 head of population. Specifically in regard to the provision of public sport facilities, the Section 94 Contributions Plan sets out the following:

*In relation to provision of sporting facilities, whilst the wider Council area does not have an abundance of sportsfields, the partnership arrangements with local educational institutions and limited call on lands within the active development land serve to limit the apportionment strictly to the incoming residents of the Valley.*

Table 8.1 – Open Space Land Inventory of the Section 94 Contributions Plan details the open space types considered by the Plan, and the area needed to satisfy the demand envisaged for the Warriewood Valley. The open space types considered in the Table include sportsfields, passive open space and linear open space (creekline corridors). The total area of public open space envisaged for the Warriewood Valley in Table 8.1 is 13.97ha. Based upon a proposed resident increase of 5,101, against the rate of supply of 2.8ha/1,000 population, the calculated need for open space envisaged by the Section 94 Contributions Plan is 14.43ha. Therefore the Plan, at adoption, falls short of the demand for public open space envisaged to be generated by the incoming population.

Table 8.1 identifies the following specific requirements for sportsfields, which are of relevance to this Assessment:

- Main oval (Jacksons Road) – purchased: 3.0ha
- Sports field east (1ha reduced for sharing with school): 0.5ha
- Boondah Road – Extension to Boondah Road sports fields: 1.0ha\*
- Buffer Area – Utilising flood prone land: 1.0ha\*

\* **Note:** The Section 94 Plan notionally identifies land within the Buffer Areas for open space provision.

The Section 94 Plan envisages acquiring up to 2ha of land notionally located within the Buffer Areas to meet the forecasted open space needs of Warriewood Valley residents. The Planning Proposal would not enable the acquisition of this land to meet the public



open space needs of the residents of Warriewood Valley, and would result in an increase in demand for public open space as projected by the Section 94 Contributions Plan.

## 8.9 Summary of Strategic Assessment

A summary of the key findings of the Assessment of the consistency of the Planning Proposal against relevant strategic policies is provided at **Table 3**.

Table 3 Summary of Consistency with Relevant Strategic Policies	
Strategy Policy	Consistency
Metropolitan Plan for Sydney 2036	The Planning Proposal is generally consistent with the objectives and actions of Sydney 2036 through providing a high concentration of housing close to an existing and planned centre with the opportunity to incorporate a range of housing options and levels of affordability.
Draft Metropolitan Strategy for Sydney 2031	The Planning Proposal can assist in meeting the housing and job targets of the Strategy. Recommendations relating to the strengthening of Brookvale-Dee Why are considered to be less relevant than the centres and corridors guidelines detailed in the Draft North East Subregional Strategy.
Draft North East Subregional Strategy	<p>The Subregional Strategy nominates an additional employment capacity target of 6,000 jobs and 4,600 additional dwelling to 2031 for the Pittwater LGA. The Planning Proposal would contribute to these targets.</p> <p>The Subregional Strategy identifies Warriewood Square shopping centre as a “Stand Alone Shopping Centre”, and may have potential to become a traditional town centre in the long-term. The proposal is consistent with this intention of the Subregional Strategy, however the expansion of and integration with Warriewood Square shopping centre may not be achievable.</p> <p>Net community benefit test must continue to be applied to out-of-centre retail proposals.</p>
SHOROC Regional Employment Lands Study 2008 and Addendum 2011	<p>Pittwater LGA has significant capacity for additional retail floor space, with a demand forecast to grow from 18,240m<sup>2</sup> by 2016, to 102,744m<sup>2</sup> by 2036. Not all this demand needs to be met within the Pittwater LGA. The Planning Proposal would provide a quantum of retail GFA which is within the demand forecast for the Pittwater LGA.</p> <p>Recommends investigating opportunities through Masterplan exercise to expand Warriewood Square shopping centre and integrate additional retail and commercial services. This Assessment has identified a number of issues which may prevent the preferred Masterplan from achieving integration between the two centres.</p> <p>The delivery of a Planning Proposal requires further investigation to ensure that an integrated Town Centre outcome with Warriewood Square shopping centre will be achieved (including having regard to the layout of retail GFA).</p>
Warriewood Valley Planning Framework 2010	Southern Buffer identified as land suitable for urban development as part of superseded constraints mapping. Consistency with the Planning Framework is not of particular relevance. Notwithstanding, the Planning Proposal is generally consistent with the objectives of the Planning Framework.

Table 3 Summary of Consistency with Relevant Strategic Policies	
Strategy Policy	Consistency
Pittwater Local Planning Strategy 2011	<p>The Local Planning Strategy nominates the Southern Buffer as one of the last available large lot greenfield development opportunities in Pittwater.</p> <p>Constraints mapping identifies the Site as containing highly constrained land, generally unsuitable for urban development.</p> <p>Envisages expansion of Warriewood Square to provide a new town centre, however the Masterplan supporting the Planning Proposal may not achieve the desired integration between centres.</p> <p>Local Planning Strategy recommends undertaking further investigation of options to develop the Southern Buffer. The Planning Proposal represents a response to this recommendation.</p>
Warriewood Valley Strategic Review Report 2012	<p>The Draft Concept Plan was informed by specialist consultant advice which addressed the constraints of the Southern Buffer. Even though the Draft Concept Plan did not proceed, the specialist consultant reports provide relevant recommendations to be considered by the Planning Proposal.</p> <p>The Planning Proposal is unable to achieve a clear and direct link with Warriewood Square shopping centre, and is inconsistent with many of the recommendations of the specialist consultant reports relating to flooding, building height, dwelling density, land use, traffic generation and the format of retail floor space.</p> <p>Notwithstanding, the Planning Proposal represents the first rezoning application for the Southern Buffer following the adoption of the recommendations of the Strategic Review, and comprises a quantum of retail floor area envisaged by the Strategic Review.</p>
Warriewood Valley Section 94 Contributions Plan Amendment No. 15	<p>The Section 94 Contributions Plan envisages acquiring land within the Warriewood Valley to meet the forecasted public open space needs of the Warriewood Valley residents, including land on Boondah Road (extension to Boondah Reserve) and within the buffer area utilising flood prone land.</p> <p>The Planning Proposal would not enable the acquisition of this land to meet the public open space needs of the residents of Warriewood Valley, including land notionally within the Buffer Areas.</p>

Of particular relevance to the Assessment under **Section 9** is the concept of expanding Warriewood Square shopping centre to become a new town centre, or integrating a new town centre on adjoining land which has clear and direct linkages with Warriewood Square. This concept is a key component of the Assessment as it is envisaged by a number of primary strategic documents, including:

- Draft North East Subregional Plan;
- SHOROC Employment Lands Study;
- Pittwater Local Planning Strategy; and
- Warriewood Valley Strategic Review Report 2012.

This concept forms one of the key considerations of the report being considered under each of the Assessment considerations at **Section 9**, and to which commentary is provided at **Section 14.2**.

## 9 Assessment Considerations

### 9.1 Flooding

#### 9.1.1 Background

There have been numerous studies into the hydrology of the Warriewood Valley. Those that have informed the strategic planning of the Warriewood Valley have included:

- Warriewood Valley Flood Study Cardno Lawson Treloar (2003);
- Warriewood Valley Flood Study, plus Addendum Cardno Lawson Treloar (2005);
- Draft Narrabeen Creek Floodplan Risk Management Study Cardno (2009);
- Warriewood Valley Strategic Review Hydrology Study Cardno (2011);
- Narrabeen Lagoon Flood Study (WBM BMT, 2013a); and
- Narrabeen Lagoon Study flood extents, depths and peak water levels (WBM BMT, 2013b).

The flooding impacts on the Site (and Southern Buffer) are a result of backwater flooding from the Warriewood Wetlands and Narrabeen Lagoon. The flood levels that are relevant to this Assessment are:

- A 1% Annual Exceedence Probability of 3.04m AHD without climate change or sea level rise impacts, as per Narrabeen Lagoon Flood Study (WBM BMT, 2013a). [Note: Brown Consulting has used a 1% AEP of 3.15m from the 2005 study in their assessment].
- A 0.61m allowance for sea level rise above the 1% AEP.
- A PMF of 4.5m AHD (with climate change allowance).
- A more recent PMF level of 4.9m AHD (Narrabeen Lagoon Flood Study (WBM BMT, 2013a).

The Hydrology Study (2011) prepared by Cardno which informed the Warriewood Valley Strategic Review Report 2012 undertook an assessment of potential developable areas within the Warriewood Valley based on the water management policy requirements of:

- Warriewood Valley Water Management Specification (2001); and
- Pittwater Council Development Control Plan (DCP) (2009).

Together with flood mapping (see **Figure 3** and **Figure 4**), the Hydrology Study was able to determine areas that could potentially be developed following reasonable alterations to the site and its surrounds, based upon hydrology-related requirements and preliminary urban design concepts for the site. The Developable Area as mapped in the Warriewood Strategic Review – Hydrology Study, 2011 for Sector B (i.e. Southern Buffer) is reproduced in **Figure 12** below.

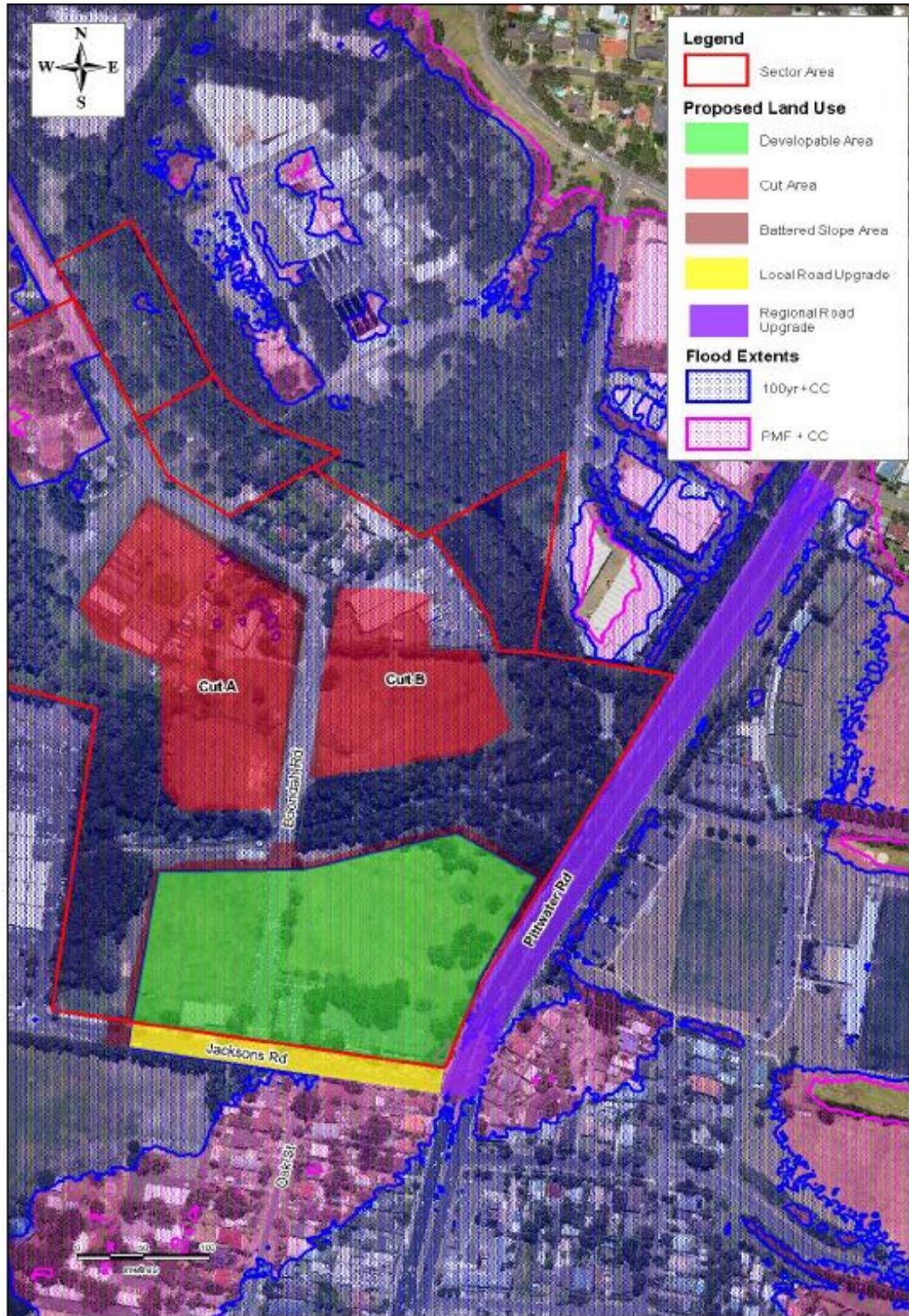


Figure 12 Developable area as mapped in the Warriewood Strategic Review – Hyrdology Study, 2011

Further, every allotment comprising the Site (with the exception of No. 12 Boondah Road, Lot 3 DP 26902 in the northwest of the Site) is identified within “Developable Land Classification Category F”, which is as follows:

**Category F:**

- *Land below the PMF plus Climate Change;*
- *Additional criteria incorporated during this assessment: Risk to life as a result of flood risk including unsafe flood evacuation, no flood warning is available, flood isolation/entrapment (beyond short durations) or vertical refuge is created; or*
- *Flood impacts off-site*

The Hydrology Report recommends that “*Sporting fields and recreational areas are the only land use recommended for Category F.*”

In relation to the mapped areas show in **Figure 12**, the developable area was calculated at 3.66ha. This area was selected as it has the shallowest existing flooding depths and therefore requires the least amount of fill and was found to provide the best opportunity for flood evacuation. The key recommendations in Section 11.1 of the Hydrology Study for the Southern Buffer are:

- *Filling of land to the 100 year ARI plus climate change level;*
- *Provide compensatory cut areas to the north of the site, noting that these are on separate land parcels and may therefore require negotiations with land-holders;*
- *Allowance during more detailed design phases for overland flow management;*
- *Raising of Jacksons Road and Pittwater Road to a suitable level to provide sufficient evacuation time;*
- *Installation of a Flood Warning System [as an alternative to providing flood-free access];*
- *If a Flood Warning System is implemented, then only commercial and Industrial land-uses should be permitted, unless PMF access is provided.*

Whilst the Concept Plan for the Southern Buffer was not adopted by Council, the studies and recommendations of the Warriewood Valley Strategic Review Report 2012 (which is a strategy adopted by Council and DoPI) should not be set aside and remain relevant.

**9.1.2 Planning Proposal’s Approach to Managing the Flood Constraint**

It is worth noting that there is a difference between the flooding levels used by Brown Consulting and the levels currently used by Council as follows:

- Brown Consulting has used 1% AEP and PMF levels from the Warriewood Valley Flood Study, Cardno Lawson Treloar (2005) report. That report states a 1% AEP of 3.15m AHD and a PMF of 4.5m AHD.
- The current levels used by Council are contained in the more recent Narrabeen Lagoon Flood Study (WBM BMT, 2013a) which states a lower 1% AEP of 3.04m AHD (which is not based on climate change or sea level rise), but a higher PMF of 4.9m AHD.

The Planning Proposal’s approach to managing flooding constraints is a combination of suspended floors and cut/fill balance to maintain the existing flood storage capacity. There appears to be a discrepancy between the Brown Consulting report and the GMU Urban Design Report. Brown Consulting appears to have based their report on suspended floors for the buildings sites (refer Figure 3 in Brown Consulting’s report) with roads “*lifted to provide flood free access.*” Whereas, the section lines in the GMU Urban Design Report show the suspended floors extending under the roads.

Based on this suspended floor approach the GMU Urban Design Report has use the Composite Capability Map from the Warriewood Strategic Valley Review which removes the flooding constraint and climate change plus sea level rise constraint.

This approach is important in considering the appropriateness of the Planning Proposal as the capability of the land is dependent upon the proposed approach to managing flooding constraints. It is therefore relevant to consider the Masterplan as well and the Pittwater DCP flood control upon which the Proponent's flood strategy is, in part, based.

The Brown Consulting report cites examples of buildings in Pittwater LGA that are precedents for this approach, including:

- Pittwater Sports Centre at 1525 Pittwater Road;
- Northern Beaches Indoor Sports Centre at Namona Street; and
- Council's Depot on Boonah Road.

There are however major differences between these examples and the approach being proposed in the Planning Proposal. These examples are all stand-alone buildings and have footprints considerably smaller than the approach that would need to be employed for the Planning Proposal site. Whilst the 3 above building examples are all elevated they are above ground level by about 1m and do not contain any car parking or storage under the elevated floor slab.

In contrast, the Planning Proposal relies upon a suspended floor varying from 75m to 200m in plan dimension that will be of significantly greater footprint than the above building examples. The proposed approach also provides an anticipated 1000 retail car parking spaces below the suspended floor. Therefore the above building examples are not comparable to the Planning Proposal.

### **9.1.3 Assessment of the proposed approach to managing flooding constraints**

The approach of using a suspended floor to address flooding constraint has a number of implications as discussed below.

#### **Cut and Fill Implications**

Cut and fill in conjunction with the suspended floor concept is proposed to manage the flood constraints. Brown Consulting recognises that the lifting of roads might result in some loss of flood storage. Brown Consulting recommends excavation of non-filled areas within the floodplain to compensate for the filled areas.

Brown Consulting has not estimated the location or extent of cut and fill that would be necessary so as not to remove flood storage within the flood plain. Whilst the Masterplan looks a wider area, the Planning Proposal is for a component of the Masterplan area. If development were to proceed then the cut and fill strategy would have to be managed within the bounds of the Planning Proposal site. The details of how the cut and fill would be managed is not known and therefore creates uncertainties over the flood behaviour and flows that could occur as a consequence of development.

Cardno has undertaken preliminary estimates of the cut and fill necessary for the proposed approach in the Masterplan to cater for the 1% AEP (i.e. 3.04m AHD). Cardno has considered two scenarios based on the Masterplan's approach of suspended floors. The two scenarios are based on the suspended floors extending to the carriageways of some roads (i.e. the scenarios give the benefit of doubt).

- Scenario 1 – Roads are elevated as per the cross sections in the Masterplan. Some roads are assumed to be filled to the PMF where section lines are not provided.
- Scenario 2 – All roads are elevated with fill in some locations (but less filling than Scenario 1).

The Scenarios do not take into account the potential batters that might be needed if the elevated roads are located on fill. The cut and fill Scenarios excluded a parcel of land that is owned by Pittwater Council but is not within the Planning Proposal boundary. The

Scenarios have also excluded areas of retained vegetation as shown on the Preferred Masterplan.

The Scenarios have calculated the average cut of either 2.3m AHD (Scenario 1) 2.4m AHD (Scenario 2). Cardno has also calculated the predicted flood levels for the proposal for different events through from a 50% AEP to a PMF (refer Table 4 in the Cardno report).

The depth of flooding from a planning perspective is important to consider. Cardno notes that a depth of 300mm is deep enough to damage cars and unsafe to drive through. Under the Masterplan scenario, Cardno has estimated that:

- In Scenario 1 - a 300mm depth of inundation would occur at the 10% AEP with a car parking level of 2.4m AHD.
- In Scenario 2 – a 400mm depth inundation would occur at the 10% AEP with a car parking level of 2.3m AHD.

Cardno notes that the peak depths are designed to the Narrabeen Lagoon Flood Study (2013b) and do not include sea level rise or climate change. If those factors are taken into account, then the frequency of inundation and peak flood depths will increase.

If this depth of inundation is to be avoided, then the car parking areas would need to be protected, and this has ramifications in terms of changes to hydraulic flows and transferring flood storage to other lands not within the Planning Proposal site.

The 10% AEP event when damage and risk to property and life can occur is a high frequency event and this frequency of flooding events is not considered supportable on planning grounds and is a sufficient reason alone for the Planning Proposal not to proceed.

#### **Exposure to risk - car parking areas**

Having established the possible depth of inundation of the potential car parking areas under the suspended floor, it is also relevant to consider the implications of flooding in the context of the scale of the Planning Proposal.

The GTA Transport Implications of the Masterplan which accompanies the Planning Proposal estimates over 1000 car parking spaces for the commercial, retail and community uses (based on the proposed GFA). These retail/commercial spaces are below the suspended floor and double up as flood storage. As noted by Cardno, the car parking areas under the suspended slabs would be exposed to increased flood depths, increased likelihood of flooding and insufficient warning times. The car parking areas below the suspended floor would be exposed to a significant risk.

The GMU report describes the car parking areas below the suspended floor as temporary parking. Car parking that is provided to meet the demands of retail and commercial floor space cannot be regarded as temporary to reduce the perceived risk.

Cardno notes that open car parks which are not protected will increase the risk to loss of life and property damage. The lowering of the ground surface leads to increased frequency of flooding and increased depth of flooding. A depth of 300mm is noted by Cardno as being deep enough to damage cars and unsafe to drive through. Under the Brown Consulting scenario, Cardno has estimated that this depth of inundation would occur at the 10% AEP (i.e. 1:10 probability) with a car parking level of 2.4m AHD. This frequency is of significant concern from a flood planning perspective.

This Scenario does not have any allowances for sea level rise or climate change. Similarly, there is no allowance in the event that the car parking level is lower to achieve internal height clearances or more flood storage. If these factors are considered then the frequency of a flood event at 300mm would be greater.

Cardno also notes that the Site experiences both flash flooding and long duration flooding (greater than 12 hours) and it is unlikely that a flood warning system would allow sufficient

time for car park occupants to evacuate in an emergency. This leads to an increased risk of loss of life, increased damages and clean-up costs associated with flood events.

The number of car parking spaces is of a magnitude that adds significantly to that risk in terms of potential damage to property, risk to life, managing evacuation with multiple users and visitors, costs of clean up and possible environmental damage from contaminants (e.g. oils from vehicles).

The solution to the flooding constraint would expose a car parking area containing over 1000 vehicles to a level and duration of risk that is not considered to be a good planning outcome, imposes a burden on future retailers that could not resume trade until the flood subsides and the clean-up is completed and imposes costs on the community. Overall this presents significant doubt over the approach to managing flood risk and therefore the suitability of the Planning Proposal.

### **Evacuation issues**

In terms of evacuation it is important to consider the potential population that could be generated by the Planning Proposal. Based on the details provided with the Planning Proposal the following estimation has been made:

- A residential population of up 980 people could be expected (based on 2.8 persons/dwelling @ 350 dwellings);
- A commercial workforce of some 360 people for the commercial GFA<sup>6</sup>; and
- A retail workforce of 780 persons (based on 30 workers/m<sup>2</sup> for the 23,400m<sup>2</sup> of retail GFA).

A total resident and worker population of some 1,850 people could be generated by the Planning Proposal (based on the Masterplan). Not all persons would necessarily be on site at any one time, for instance during the evening the residential population will be at its highest, but during the day on a weekday, the workforce population will be higher. On weekends both residential and workforce population will be high. It is reasonable to assume at least 1000 people at any one time and that does not factor in visitors to the retail areas.

The Planning Proposal relies on two forms of evacuation:

#### *1. Evacuation along elevated roads*

One option is evacuation to the north along Boondah Road to an area at the intersection of Boondah Road and MacPherson Street. This area will be accessible once the northern part of Boondah Road is raised to the PMF level of 4.5m AHD. However, this area is a dry island during the 1% AEP and PMF events as roads beyond the island would be flooded. Cardno considers that this is an unacceptable evacuation route as it does not provide access from the Site to areas where emergency services can be accessed or gain access to the people who are evacuated or isolated.

The Warriewood Valley Section 94 Contributions Plan includes the upgrade of MacPherson Street (and other roads and intersections) for emergency access and evacuation purposes. The road work upgrades are to the 1% AEP storm event. However, flood evacuation planning criteria is the PMF (not 1%AEP) as per the recommendations of the Floodplain Development Manual 2005. Further, Council and NSW Planning & Infrastructure's standard for flood evacuation is the 1% AEP level as evidenced by recent planning approvals in the release area.

Ptitwater DCP 21 also refers to the PMF event for evacuation planning in line with the Floodplain Development Manual 2005. The Section 117 Directions also provide that a

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<sup>6</sup> HillPDA, February 2014



planning proposal must not contain a provision that is likely to increase the requirements for government spending on flood mitigation, infrastructure or other services. In this regard Cardno notes that the Planning Proposal would rely upon Council for upgrading roads. Whilst the Section 94 Contributions Plan is designed to cater for drainage and flood mitigation works to the 1%AEP, it does not plan for upgrades to the PMF. A PMF evacuation strategy that does not rely upon government funding or additional Council or SES resources would be necessary, and how this might be achieved is not addressed in the Planning Proposal.

## 2. Shelter in place

The second option is shelter in place through vertical evacuation within the buildings in the Site. Cardno notes that this approach is commonly used for areas that are subject to flash flooding and experience short durations of isolation (2-3 hours of isolation). Previous studies by Cardno (2011) have determined that typical inundation times are likely to be greater than 12 hours for large flood events and that long periods of isolation lead to an increased risk to loss of life and additional loads on emergency services. The residential and/or worker population is a significant number of people to shelter in place potentially for 12 hours. The potential duration of inundation is therefore not a sensible planning outcome in terms of the duration and the potential population (depending on the time/day when a peak event might occur).

Cardno also notes that the “*NSW State Emergency Service (NSWSES) has indicated that it does not support development where a flood free evacuation route up to the PMF event is not available (NSW Planning and Infrastructure, 2013)*”. Further, the NSW SES has previously stated that shelter in place is not acceptable for extended periods of isolation due to the increased risk associated with an emergency response situation. As such the inclusion of the PMF access route is required.

The shelter in place approach to flood evacuation outlined in the Planning Proposal is also inconsistent with the endorsed Warriewood Valley Strategic Review Report 2012.

### **Resultant built form**

The suspended floor is proposed to be set at 4.5m AHD being the PMF level (from the Cardno Lawson Treloar 2005 study), although Cardno recommends that this be reviewed to 4.9m AHD in line with the most recent PMF information arising from the Narrabeen Lagoon Flood Study (WBM BMT, 2013a).

An outcome of the strategy to address the flooding constraint is to provide retail and commercial floor space at street level and to locate residential car parking and habitable spaces above the retail level and PMF. The intention is that retail floor space lining the future roads will provide an active edge to the roads in the new town centre. However, this approach results in about 1km of retail space at ground level in the Masterplan, with some additional commercial and/or retail space at upper levels. It is doubtful if the quantum of lineal retail floor space is viable.

The suspended floor will also be exposed along the edges of the Site. The height of the walls (at least 2m), the level separation they create to roads and open spaces and visual impacts are all built form consequences of the strategy to addressing flooding impacts. These design issues are discussed in detail in **Section 9.7**. The Planning Proposal is founded on the suspended floor approach to manage the flooding constraint. The consequential urban outcome of this approach is not supported for the reasons outlined above in this report.

#### **9.1.4 Section 117 Direction: Part 4.3 Flood Prone Land**

Cardno has considered the Planning Proposal against the flood prone land Section 117 Direction. The Planning Proposal involves flood prone land and the Section 117 Direction

is therefore relevant. Cardno's assessment has concluded that the Planning Proposal is not consistent with the Section 117 Direction.

The Section 117 Direction allows for a planning proposal to be inconsistent with the Direction where the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- (a) *the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

Cardno notes that the Floodplain Development Manual (2005) and the NSW Flood Prone Land Policy aim to manage the increased risk to life and property due to development within low and high risk flood prone areas.

In relation to (a), Cardno has determined that *"the proposed development significantly increases the population at flood risk, and relies on an emergency strategy resulting in flood isolation and additional strain being placed on emergency services. As such the proposed develop is not in-line with the Floodplain Development Manual recommendations and the NSW Flood Prone Land Policy."*

For the reasons outlined above, the inconsistency with the Section 117 Direction is not considered to be of minor significance due to the extent of lands involved, the scale of development that could be permissible if the Planning Proposal were to proceed and the magnitude of the resultant development in terms of residential population and property that would be placed at risk.

#### 9.1.5 Strategic Approach to the Flooding Constraint

Cardno's flooding assessment of the Planning Proposal and the above discussion has found that there are many areas of uncertainty regarding the strategy to managing flooding impact. Whilst further studies could be undertaken, in this instance the Planning Proposal lacks sufficient planning merit due to the frequency of flood events that would pose a risk to life and property, evacuation issues and built form issues. There are also potential impacts to adjoining properties which arise as a consequence of the suggested approach to managing the flooding constraint (e.g. visual and vehicular access impacts – discussed in **Section 9.8**).

Any planning proposal should consider the wider context to enable a more strategic and holistic approach to the management of the flooding constraint that poses less risk, (although evacuation would remain an issue). Whilst the land that is less flood constrained in the northern and southern ends of the Southern Buffer is smaller in footprint, the opportunity for cut and fill balance would remain a strategy that could be explored. However, to address the potentially smaller developable footprint and other strategic planning objectives such as housing, employment and urban design considerations, the approach to a planning proposal should widen the boundaries and explore building height as a means to achieve the housing and employment density targets of the Sydney Metropolitan Plan and draft North East Subregional Strategy.

### Flooding Conclusion

- The Planning Proposal relates to land subject to inundation at 1% AEP and PMF flood events. The land is identified within developable land Category F, being land below PMF+CC for which the recommended use is only for sporting fields and recreational areas (Cardno, 2011).
- The Masterplan is informed by flooding advice which relies upon a 1% AEP of 3.15m AHD, however the most recent adopted 1% AEP (as per Narrabeen Lagoon Flood Study) is 3.04m AHD. The PMF level upon which the Masterplan has been based (4.5m AHD) is lower than that required by Council (4.9m AHD).
- The Planning Proposal is inconsistent with Section 117 Direction 4.3 - Flood Prone Land.
- The Planning Proposal's approach to managing flooding constraints (suspended floor) has unacceptable implications including frequency of flood events that would pose risk to life and property, inadequate flood evacuation and resultant built form implications.
- Any planning proposal should consider the wider context and include all land in the Southern Buffer as such an approach would enable a more strategic and holistic approach to the management of the flooding constraints.

## 9.2 Ecological Biodiversity

Travers Bushfire and Ecology (Travers) has prepared an Ecological Constraints Analysis to inform the Planning Proposal and Masterplan. Travers has identified the vegetation communities present on the Site, as summarised in **Section 4.3**.

Travers considered the following 3 corridor options which are discussed and evaluated in **Table 4**.

Table 4 Biodiversity Corridor Options		
Corridor Option	Travers' Reasoning	Commentary
<p><u>Option 1:</u> Southern Corridor on the north eastern corner of Warriewood Centre (current vegetation corridor)</p>	<p>Retaining this corridor creates a break in the development 'landscape' i.e. it will create a break in the urban footprint.</p> <p>It would maintain the current habitat connectivity between Narrabeen Creek and the Wetlands.</p> <p>Ecological value is questioned and may be more effectively piped and a new corridor created elsewhere</p>	<p>This is the northern end of the stand of vegetation adjacent to (and screening) Warriewood Square shopping centre. It is identified as a Swamp Oak Floodplain Forest being an Endangered Ecological Community (EEC).</p> <p>This option has been discounted by Travers on the basis that it creates a break in the potential urban form.</p> <p>The Masterplan does not incorporate this corridor and is in part removed to create the new relocated Boonah Road.</p> <p>The Masterplan proposes creating a green corridor adjacent to the corridor to be removed. But the town centre breaks connectivity with the wetlands which is the ecological function of this option.</p>

Table 4 Biodiversity Corridor Options		
Corridor Option	Travers' Reasoning	Commentary
<p><u>Option 2:</u> The southernmost corridor leading south across Jacksons Road to cleared open space (existing vegetation)</p>	<p>Option 2 is only of ecological value if a 20m wide corridor was created along the southern side of Jackson Road to link with Narrabeen Creek further west.</p>	<p>This is the southern end of the stand of vegetation adjacent to (and screening) Warriewood Square shopping centre. It is also identified as a Swamp Oak Floodplain Forest being part of the same EEC in Option 1.</p> <p>The 20m corridor would be along the edge of the playing fields south of Jackson Road.</p> <p>Council's Principal Officer Natural Environment &amp; Education considers that this new 20m wide corridor is unviable as Jacksons Road being a busy local road presents a major barrier to wildlife movement and would impinge on already limited active open space areas and shifts responsibility for creating a corridor onto another land owner.</p> <p>The Masterplan does not incorporate this corridor, which is removed for Site E and the relocated Boondah Road.</p>
<p><u>Option 3:</u> Northern Corridor (recreated) across Boondah Road</p>	<p>This involves creating a new 45m wide corridor across Boondah Road and Lot 3 DP 26902 to connect the Narrabeen Creek riparian corridor with the wetlands.</p> <p>An underpass (culvert) might also be required.</p>	<p>The new corridor would be created over 12 Boondah Road (Lot 3 DP 26902) at the northern end of the Planning Proposal Site. The Masterplan has not incorporated this option and Site A (3 and 4 storey residential) is located in this area. Also, the retained vegetation shown around Site A is likely to be excavated for the cut and fill strategy.</p> <p>If the 45m corridor is considered the means to justify the removal of vegetation elsewhere then the zoning should reflect that outcome, and a B4 zone should not apply in that location.</p>

None of the options presented in the Ecological Constraints Analysis appear to have been incorporated into the Masterplan.

The Urban Design Report recognises that the ecological attributes of the existing EEC vegetation in Option 1 and 2 need to be balanced with the benefits of creating a new north-south road (i.e. relocated Boondah Road). However, it is more than just a road, it is also the location of Site E for commercial development, and most likely a batter associated with the construction of the relocated Boondah Road above PMF levels.

Travers recommends that if the existing vegetation links are removed on the north-eastern corner of Warriewood Square shopping centre, then the 45m wide corridor is to be created to maintain and enhance habitat connectivity. The removal of the existing vegetation on 6 Jackson Road (Lot 9 DP806132) adjacent to Warriewood Square is not balanced by the creation of a new riparian corridor to the north as this is proposed to be zoned B4 Mixed Use, and the Masterplan shows proposed buildings in that location.

The trade-off for removing existing EEC vegetation to physically create a new habitat corridor is questionable. The existing EEC vegetation has an ecological function, provides habitat connectivity and is on more highly constrained land. Zoning this land B4 to permit redevelopment is not offset by creating a new corridor on land that is less constrained and also proposed to be zoned B4 to permit urban development.

The Planning Proposal proposes a B4-Mixed Use zone over the EEC and the location of the recommended habitat corridor gives the expectation of a development potential for all parcels of land with no certainty of achieving any positive ecological outcome.

In addition, if this EEC vegetation is removed, then it will remove the vegetated buffer to Warriewood Square shopping centre, presenting urban design and streetscape issues.

The ecological conclusions are not reflected in the Masterplan which is the basis for justifying the Planning Proposal.

As discussed later, there is also a concern that the relocated Boondah Road is not supported on traffic grounds. Coupled with the abovementioned ecological impacts, the rezoning of 6 Jackson Road (Lot 9 DP806132) is not supported.

There are lands outside the Planning Proposal site that are captured in the Masterplan that need to be considered in ecological terms. The Masterplan highlights the benefits of a connection between the Site and Vuko Place. Council's Principal Officer Natural Environment & Education advises that the construction of a roadway with vehicle traffic through the creekline corridor will greatly impact on wildlife movement and increase wildlife fatalities. If a connection is desired, then it should be changed to a pedestrian pathway or cycleway. It is also noted that this proposed road is located over Sydney Water land, and they do not support the use of their land for the Masterplan.

### Ecological Biodiversity Conclusion

- The Planning Proposal relates to land which comprises a range of vegetation communities including EECs, a riparian corridor and which adjoins Warriewood Wetlands.
- The Travers Ecological Constraints Analysis which informed the Masterplan proposed three (3) options for adequate biodiversity corridors. None of these options appear to have been incorporated into the Masterplan.
- The rezoning of 6 Jackson Road (Lot 9 DP 806132) to relocate Boondah Road is not supported on the basis of ecological impacts.
- The vehicular connection to Vuko Place is not supported on the basis of ecological impacts. A pedestrian or cycleway would be more suitable.

## 9.3 Bushfire

Travers Bushfire and Ecology has mapped the Asset Protection Zone (APZ) setbacks from the Warriewood Wetlands and Narrabeen Creek riparian corridor for the proposed retail/commercial and residential land uses.

The APZ mapping would need to be undertaken in more detail in accordance with Planning for Bushfire Protection 2006 if a Gateway Determination is obtained, and then again at development application stage if the land is rezoned. Detailed assessment is therefore not necessary at this point in time. However, there are some factors that need to be considered.

Council has advised (based on its mapping) that Narrabeen Creek is a 3<sup>rd</sup> Order stream in accordance with the Department of Primary Industries "*Guidelines for riparian corridors on waterfront land*". Under this guideline a 30m wide riparian corridor measured from each side of the top of bank is recommended. The Warriewood Valley Strategic Review Report 2012 has however recommended maintaining a 25m wide inner corridor along each side of the creek line. The Travers Ecological Constraints Analysis has determined that Narrabeen Creek is a 2<sup>nd</sup> Order stream requiring a lesser riparian corridor of 20m. This additional 10m would extend the calculated APZs further into the development footprint.

Council's Principal Officer Natural Environment & Education also notes that Sites A, C and F contain "Green/Wildlife Corridor" on the Masterplan which would include vegetation classed as a bushfire hazard and no APZ is indicated.

These matters would need to be addressed further if a Gateway determination was obtained for the Planning Proposal.

### **Bushfire Conclusion**

- APZ mapping to be undertaken in more detail in accordance with Planning for Bushfire Protection 2006 if a Gateway Determination is obtained, particularly in regard to Sites A, C and F.
- Further investigation of riparian corridor for Narrabeen Creek and corresponding APZs is to be undertaken.

## **9.4 Traffic, Parking & Public Transport**

AECOM and Council's Principal Engineer, Strategy Investigation and Design have reviewed the Planning Proposal including the Transport Assessment prepared by GTA Consultants. A number of transport related matters have been raised.

### **9.4.1 Road layout**

The draft Warriewood Valley Strategic Review Report's Concept Plan for the Southern Buffer contemplated a different road structure for the Southern Buffer that is not proposed in the Planning Proposal/Masterplan. This in itself is not a determining factor for the Planning Proposal, as the road network is linked to the location of a new town centre.

### **9.4.2 Traffic Generation**

The Warriewood Valley Strategic Review allowed for an increase in residential density from 25 dwellings per developable hectare up to a maximum of 32 dwellings per developable hectare throughout most of the release area with the exception of the Meriton residential development approved by the PAC. The residential GFA proposed in the Planning Proposal is between 33,000 to 35,000m<sup>2</sup> which translates to about 330-350 dwellings based on an average of 100m<sup>2</sup> / dwelling. This equates to a dwelling density of between 53-56 dwellings per developable hectare over the 5.9ha of developable land to which the Planning Proposal relates.

The increase in residential density has implications for the traffic generation for the Southern Buffer and the road system in the locality.

AECOM notes that there are matters of detail such as resolving inconsistencies between GFA and GLFA for traffic generation calculations and trips/dwelling that need to be clarified and justified. AECOM also notes that more detailed modelling, assessment and identification of traffic mitigation measures is necessary. Similar observations were made by Council's Principal Engineer and Coltson Budd Hunt & Kafes (traffic consultants) on behalf of Federation Centres (i.e. Warriewood Square shopping centre).

These traffic impact assessments can occur if a Gateway determination is issued.

### **Cumulative Traffic Impacts**

The public submissions raised concern in regard to traffic, and specifically in regard to the cumulative traffic impacts of the development upon the road network beyond Warriewood Valley.

Future modelling and assessment of traffic impacts for development within the Southern Buffer should therefore take into consideration the cumulative traffic impacts of the

development upon the region, wider than Warriewood Valley and its surrounds. The addition of retail and commercial floor space, as well as residential floor space will require increased trip generation for both directions of traffic flow both in and out of the area. Potential impacts upon road networks in the wider locality should be examined as part of a major development where significant changes to trip generation at both morning and afternoon peaks will occur including impacts on the arterial road system in the Pittwater LGA which already suffers from traffic congestion during peak periods.

### 9.4.3 Relocated Boondah Road

The Masterplan proposes to relocate Boondah Road 150m west of its current location. This would locate the road parallel to the boundary of the Warriewood Square car park entry/exit which is a roundabout.

The new road location would create an intersection with Jackson Road immediately adjacent to the existing roundabout which is a significant ingress/egress point for the shopping centre which will become more significant with the recently approved additions to the shopping centre as the new rooftop parking will be accessed from this entry/exit point.

AECOM's peer review of GTA's Transport Assessment has raised concerns about the proximity between the new road and the existing roundabout. AECOM is doubtful that the 2 intersections could be rationalised. Council's Principal Engineer has identified a similar concern. CBHK (on behalf of Warriewood Square for Federation Centres) has also identified the same conflict and adds that it is inappropriate on safety and capacity grounds because they are too close.

This new road access is not supported as it does not provide a sensible or desirable traffic outcome in terms of the road network and road safety. It will also introduce a significant hazard and obstacle for pedestrians. A new road would not deliver a public benefit on traffic planning grounds that would warrant the removal of EEC vegetation in this location (as discussed above). This brings into question the appropriateness of rezoning this land for urban development in this location.

### 9.4.4 Key Intersections

AECOM notes that the Planning Proposal recognises that traffic mitigation measures would be required at key intersections in the road network but provides no details of the measures or when they are required. In addition there is no discussion in the Planning Proposal as to their funding. This matter was also identified by Council's Principal Engineer and CBHK (on behalf of Warriewood Square for Federation Centres). The intersections of particular concern are:

- Jackson Road and Boondah Road (existing) or if relocated;
- Pittwater Road and Jackson Road which already performs poorly; and
- Pittwater Road and Warriewood Road if the Vuko Place connection occurs.

Detailed traffic modelling and assessment of these intersections and consideration of funding arrangements can be provided if a Gateway determination is provided and would need to incorporate traffic generation rates mentioned earlier.

### 9.4.5 Vuko Place Connection

The Masterplan identifies a potential connection between Boondah Road and Vuko Place, across both privately owned land and land owned by Sydney Water. Notwithstanding that Sydney Water has advised that it does not agree to a change of use of its land, Council has advised that the Vuko Place connection is not permissible on grounds of traffic safety impacts. In addition, Council has advised that the proposed road link to Vuko Place is not supported on the basis of ecological impacts (refer **Section 9.2**).

#### 9.4.6 Parking and Playing Fields

The Masterplan envisages the closure of part of Boondah Road which provides a significant amount of on street car parking for the playing fields and community facilities and is well used during the weekdays when sporting events are not taking place. If the road is closed, the Masterplan does not indicate where this car parking could be provided/relocated.

As discussed later in **Section 9.7** there will be a level change between the new raised roads and the playing fields creating a disconnect for pedestrians and also resulting in a level change that will make vehicular access difficult if a new car parking area(s) is to be accessed off the new raised road. Council's Principal Engineer states that Council will not support direct vehicular access from Jackson Road. The accessibility of the playing fields is therefore diminished. This only serves to highlight the need to undertake a planning proposal for all of the lands in the Southern Buffer so that it can be planned in a co-ordinated manner.

#### 9.4.7 Relationship between the Planning Proposal Site and the Existing Road Network

There is no certainty that the Masterplan would be implemented if the Planning Proposal proceeds, as the Masterplan relies upon land in separate ownership. If the Planning Proposal proceeds the new roads would need to be constructed to 4.5m AHD (or 4.9m AHD) to satisfy PMF requirements. If Boondah Road is retained then there will be a level change of 1.5m to 2m between the new roads and the existing Boondah Road. How the roads will stay connected is not explained. Again, this highlights the need to undertake a planning proposal for all of the lands in the Southern Buffer so that it can be planned in a co-ordinated manner.

#### 9.4.8 Public Transport

Issues relating to access to public transport have been raised but this is not considered central to the Planning Proposal request and could be investigated as part of the Gateway determination.

### Traffic, Parking & Public Transport Conclusion

- The new Boondah Road access from Jacksons Road is not supported on the basis of undesirable traffic outcomes and incompatible separation from the intersection of the Warriewood Square shopping centre car park entry entry/exit point. Further, the proposed road would not deliver a public benefit on traffic planning grounds that would warrant the removal of EEC vegetation.
- The rezoning of 6 Jackson Road (Lot 9 DP 806132) to relocate Boondah Road is not supported on the basis of traffic impacts.
- The proposed connection between Boondah Road and Vuko Place is not supported on traffic grounds.
- Replacement car parking for Boondah Reserve and Jacksons Road Reserve has not been identified.
- There are inconsistencies in the Traffic Assessment that would need to be resolved, having regard to the significant increase in traffic volume proposed. More detailed modelling, assessment and identification of mitigation



## 9.5 Retail and Economic Feasibility

Relevant strategic studies relating to retail and economic demand are discussed at **Section 8.4**, including:

- The SHOROC Regional Employment Lands Study 2008 and Addendum 2011 (prepared by Hill PDA); and
- The Economic Feasibility Study which supported the Warriewood Valley Strategic Review Report 2012 (prepared by Hill PDA).

The Masterplan supporting the Planning Proposal incorporates retail and commercial floor areas as follows:

- 7,737m<sup>2</sup> GFA of commercial floor space;
- 23,427m<sup>2</sup> GFA of retail floor space, anticipated to comprise:
  - 1 x full-line supermarket; and
  - 1 x discount department store (DDS).

Despite previous strategic planning investigations regarding retail and economic demand and the proposed quantum of retail and commercial floor space, the Planning Proposal was not supported by an Economic Impact Assessment. Accordingly Hill PDA has been engaged by Council to prepare an Independent Economic Review of the Planning Proposal (**Appendix D**). The findings of this Independent Review are incorporated within discussions hereunder.

### 9.5.1 A New Town Centre: Retail and Commercial Aspects of the Planning Proposal

The Planning Proposal seeks rezoning of land to a B4 Mixed Use Zone to permit a new mixed use town centre development which would comprise commercial and retail floor area. The Masterplan supporting the Planning Proposal envisages that the proposed town centre would have direct linkages with Warriewood Square shopping centre, including pedestrian access, active frontages to the relocated Boondah Road and main street components. These direct linkages would provide synergy between the two commercial centres and promote a new town centre which utilises urban design outcomes to encourage connectivity and not restrict movements between sites. A cohesive town centre would also reflect improved retail trading and a marked increase in demand for retail and commercial services.

This Assessment has found that there are a range of issues and constraints which would prevent a number of the key components of the preferred Masterplan from being realised, including:

- Construction of the new Boondah Road alignment;
- The approval of an expansion to Warriewood Square shopping centre which does not envisage any connections to the east or north east; and
- Use of land adjoining the Site for road access and other buildings.

These issues have the effect of preventing a 'connected' town centre from being realised and in turn the urban design outcomes from being achieved. Therefore the Hill PDA Review has taken into consideration two (2) scenarios:

1. Where the Planning Proposal results in an outcome as envisaged by the Masterplan; and
2. Where the Planning Proposal results in a competing 'out of centre' retail and commercial centre which has no connectivity with the existing and proposed Warriewood Square shopping centre.

### 9.5.2 Floor Space Demand Forecasts

Hill PDA has undertaken multiple studies which have reviewed the capacity for retail and commercial floor area within the Pittwater LGA. In 2008 Hill PDA prepared the SHOROC Regional Employment Lands Study which reviewed the factors affecting employment within the North Shore Region of Councils, and included an analysis of demand for commercial, industrial, retail and special land uses. In 2011 Hill PDA prepared an Addendum to the SHOROC Study.

These studies found that Pittwater LGA will have a forecast increase in retail floor space demand of approximately 100,000m<sup>2</sup> to 2036, and a forecast increase in commercial floor space demand of 23,583m<sup>2</sup> to 2036.

This demand is relevant to both scenarios considered by this Assessment, and in this regard Hill PDA has clearly stated in numerous Reports that the large quantum of retail floor space demand does not need to be delivered wholly within Pittwater LGA. The population will generate need for this quantum of floor space over time.

### 9.5.3 Impacts on Retail Centres

The site is located within a region with a well-established retail hierarchy comprising *major centres* to *small village centres*. The potential impact of the proposed development upon these centres forms a key consideration in the Assessment of the Planning Proposal as the quantum of retail floor area proposed could have the potential to change the economic conditions of the region. Hill PDA considered the following retail centres within the retail hierarchy in the preliminary retail impact assessment:

- Brookvale/Warringah Mall (Major Centre);
- Dee Why (Major Centre);
- Mona Vale (Town Centre);
- Warriewood Square (Stand Alone Centre);
- Narrabeen (Village Centre);
- Newport (Village);
- Avalon (Village);
- Elanora Heights (Small Village Centre); and
- Collaroy Plateau (Small Village Centre).

Hill PDA envisage a range of impacts to surrounding centres in both monetary terms and proportional terms. Under Scenario 1, the monetary impacts would be strongest on Warringah Mall (with \$43m loss of trade), Mona Vale (\$23m loss of trade) and Narrabeen (\$12m loss of trade). However in proportional terms, impacts would be greatest on Narrabeen (-12.1% in turnover), Elanora heights (-9.8% in turnover), Mona Vale (-9.2% in turnover) and Newport (-6.2% in turnover). Hill PDA found that negative impacts for some centres would continue past 2018 even accounting for population and real growth in retail expenditures.

Under Scenario 2, the primary impact of the Planning Proposal would be upon Warriewood Square, with other centres subject to similar adverse impacts as outlined above. The extent of the negative economic impact upon Warriewood Square is envisaged to be greater than -20% in turnover from 2014 to 2018. However there are a number of matters which require further interrogation before a determination on the potential impact upon the viability of Warriewood Square can be made, including taking into account the present strong trading of Warriewood Square above the median for "Little Gun" centres.

The Independent Economic Review by Hill PDA has undertaken a preliminary retail impact assessment, the findings of which make it clear that further investigation of potential

economic impacts is required. In this regard, a detailed Economic Impact Assessment is required to accompany any Planning Proposal should a Gateway determination be issued, including a detailed assessment of potential impacts upon retail centres.

#### **9.5.4 Financial Viability of Floor Area**

In 2011 Hill PDA prepared the Warriewood Valley Strategic Review Economic Feasibility Study which was informed by the floor space demand analysis within the SHOROC Employment Lands Study. The Feasibility Study explored three (3) scenarios (which will be called "options") for the development of a new town centre within the Southern Buffer. These options included the following:

##### **Option 1**

- *Mixed use development over 4 storeys (general retail, bulky goods, commercial, residential);*
- *General retail (20,000sqm) over 2 storeys could include a supermarket, discount department store (DDS), mini-major and specialty stores, bulky goods retail (27,000sqm) would include a bulky goods major and specialties;*
- *Single level of commercial floor space (4,666sqm) on third level; and*
- *Residential (8,800sqm) over 4 storeys.*

##### **Option 2**

- *Homemaker centre over a single level (23,700sqm);*
- *Retailers to include a bulky goods major (6,000sqm, e.g. Harvey Norman) and specialties (17,450sqm, e.g. lighting, flooring, bedding stores) as well as a small component of food specialties (300sqm) to service the centre.*

##### **Option 3**

- *Sub-regional shopping centre over a single level (20,100sqm);*
- *Retailers to include a supermarket (3,500sqm), discount department store (DDS) (8,000sqm), mini-major (1,500sqm) and specialty stores (6,000sqm).*
- *Commercial floor space (1,000sqm) could accommodate complementary services including real estate agency, tax accountant's office and dental surgery for example.*

In regard to the retail and commercial floor areas of town centre scenarios investigated by the Feasibility Study, the following maximum floor areas were considered:

- 20,000-23,700m<sup>2</sup> of general retail floor area (including supermarkets, DDS's, mini-majors and speciality stores); and
- 1,000m<sup>2</sup> of commercial floor area (noting that 3,666m<sup>2</sup> of the commercial floor area under Scenario 1 was envisaged as community floor area).

These floor areas are seen as an appropriate quantum of retail and commercial floor areas comprising part of a new town centre within the Southern Buffer, having regard to development feasibility, meeting forecast demands and limiting potential impacts on surrounding retail centres (including Warriewood Square).

Hill PDA has identified a high level of demand for retail floor area within the Pittwater LGA and surrounds resulting in a present undersupply of retail floor area. The Planning Proposal, in combination with Warriewood Square, would accommodate almost half of the retail floor space demand generated within the Main Trading Area (MTA) of the development to 2036, and even has the ability to accommodate the undersupply of retail floor area presently identified in the region. Therefore in regard to the quantum of retail floor area, Hill PDA supports the 23,427m<sup>2</sup> of retail floor space proposed.

In regard to commercial floor areas, Hill PDA outline that between 2006 and 2014, approximately 37,000m<sup>2</sup> of commercial floor area has been approved in Pittwater LGA. Given that the SHOROC Addendum identified a forecast demand for an additional

23,583m<sup>2</sup> of commercial floor area to 2036 within Pittwater LGA, the quantum of commercial floor space proposed in the preferred Masterplan (7,737m<sup>2</sup>) exceeds the forecast demand and is therefore questionable.

Further, as the maximum commercial floor area considered by Hill PDA under previous feasibility studies was capped at 1,000m<sup>2</sup>, the Independent Economic Review finds that “concern may be raised with respect to potential commercial floor space oversupply in the LGA and in particular the impact longer term vacant space could have to the urban amenity and vitality of centres”. Noting that there may be both positive and negative outcomes from the quantum of proposed commercial floor space, Hill PDA recommends that further investigation be undertaken by the proponent to show that there is sufficient demand for this commercial floor space.

### Retail and Economic Feasibility Conclusion

- Hill PDA has acknowledged an undersupply of retail floor space within Pittwater LGA, and has forecast a significant increase in demand for retail floor space to 2036, with residents in Pittwater generating demand for an estimated 100,000m<sup>2</sup> of retail floor space, all of which does not need to be provided within the Pittwater LGA.
- The Independent Economic Review has identified that the extent and range of adverse impacts of the Planning Proposal upon surrounding retail centres varies and may include significant adverse impacts upon Warriewood Square, if a connected town centre is not realised. Further detailed assessment of potential economic impacts is required as part of an Economic Impact Assessment.
- The quantum of proposed retail floor space is supported as it addresses a present undersupply of retail floor space and contributes towards the significant forecast demand for retail floor space within the Pittwater LGA to 2036.
- The quantum of proposed commercial floor space is a concern as it may result in potential over-supply of commercial floor space within the Pittwater LGA. Further detailed investigation of commercial floor space demand is

## 9.6 Public Open Space & Recreation Lands

The Southern Buffer comprises some 16.4ha of land, of which the Site comprises approximately 6.2ha, or 37%. The Southern Buffer includes Boondah Reserve and Jacksons Road Reserve public open space and recreation lands which have a total area of approximately 8ha<sup>7</sup>.

The Pittwater Local Planning Strategy identifies that “*outside of Ingleside, the Southern Buffer represents the last available land for large lot Greenfield development in Pittwater*”, the development of which must take into consideration the demand for public open space and recreation lands, amongst other matters. In this regard, the implications for the development of the Southern Buffer upon the demand for public open space and recreation land within the Warriewood Valley and beyond is significant.

It is worth noting upfront that while the Pittwater Open Space, Bushland and Recreation Strategy 2000 (Open Space Strategy) is now identified by Council as being ‘out-dated’ (due to the preparation of a new revision of the Strategy), it still provides the best available

<sup>7</sup> Pittwater Open Space, Bushland and Recreation Strategy 2000

assessment of the use, provision, allocation and need for open space and recreation land within Pittwater LGA. The Revised Open Space Strategy will be considered Council for adoption in the coming months. Where the recommendations of the Open Space Strategy have been superseded by more recent strategic investigations (including the Local Planning Strategy, Strategic Review or Section 94 Contributions Plan), these recommendations have been considered as a more relevant substitute.

### 9.6.1 Quantum of Open Space and Recreation Land Required

The Warriewood Valley Section 94 Contributions Plan (adopted in 2008) envisages that residential development in the Warriewood Valley will have the following characteristics:

- New dwellings: 1,886
- Average household occupancy rate: 2.8 persons/household
- *Approximate* additional population in the Warriewood Valley: 5,300 residents

The Section 94 Contributions Plan calculates that the total area of public open space envisaged for acquisition by Council within the Warriewood Valley is 13.97ha. Based upon a proposed resident population increase of 5,101 (additional forecast population minus existing residents), against the rate of supply of 2.83ha/1,000 population, the calculated need for public open space envisaged by the Section 94 Contributions Plan is 14.43ha. Therefore at adoption, the Plan was unable to meet the demand for public open space envisaged to be generated by the incoming resident population by 0.46ha.

Since the Section 94 Contributions Plan was adopted in 2008, Council has prepared subsequent strategic planning studies which have envisaged further growth within the Warriewood Valley, at a higher dwelling density and thus a higher resident population.

A summary of the quantum of public open space and recreation land (at the rate of supply of 2.83ha/1,000 head of population) required to meet the dwelling supply forecast under each subsequent strategic study is provided at **Table 5**.

Policy	Year Adopted	Forecast Dwelling Supply	Total Population <sup>8</sup>	Open Space Requirement <sup>9</sup>
WV Section 94 Contributions Plan	2008	1,886	5,101	14.43ha
WV Planning Framework	2010	2,012	5,634	15.68ha
Local Planning Strategy	2011	2,210 <sup>10</sup>	6,188	17.30ha
WV Strategic Review	2013	2,490 <sup>11</sup>	6,972	19.73ha

The total number of dwellings envisaged for the Warriewood Valley Urban Land Release Area has increased by 604 dwellings from 1,886 under the Section 94 Contributions Plan to 2,490 under the Strategic Review and is envisaged to further increase as a result of the future rezoning of undeveloped land within the Warriewood Valley.

Although dwelling densities have increased since 2008 and may continue to do so, the availability of land has remained constant (if at all reduced). Therefore the public open

<sup>8</sup> Occupancy rate of 2.8 persons/household adopted from Warriewood Valley Section 94 Plan No. 15 and Warriewood Valley Planning Framework 2010

<sup>9</sup> Rate of supply 2.83ha/1,000 head of population adopted from Warriewood Valley Section 94 Plan No. 15

<sup>10</sup> Comprises houses built in Warriewood Valley 2004-2010 (1,022) + new dwellings expected by 2031 (1,188) from Pittwater Local Planning Strategy

<sup>11</sup> Comprises total dwellings under Planning Framework (2,012) + new dwellings envisaged by Strategic Review (193) + dwelling increase resulting from approval of Meriton Part 3A development (263) + yield of dwellings to be development pursuant to PP0005/13 gazetted 6 December 2013 (22).

space land envisaged for acquisition by the Section 94 Contributions Plan (being 13.97ha) is further taxed by the increased public open space requirements of the Warriewood Valley subject to recent strategic investigations (being 19.73ha). On this basis, the Warriewood Valley will have an undersupply of 5.76ha even if all the open space public acquisitions by Council envisaged by the Section 94 Contributions Plan are realised.

Applying the occupancy rate and open space rate of supply to the updated dwelling supply forecast at **Table 5**, the public open space requirements of the Warriewood Valley Urban Land Release Area have increased by 5.3ha since the adoption of the Section 94 Contributions Plan. This shows that the demand for public open space and recreation land with the Warriewood Valley has been increasing significantly, while supply has been reduced.

Of the quantum of public open space required to meet the needs of the Warriewood Valley Urban Land Release, Council has recognised that 4.6ha<sup>12</sup> of active public open space is still required to be provided.

### 9.6.2 Impacts upon Supply and Demand of Public Open Space and Recreation Land

The Masterplan which supports the Planning Proposal identifies a range of building, road and biodiversity works which will impact upon land adjoining the Site (refer to discussion at **Section 9.8**). The extent to which the Masterplan directly impacts upon existing public open space and recreation land is summarised as follows:

- Use of approximately 1.14ha of Lot 7072 DP 83778 (being Boondah Reserve) to:
  - Accommodate a commercial or community building above the suspended slab and car parking of Site D;
  - Accommodate an extension to Boondah Road through Lot 9 DP 806132; and
  - Accommodate an extension to the existing biodiversity corridor from Narrabeen Creek to Jacksons Road.
- Use of part of Lot B DP 402309 to accommodate the raised road battering or retained landscaped walls for Boondah Road (area of affectation not clear).

The Masterplan proposes minor increases to the public open space and recreation lands of the Southern Buffer to a total area of approximately 5,170m<sup>2</sup> as follows:

- Closure of Boondah Road from Jacksons Road, contributing approximately 2,940m<sup>2</sup> towards the adjoining Boondah Reserve and Jacksons Road Reserve;
- Relocation of Council's Services Depot on Lot 100 DP 1095913 and converting approximately 2,230m<sup>2</sup> of the site for public open space.

The Masterplan incorporates green roof areas above Site B and Site D, however these areas are located internally within a mixed use complex which comprises both retail and residential uses. Therefore Council has advised that the proposed green roof areas are not considered usable public open space or recreation land for the broader Warriewood Valley local community.

Therefore the Planning Proposal and Masterplan will result in a net direct decrease in the supply of public open space and recreation land of approximately 6,230m<sup>2</sup>.

In addition to this direct impact upon the provision of public open space, the Planning Proposal will result in an indirect impact upon the availability of public open space through an increase in demand for public open space and recreation land in the Southern Buffer and the Warriewood Valley as a whole.

<sup>12</sup> Refer "Warriewood Valley Strategic Review Report – Outcomes of Public Exhibition and Final Report" to Council for the Meeting on 12 June 2013.

On the basis of 330-350 dwellings being provided over a developable area of 5.9ha, the Planning Proposal and Masterplan will result in a dwelling density of 56-59 dwellings per developable hectare. In comparison, the maximum dwelling density envisaged by the Warriewood Valley Strategic Review was increased to 32 dwellings per developable hectare for specific Sectors in the Valley. The development envisaged by the Masterplan would increase the public open space requirement for the Warriewood Valley by another 2.77ha beyond that calculated in the Section 94 Plan or the Warriewood Valley Strategic Review.

In summary the impacts upon the supply of public open space and recreation land is as follows:

- The Warriewood Valley requires 4.6ha of public open space to meet the needs envisaged by the Warriewood Valley Strategic Review;
- The Masterplan would result in a direct net decrease in the supply of existing public open space and recreation land of approximately 6,230m<sup>2</sup>;
- The mixed use development envisaged by the Masterplan would increase the demand for public open space and recreation land by another 2.77ha;
- Therefore the Masterplan supporting the Planning Proposal would contribute to an increased net undersupply of public open space and recreation land of 7.99ha, pursuant to a dwelling yield of 2,840 dwellings (i.e. 2,490 + 350) within the Warriewood Valley Urban Release Area.

### 9.6.3 Opportunities for Open Space and Recreation Land within Pittwater LGA

The Open Space Strategy identifies the provision of public open space areas in the year 2000 for the suburb of Warriewood and the Pittwater LGA with the total areas summarised in **Table 6** below.

<b>Open Space Area</b>	<b>Warriewood Suburb (ha)</b>	<b>Pittwater LGA (ha)</b>
Coastal beach reserves	2.88	41.12
Foreshore parks	0.00	23.63
Bushland and headlands	20.56	329.46
Large developed parks	0.00	44.56
Small parks	0.76	23.23
Sports grounds	12.09	40.08
Golf courses	0.00	34.39
Wetlands	26.00	52.35
<b>Total Open Space Areas</b>	<b>62.29</b>	<b>588.82</b>

This Assessment recognises that the Open Space Strategy is presently identified as 'out-dated', however from the statistics above, the allocation of public open space areas across the Pittwater LGA can be better understood. Since the adoption of the Open Space Strategy by Council, the population of the Pittwater LGA has increased, thereby creating further demand for public open space areas.

The NSW Department of Planning and Infrastructure (DoPI) has published *New South Wales in the future: Preliminary 2013 Population Projections*, which identifies an increase to the Pittwater LGA population of 21,700 from 2011 (60,250) to 2036 (81,950). Upon

applying the base rate of supply for public open space (2.8ha/1,000 population), this represents an increased demand for public open space areas of 60.76ha. Therefore opportunities for the reservation and acquisition of public open space areas must be considered across the Pittwater LGA now to ensure that public open space demand and supply is met through to 2036 and beyond.

Of relevance is the increased demand placed upon public open space for active recreational land (sports fields). The Open Space Strategy recognises that there is increased demand for sports fields from all sporting disciplines, particularly grass-surface sports such as soccer, rugby league, rugby union and baseball.

### **Topography of Available Land in the Warriewood Valley**

There are a number of factors which influence the availability of public open space for active recreational land to be used for sporting fields. Most notably is that of topography, whereby the costs associated with preparing and maintaining level playing fields increase significantly where flat land cannot be obtained. These costs get added to the Section 94 Contribution Plan calculations, in turn increasing development costs and/or slowing the delivery timeframe for such local community facilities.

The Local Planning Strategy nominates Ingleside and Warriewood Valley as the last remaining undeveloped urban land-release areas within the Pittwater LGA. Generally speaking, the topography of the Warriewood Valley is more suitable for public open space for active recreational land, being flat or gently undulating. On the other hand, Ingleside comprises areas of the Pittwater escarpment which have higher topography grades and in general would require more works to prepare for recreational land purposes.

### **Combined/Augmented Public Open Space and Recreation Land**

Another factor which influences the cost and availability of public open space recreation land is the opportunity to combine/augment recreational land to provide larger, consolidated sporting fields and facilities rather than a network of small pocket parks. This relates to the sharing of infrastructure including lighting, irrigation and parking. Where this infrastructure does not need to be provided as a new stand-alone public open space area such as a new sports field, significant cost savings can be made.

In regard to irrigation, Boondah Reserve is one of the few sporting fields within Pittwater LGA which has bore water irrigation, whereas public open space areas away from the coast experience issues both relating to irrigation availability and water-holding capacity (due to the natural flow of ground water).

Therefore new opportunities for public open space and recreation land areas across Pittwater LGA should take into consideration these factors to assist in determining the most suitable land to be provided/acquired for public open space purposes.

As the Open Space Strategy is presently being updated (as is the Warriewood Valley Section 94 Contributions Plan), further guidance on this matter will be made available to influence future development. However at this stage, it can be determined that the flat, low lying land adjoining Boondah Reserve may serve as some of the most valuable land in regard to meeting the open space needs for the local community of the Warriewood Valley and surrounds.



### Public Open Space & Recreation Land Conclusion

- The Section 94 Contributions Plan for Warriewood Valley is responsible for acquiring open space land to meet the needs of the incoming population of Warriewood Valley. This demand has increased, while land availability has not. The undersupply of public open space and recreation lands required to meet the dwelling yield forecast within Warriewood Valley is 4.6ha.
- The Masterplan supporting the Planning Proposal would contribute to an increased net undersupply of public open space and recreation lands within the Warriewood Valley Land Release Area to a quantum of 7.99ha as a result of direct and indirect impacts upon public open space and recreation land.
- The flood prone land within the Southern Buffer may be suitable for public open space and recreation purposes as it is subject to inundation, it adjoins existing public reserves (thus allowing sharing of infrastructure) and has access to valuable bore water irrigation. The topography of alternative areas within Pittwater LGA present cost, infrastructure and maintenance issues.
- Availability of public open space and recreation land areas across Pittwater LGA is limited by a number of factors. The Planning Proposal would result in the removal of strategically significant land from a precinct which presently suffers from an under supply of public open space and recreation land particularly for sports fields and will be subject to a future increase in demand for these areas.

## 9.7 Urban Design

A number of urban design related matters have been discussed in the preceding sections of this Assessment. The Masterplan has examined the metropolitan, regional and local strategic context and commentary relating to these aspects has already been discussed in this report. The Urban Design Strategy prepared by GMU has removed flooding as a constraint by the use of suspended floors allowing roads and habitable spaces to be sited at or above the PMF. This Assessment does not support that approach and it raises a number of urban design related matters that are discussed below. The assessment to follow examines the attributes of the Preferred Masterplan in the GMU Urban Design Strategy.

### 9.7.1 Preferred Masterplan and Proposed Zoning

The Preferred Masterplan distributes the retail and commercial space either side of a new main street. However, the current lot configuration and proposed B4 Mixed Use zone across the whole Site would enable a single footprint retail centre to be proposed (and of a footprint similar to Warriewood Square shopping centre). Such a design would have very different urban design outcomes. Therefore, the Masterplan should not be an indicator of the acceptability of the Planning Proposal as its outcome is by no means certain. However, the principles that underlie the Masterplan should be examined.

If a Planning Proposal were to proceed then it would be necessary for the Pittwater LEP to contain a provision that requires a DCP to be in place before consent could be granted. The DCP would need to address such matters as environmental constraints, street layout, staging, built form outcome, activated retail and commercials street frontages, landscape treatment, pedestrian and cycle connectivity, traffic and parking etc.

## 9.7.2 Opportunities and Constraints

### Pittwater Road

The Urban Design Report has identified Pittwater Road as a constraint due to it being an arterial road and not suitable for a town centre frontage. It would appear that one of the main factors that has influenced the location of the retail space and town centre is the identification of Pittwater Road as a constraint. However, the Urban Design Report also identifies Pittwater Road as an opportunity.

The opportunity to use Pittwater Road should not be discounted and certainly not when the alternative is to locate a town centre on land that has greater physical and environmental constraints. The active retail and commercial floor space of a town centre does not need to directly front and have vehicular access to Pittwater Road. Pittwater Road and Jackson Street frontages offer visual exposure for any new retail or commercial floor spaces.

### Connectivity

The Preferred Masterplan relies upon establishing connectivity to other locations. This principle is sound, however, the likelihood of achieving those connections is questionable and could undermine the success of the urban design vision.

Warriewood Square shopping centre is identified as an opportunity to expand the retail offering and integrate the future town centre with Warriewood Square shopping centre. The Masterplan envisages the eastern part of the Warriewood Square shopping centre car park becoming retail space with frontage to a new north-south road and pedestrian connections through the retail space to the remainder of the Warriewood Square shopping centre. This would require the owner of the Warriewood Square shopping centre to align with this vision. A deferred commencement development consent has been issued by Council for the Warriewood Square shopping centre to provide additional retail space and car parking in the location of the retail/commercial frontage to the new north south road. It is highly questionable whether the expanded retail offering fronting a new road would or could be realised as envisaged under the Masterplan.

The approved design does not provide any pedestrian connections along its eastern edge. Therefore the opportunities to connect with the approved additions to the Warriewood Square shopping centre are non-existent.

If direct and convenient connections are not provided then there will be little synergy between a new town centre and the existing Warriewood Square shopping centre and commercial uses in Vuko Place. It is most likely that patrons would visit one shopping centre only or drive from one to the other centre. This does not foster a good urban design outcome and active retail and commercial streets.

### Relocated Boondah Road

The principle of relocating Boondah Road is, in the absence of other considerations, a good concept. However there are a number of significant issues that bring into question the likelihood of this new public road.

- The prospect of this connection is remote on **traffic grounds** owing to the limited spacing between the new intersection and the existing car parking entrance and exit to Warriewood Square shopping centre. This car parking entrance will become more significant with the approved additions to Warriewood Square shopping centre which involve ramps connecting the new rooftop car park with Jackson Road.
- There is also the question of the **ecological attributes** of this land which is identified as an EEC. The Urban Design Report recognises the need to balance the ecological function with the new road. However, the Planning Proposal does not provide for any ecological outcomes as it proposes to rezone all Corridor Options

considered by Travers to permit urban development. There is no ecological balance achieved.

- There is further **ecological and flooding impacts** arising from the need to create batters to support the elevated road. If there are no batters, then it would be retaining wall/culverts which has yet further urban design and visual implications.

These three factors bring in to doubt the prospect of this new road being achieved, which in turn impacts on the urban structure of the Masterplan, opportunities for connectivity and whether the town centre could function without a main street as envisaged in the Masterplan.

### Extent of Active Streets

The concept of active streets is supported. However, an outcome of the strategy to address the flooding constraint is to provide retail or commercial floor space at street level to then provide residential car parking and habitable spaces above the retail level and PMF. The intention is that retail floor space lining the future roads will provide an active edge to the roads in the new town centre. However, this approach results in about 1km of retail and/or commercial space at ground level in the Masterplan, with some additional commercial and/or retail space at upper levels.

It is doubtful if the quantum of lineal retail floor space is viable, and the resident population of the new community (between 320-350 dwellings or say 924-980 persons) will only assist to a small extent (Hill PDA note that new residents on the site would be likely to generate in the order of \$6.4m of retail expenditure by 2018). Those retail spaces fronting the main street and plaza would be the more viable, but pedestrian activity and passing trade will decline away from this space, bring into question the viability of all the ground floor retail and/or commercial floor space. This is particularly relevant when it is considered in the context of Warriewood Square shopping centre with 82 specialty shops and more specialty shops approved by Council in the deferred commencement consent for the proposed expansion of Warriewood Square.

In addition, the majority of retail visitors will be parking below ground and most likely directed into the floor space associated with the DDS, not to the streets. There is a risk that the retail or commercial spaces along the active streets will not be attractive to potential tenants.

The strategy to managing flooding constraints has a direct influence on the urban design approach of the ground floor retail in the Masterplan. The Planning Proposal to rezone the land to a B4 – Mixed Use zone that relies upon ground floor retail space of the extent proposed along the street frontages is not considered a good planning outcome.

An alternative (and perhaps more likely) outcome could be the development of a large internalised “stand-alone” shopping centre (similar to Warriewood Square shopping centre) which has a completely different interaction with new streets and would not deliver the same urban design outcomes presented in the preferred Masterplan in the Urban Design Report.

### Buffer to Sydney Water

The Urban Design Report recognises that the Sydney Water Sewage Treatment Plant could be seen as a constraint, however no separation from Sydney Water land is envisaged. Previous strategic studies have nominated a prescribed buffer from the Warriewood Sewage Treatment Plant, however these guidelines are not considered accurate having regard to the recent upgrades to the Sewerage Treatment Plant facilities, including odour reduction works.

As residential development in proximity to the Warriewood Sewage Treatment Plant will be impacted by odour and therefore increase the demand for further upgrades to the Sewage

Treatment Plant facilities, those potential impacts and future costs should be discussed with Sydney Water at a preliminary stage. In turn, development of the Southern Buffer should consider this as a relevant constraint to development in the northern areas of the Southern Buffer.

**9.7.3 Landscaped edge to open spaces**

As noted in Section 9.1.2, the suspended floor approach creates elevated roads to the public domain, including roads and open space / recreation areas. The Masterplan also envisages residential development on Council and Sydney Water land that fronts Boondah Road. The Urban Design Report has suggested a potential option to address this interface, as illustrated in **Figure 13** below, which involves development over adjoining land.

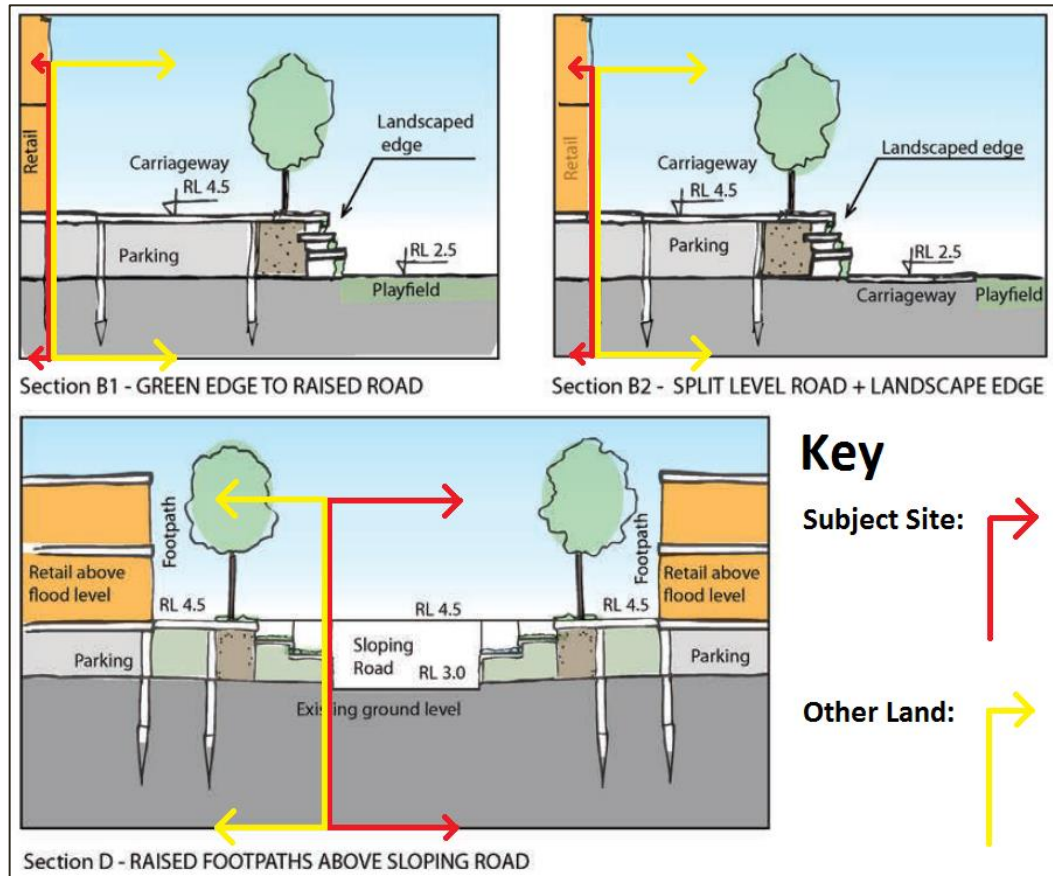


Figure 13 Potential options for the interface of the new town centre and the existing ground levels

The sectional illustrations are only representative, however this approach raises some urban design issues including the following:

- The sections are based on a 2m wall height. This is unrealistic as the illustrations suggest a retail car park with an internal clearance of 2m. The car park will have a greater internal height (at least 2.5m). To achieve that clearance the car parking ground level could either be lowered (exposing the car park to greater flood depth and increased frequency), or the suspended slab level increased in height resulting in a higher wall and greater visual impact.
- The wall will need to be designed to permit the passage of water without affecting flood behaviour or increasing flood storage elsewhere on adjoining land in the Valley. This raises questions as to how they could be landscaped without affecting flood storage and impacts.
- The treatment as shown on the Masterplan relies upon this work to be carried out on other land (eg Council and Sydney Water land).

- The length of these walls is nearly 400m to the perimeter roads and public open space areas and approximately 200m to the Sydney Water land (and their submission indicates Sydney Water are not interested in developing their land). This is a significant length of structure and ultimately Council would assume responsibility for that infrastructure.
- The sections are based on RL 2.5. In some locations (e.g. close to Narrabeen Creek) the levels are down to RL1. The height of structure could be up to 3.5m in height in some locations.

The structures will create a significant level difference and disconnect between the proposed town centre and the existing public open space areas. Whilst this is a matter of detail, it is important to consider the urban design implications at this stage.

The Planning Proposal is founded on the suspended floor approach to manage the flooding constraint. The consequential urban outcome of this approach to managing the flooding constraint is not supported for the reasons outlined above in this report.

### 9.7.4 Master planning approach

The approach of using master planning and urban design principles to inform a planning proposal for a site such as the Southern Buffer is warranted. However, the issues of the Southern Buffer area are not, and should not, be addressed in a piecemeal ad hoc approach. This assessment has identified a number of broader strategic planning issues that are not readily resolved by confining the boundaries to that of the site of the Planning Proposal rather than the whole of the Southern Buffer area including the Warriewood Square shopping centre..

A planning proposal should consider all of the Southern Buffer and Warriewood Square, which would be best founded on a Masterplan approach. This principle is also recognised by SJB in their Planning Proposal report which recognises that *“a site specific LEP rezoning is preferred as it allows a detailed response to the site as opposed to a more broad brush approach of a comprehensive LEP. A site specific rezoning will enable a more detailed analysis of the site considerations and the delivery of appropriate controls and mechanisms to deliver development of this central location.”*

However, to ensure a co-ordinated planning approach and to avoid a piecemeal approach to the zoning of the land, the detailed analysis should extend beyond the Planning Proposal site and include all of the Southern Buffer and Warriewood Square. If the Warriewood Square is a key element in the Masterplan, then the shopping centre owners will need to be included within the planning proposal. Such an approach would be consistent with the strategic documents discussed at **Section 8.9** which noted that *“the expansion of this centre into a larger retail and town centre may be viable. This could enable a mix of commercial and retail development and possibly residential development.”* This approach could create one town centre, rather create competing town centres.

Such an approach can provide better opportunities to manage the flood constraints, ecological constraints, traffic and transport considerations. It would also allow for other opportunities to be explored that connect future development with the surrounds including the Warriewood Square shopping centre.

Some of the principles of the GMU Preferred Masterplan could be applied elsewhere in the Southern Buffer. The principles and approach to the built form, mixed land uses, scale, and density in order to create a viable and active town centre. The issues of scale/height would need to be explored to ensure that future development is viable.

### Urban Design Conclusion

- The Masterplan removes flooding as a constraint by the use of a suspended floor. This approach is not supported on the basis of urban design issues.
- To ensure that the design intentions of a Masterplan are realised, it would be necessary for Pittwater LEP to contain a provision that requires a DCP to be in place before consent could be granted pursuant to any Planning Proposal within the Southern Buffer.
- The opportunity for development of land at Pittwater Road/Jacksons Road, should not be discounted as a constraint in light of the previously identified opportunities of this land under the Warriewood Valley Strategic Review and also when compared relative to the constraints of land the subject of the Masterplan.
- Connectivity is a key principle which requires an holistic approach. Direct and convenient connections are required between a new town centre and Warriewood Square shopping centre (and to an extent, the commercial development along Vuko Place) to foster synergy. The Masterplan does not achieve direct and convenient connections with surrounding retail and commercial development.
- The relocation of Boondah Road is a good concept for its intended purpose to create a 'high street', however various significant issues outweigh and preclude this option from being realised, such as traffic and ecological impacts.
- The extent of active streets proposed at the raised ground floor level presents a questionable urban design outcome having regard to the internal nature of both car parking and the supermarket/DDS floor plates. Without sufficient pedestrian activity the extent of active streets may present an adverse urban design outcome. Further investigation is required in this regard.
- The approach to master-planning the Southern Buffer should not be piecemeal. A holistic, coordinated planning approach to rezoning the Southern Buffer should be undertaken, and should incorporate all land and land owners, including the whole of the Warriewood Square shopping centre site. Principles of the GMU Masterplan could be applied elsewhere in the Southern Buffer.

## 9.8 External Considerations and Consultation

The Masterplan sets out the extent of works required to accommodate the proposed urban built form. The Masterplan and Planning Proposal include work which will directly and indirectly impact adjoining land owners, requiring owners consent to undertake works, imposing infrastructure works which requires modification to adjoining land and in some cases, resulting in adverse impacts upon adjoining properties. These direct and indirect impacts present significant limitations to achieving the proposed Masterplan.

The Planning Proposal does not provide any indication that the Proponents have undertaken consultation with adjoining land owners as a component of the preliminary Masterplan design process, or indicate that input from adjoining land owners regarding their intentions for their land has been taken into consideration.

In this regard the external considerations and consultations relevant to the Planning Proposal and Masterplan are considered relevant to the Assessment and are addressed below.

**Figure 14** identifies the interactions between the preferred Masterplan option and adjoining land owners, describing how each interaction relates to the proposed town centre and how it impacts the Planning Proposal.

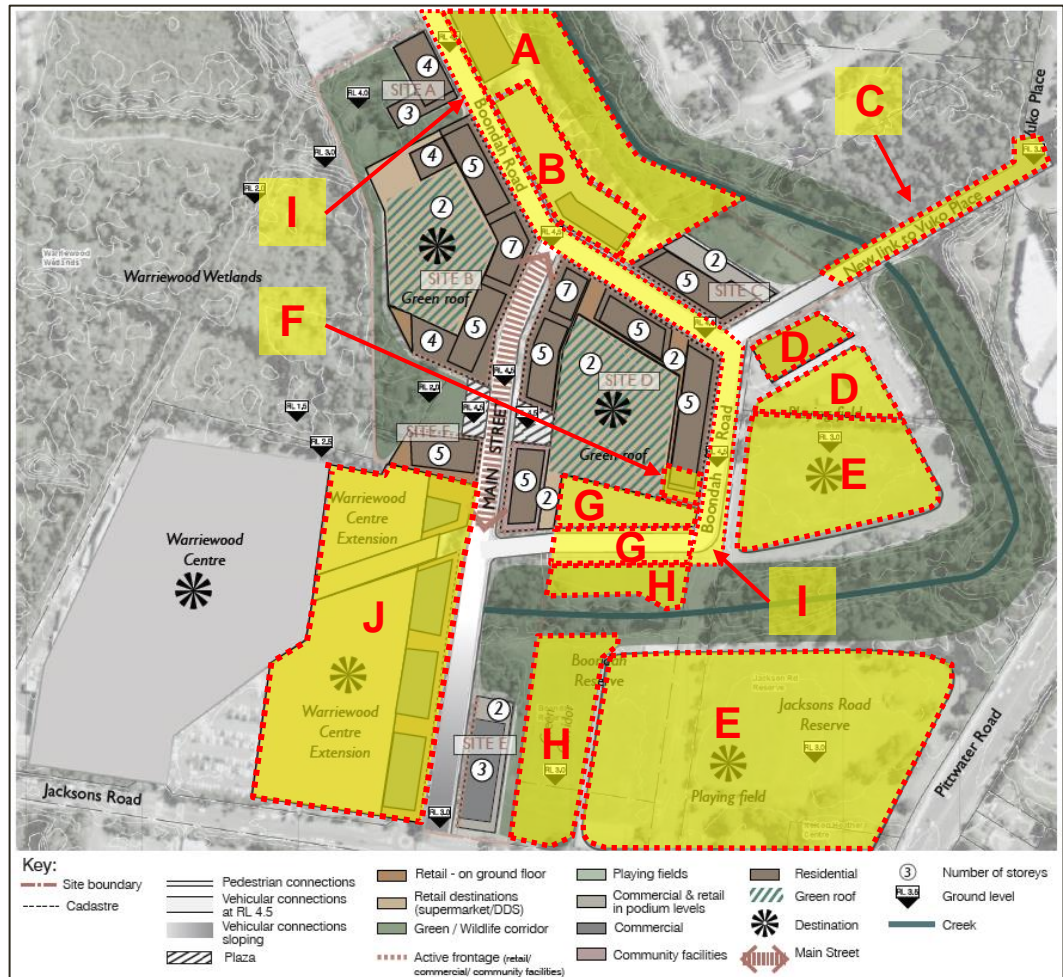


Figure 14 Interactions Between Proposed Masterplan and Adjoining Land Owners

A) In response to the flood affectation of the Site, the Masterplan adopts a raised ground level of RL 4.5 for the majority of the mixed use development. This requires the raising of Boondah Road from existing ground levels, which will need to marry in with the section of Boondah Road being raised for the Meriton residential development to the north. Sydney Water has advised that it does not plan to dispose or rezone any of its land holding (including Lots 8 and 9 DP 26902) as it may be required for future upgrades of the Warriewood Sewage Treatment Plant and Depot facility. Accordingly this land risks being isolated by the raised road and/or risks having site access significantly reduced or impeded due to level differences of between 1.0 and 2.0 metres.

Furthermore, the Sydney Water Sewage Treatment Plant has recently undergone significant upgrading to both the sewage treatment plant and to odour reduction treatment. The location of residential development closer to the Warriewood Sewage Treatment Plant will in time present a higher level of pressure to have odour treatment increased, which in turn would result in significant costs to Sydney Water. These costs need to be taken into consideration for any proposed

development within close proximity of the Warriewood Sewerage Treatment Plant, in consultation with Sydney Water.

- B) The Masterplan envisages commercial and residential development within Lots 8 and 9 DP 26902, which serves to mirror the built form scale on the opposite side (ie. Planning Proposal site). Sydney Water has advised that it will not be disposing or rezoning any of its land holding. In addition, the removal of this built form envisaged by the Masterplan will result in direct views to the Warriewood Sewage Treatment Plant to the north from proposed 4 and 5 storey buildings.
- C) The Masterplan envisages a connection to Vuko Place, which requires use of land owned by Sydney Water. Furthermore, Council has advised that the formation of a new road connection between Boondah Road and Vuko Place is not supported as it would result in unacceptable adverse traffic and pedestrian safety and amenity impacts on Vuko Place as a result of increased traffic volumes.
- D) The Masterplan envisages alternative land uses on Lot 100 DP 1095913, being land owned by Council and presently used for Council's Operations Depot. The Masterplan identifies two uses of this land, including a new building component in the north of the lot, and an expanded area of public open space in the south of the site. Notwithstanding the land and financial requirements for Council to relocate these operations, the site is presently classified as operational land under the *Local Government Act 1993*. Furthermore, Council's Property Team does not agree with the use of Council's land for the benefit of the Planning Proposal, particularly the required relocation of Council's Depot.

The Planning Proposal and Masterplan do not identify any means through which:

- a. Council's Depot facilities will be relocated;
  - b. What land will be used for a replacement Council Operations Depot;
  - c. How the relocation will be funded (Council has advised it would have to be at no cost to Council); or
  - d. The potential need to reclassify Council's Depot land under the *Local Government Act 1993*.
- E) The areas identified are not directly impacted by works envisaged by the Masterplan, however the demand for public open space and recreational areas in the area will increase as a result of the proposed mixed use developments. Council has advised that the Warriewood Valley is presently under-supplied for public open space and recreational lands by some 4.6ha. On the basis of 330-350 new dwellings and 924-980 new residents (at a rate of 2.8 persons/dwelling), the demand/deficit for public open space and recreational lands within Warriewood Valley would increase by 2.77ha to 6.8ha.
- The Planning Proposal represents a net loss in the supply of public open space and recreational areas, further compounded with an increase in demand for such areas, the scope of which was not envisaged within the Section 94 Contributions Plan for Warriewood Valley. In this regard, the proposal raises obligations on Council for the acquisition of new public open space and recreational areas elsewhere within the Pittwater LGA and risks failure in meeting the public open space requirements of all residents of the Warriewood Valley.
- F) Lot 1 DP 574339 is owned by Sydney Water and contains pumping station infrastructure which is operated in connection with the Sewerage Treatment Plant to the north. The Masterplan envisages use of this land to accommodate built form and provides no separation between this land and adjoining mixed use development. Further, the Planning Proposal identifies Lot 1 DP 574339 as land to be rezoned to B4



Mixed Use. Sydney Water has advised that it “does not support the rezoning of this land given the ongoing requirement for operational use. The current zoning appropriately accommodates the uses of the site.”

Notwithstanding the level change between the existing ground level (between RL 2.0 and 2.5) and the proposed ground floor level of the adjoining mixed use development (at RL 4.5), the Masterplan does not identify land to which the Sydney Water infrastructure may be relocated, as surrounding land is all utilised for the purpose of either mixed use development or public open space/recreational areas. Therefore the relocation of this Sydney Water infrastructure will impact further upon other land. The cumulative impacts of the use of Lot 1 DP 574339 are relevant to the viability of the preferred Masterplan option.

- G) Lot 2 DP 574339 is owned by Council and presently forms part of Boondah Reserve. The Masterplan envisages a new connection of Boondah Road through Council's public reserve from west to east, adjoining with the existing road carriageway to the east. The northern portion of Lot 2 DP 574339 adjoining the new Boondah Road connection is included within the central building plate and will encompass works for flood storage, car parking and potentially commercial and/or residential development.

Council has advised that no reduction to existing public open space and recreational areas will be accepted without replacement or an increase in the provision of such areas elsewhere in the Warriewood Valley. This includes Boondah Reserve.

- H) The preferred Masterplan option envisages relocating the biodiversity corridor from the existing location on Lot 9 DP 806132 to Lot 7072 DP 39778. The proposed biodiversity corridor would comprise up to half of Boondah Reserve in order to provide the appropriate biodiversity corridor required to offset the new Boondah Road connection through Lot 7072 DP 39778. Council has advised that no reduction to existing public open space including active recreational areas (eg. sports fields) will be accepted without replacement or an increase in such areas elsewhere in the Warriewood Valley.
- I) A direct consequence of the Planning Proposal will be level differences between land adjacent to the proposed B4 zone and adjoining land (e.g. Sydney Water and Council owned land adjacent to Boondah Road). The road construction could require batters and landscape edge treatments (as illustrated in **Figure 13**) that would need to be constructed on land not within the site boundaries of the Planning Proposal.
- J) The preferred Masterplan relies upon the edge of Warriewood Square shopping centre to activate the new north-south road with retail and commercial space (relocated Boondah Road) and to create connectivity between the new town centre and Warriewood Square.

A number of the external effects are directly related to the Planning Proposal including:

- Landscape edge treatments or batters to elevated roads.
- Works to the Sydney Water pumping station.
- Redevelopment of the eastern edge of the Warriewood Square shopping centre site.
- Reconstruction and regrading of the existing Boondah Road to tie in with the lifting of Boondah Road within the site boundaries of the Planning Proposal.
- The reliance upon the creation of a biodiversity corridor on Council's existing public reserves to compensate for the removal of vegetation (including EEC) in the land to be rezoned.
- Ownership of the roads raised to 4.5m AHD. If these roads are suspended with flood storage underneath, then they will have very different construction

requirements and maintenance costs compared to conventional at grade roads. The question of ownership and responsibility for maintenance costs is not addressed. The costs of maintenance should be investigated to ensure that the Planning Proposal does not increase government spending otherwise it would be inconsistent with the Section 117 Direction 4.3 – Flood Prone Land.

Other external effects are a consequence of the preferred Masterplan including:

- The proposed connection to Vuko Place over Sydney Water land.
- The partial closure of Boondah Road.
- Reconfiguration of the playing fields in the existing Boondah public reserve.
- Relocation of the community facilities on Jackson Road and Boondah Road to realise the reconfiguration of the playing fields.
- The creation of a new biodiversity corridor on Council's land.
- Reuse of Council's Depot site for community facilities.

This analysis further highlights the need to undertake the Planning Proposal process for the whole of the Southern Buffer, including Warriewood Square shopping centre (refer **Section 9.7**) and that such a process should involve consultation with all affected land owners to inform a Masterplan and future zoning of this southern part of the Warriewood Valley.

#### **External Considerations and Consultation Conclusion**

- Insufficient consultation with adjoining land owners has been undertaken.
- Advice from adjoining land owners would have directed the Masterplan in the preliminary design stage and accordingly the Planning Proposal and Masterplan do not adequately represent the interests of all affected land owners.
- Future master planning of the Southern Buffer (including Warriewood Square shopping centre) should be undertaken in a holistic manner and incorporate the interests of all land owners to achieve an optimum and feasible development scheme which is capable of implementation.

## 10 Proposed Draft Pittwater LEP Provisions

The SJB Planning Proposal report summarises the intended amendments to the Draft Pittwater LEP as follows:

- Amend the land zoning map to show the site as B4 Mixed Use (refer Attachment 1 of Planning Proposal);
- Amend the Height of Building Map to impose heights ranging from 10.0m to 24.0m over the Site (Attachment 2 of Planning Proposal);
- Delete the Site from the minimum lot size map, removing any restriction on the minimum lot size control; and
- Include a provision that permits “residential accommodation” (i.e. ground floor residential uses) on sites A and C.

SJB also states that there are no other provisions that are required to be amended.

### 10.1.1 Zoning

In relation to the proposed zoning amendments to the draft Pittwater LEP, this Assessment has concluded that the Planning Proposal should not proceed. Notwithstanding that conclusion the following additional comments are made in relation to the appropriateness of the proposed zones for certain parcels of land:

- The Planning Proposal proposes that Sites A and C not only be zoned B4 – Mixed Use, but the LEP amendment also contain a clause to permit “*residential accommodation*” on those sites. The Masterplan does not envisage mixed use development on Site A therefore that approach is not necessary. It is also questioned why such a provision is required for Site C. It might be to permit ground level apartments which can be interpreted as not being permissible under the Standard Instrument LEP definition of “*shop-top housing*”.
- The use of the B4 zone on No. 12 Boondah Road is inconsistent with Travers’ ecological report recommendation to create a 45m ecological corridor as a compensatory measure for the B4 zone proposed over other proposed ecological corridors including EEC. Whilst an alternate zone could be applied (eg. E3 – Environmental Management), this land has fewer constraints and adjoins residential flat buildings currently under construction by Meriton.
- No. 6 Jackson Road (Lot 9, DP806132) is, in part, proposed to be rezoned to B4 to permit a new north-south road. The potential for a new road in this location (which will be the main access road to the Site and through to MacPherson Street) is in conflict with the adjacent roundabout serving Warriewood Square shopping centre. In addition, in the absence of any demonstrated positive ecological outcomes being achieved for the Site, this land should not be rezoned to permit residential development as proposed.

### 10.1.2 Shop Top Housing

The Standard Instrument LEP definition of shop top housing is as follows:

*shop top housing means one or more dwellings located above ground floor retail premises or business premises.*

This Assessment has identified a potential legal conflict between this definition and the form of mixed use residential accommodation proposed above the retail/commercial components of the proposed development.

The complication arises from the built form envisaged by the Masterplan, which at the existing ground level proposes a basement level of parking, then a retail/commercial level above at a raised ‘upper ground floor level’ situated suspended slab above the PMF level of AHD 4.5m, and then with residential units above.

The form of mixed use development envisaged by the Masterplan may fail the test of “*one or more dwellings located above ground floor retail premises or business premises*” on the basis of the meaning of the term “ground floor” within the definition.

It is recommended that should any mixed use development above a suspended slab be pursued that legal advice be obtained to determine whether the residential component of such a development would meet the definition of “*shop top housing*”.

### **10.1.3 Height of Building**

The Planning Proposal contains a Height of Building Map. The building heights are measured from the PMF level of AHD 4.5m. This approach to measuring building height is inconsistent with the Standard Instrument LEP which requires building height to be measured from ground level (existing). If a Planning Proposal is to proceed, the height will need to be increased accordingly. The use of the 4.5m AHD PMF is also inconsistent with PMF of 4.9m adopted by in the Narrabeen Lagoon Flood Study (WBM BMT, 2013a).

### **10.1.4 Minimum Lot Size**

Minimum lot sizes for redevelopment of the land would be warranted to ensure that it coincides or relates to possible staging of redevelopment. Due to the suspended floors and roads, the works would need to be undertaken on a larger scale so as to manage the flood constraints and therefore various lot sizes may be required to be pursued.

### **10.1.5 Additional Permitted Use**

The Planning Proposal requests the additional permitted use of “*residential accommodation*” to be included for Lot 3 DP 26902 and Lot 2 DP 552465 under Schedule 1 of the Draft Pittwater LEP, in order to accommodate alternative residential built form on those parcels of land.

However, by incorporating *residential accommodation* as an additional permitted use in the B4 Mixed Use Zone for these two allotments, this would enable a development application to be submitted to Council on either of these allotments for a proposed residential flat building with no retail or commercial component, rather than shop-top housing being provided with an active retail and commercial street frontage as envisaged in the Masterplan. The additional permitted use within the B4 Zone would not provide any certainty in regard to the built form outcome on that land. If residential accommodation is the preferred building outcome then a Residential Zone may be more appropriate.

### **10.1.6 Other Provisions**

The SJB Planning Proposal report states that no other provisions of the LEP are required to be amended. Having regard to the Assessment undertaken at **Section 9**, the following matters should also be incorporated into the LEP amendments if the Planning Proposal is to proceed:

3. Preparation of a Floor Space Ratio Map. The Planning Proposal as lodged is based upon a quantum of retail and/or commercial and residential floor space as a means to assess impacts. If the only control is height of building, then the potential GFA could increase. A FSR Map should be prepared that reflects the Height of Building Map.
4. The LEP should contain a provision that requires a DCP to be adopted by Council before consent could be granted for any proposed development on land within the site. The DCP would need to include specific controls for the site to address such matters as flooding constraints including emergency access, ecological constraints, bushfire constraints, street layout, staging, built form controls such as massing controls and setbacks, landscape treatment, pedestrian and cycle connectivity, stormwater quality, and open public space and recreation areas.

## 11 Responses Received During Non-Statutory Notification Period

Pittwater Council placed the Planning Proposal on a period of non-statutory notification from 7 January 2014 to 2 February 2014, being a total of 26 calendar days. Separate to this, Pittwater Council has also sought comments from external government authorities/agencies.

A summary of all submissions received by Council in regard to the Planning Proposal is provided at **Appendix H**. Matters specific to external referrals and public submissions are discussed further below.

### 11.1 External Referrals

Comment was sought from a number of external authorities and agencies. A total of seven (7) submissions were received from the following authorities/agencies:

- Ausgrid;
- NSW Office of Environment & Heritage;
- NSW Police Force;
- NSW Roads and Maritime Services;
- NSW Rural Fire Service; and
- Sydney Water.

Only one objection from an external referral was received, being Sydney Water objecting to the use or future development of Sydney Water owned land adjoining the Site. The remainder of the external referrals identified no objection to the Planning Proposal and outlined assessments required to be undertaken at a later stage of the development. Roads and Maritime Service advised that while no objection is made, the Transport Assessment report does not adequately address the traffic impacts of the proposed Masterplan, and that further traffic analysis is required.

### 11.2 Public Submissions

Pittwater Council received a total of 24 public submissions from 22 parties, including the following:

- Federation Centres c/- McKenzie Group Consulting;
- Warringah Mall co-owners c/- Urbis; and
- Warriewood Residents Association.

A summary and response to all matters raised by each public submission is provided at **Appendix H**.

Of the 24 public submissions received by Council, 1 was in support of the Planning Proposal application and 23 were in objection to the application. A number of public submissions noted there is general support for a mixed use town centre within the Southern Buffer, however significant concerns remain outstanding before a town centre can be accommodated within the Southern Buffer.

Of the 23 public submissions in objection to the proposal, a total of 20 separate objection issues were raised. **Figure 15** details which objection issues were raised the most in the 23 public submissions.

**Assessment of Planning Proposal**

6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood

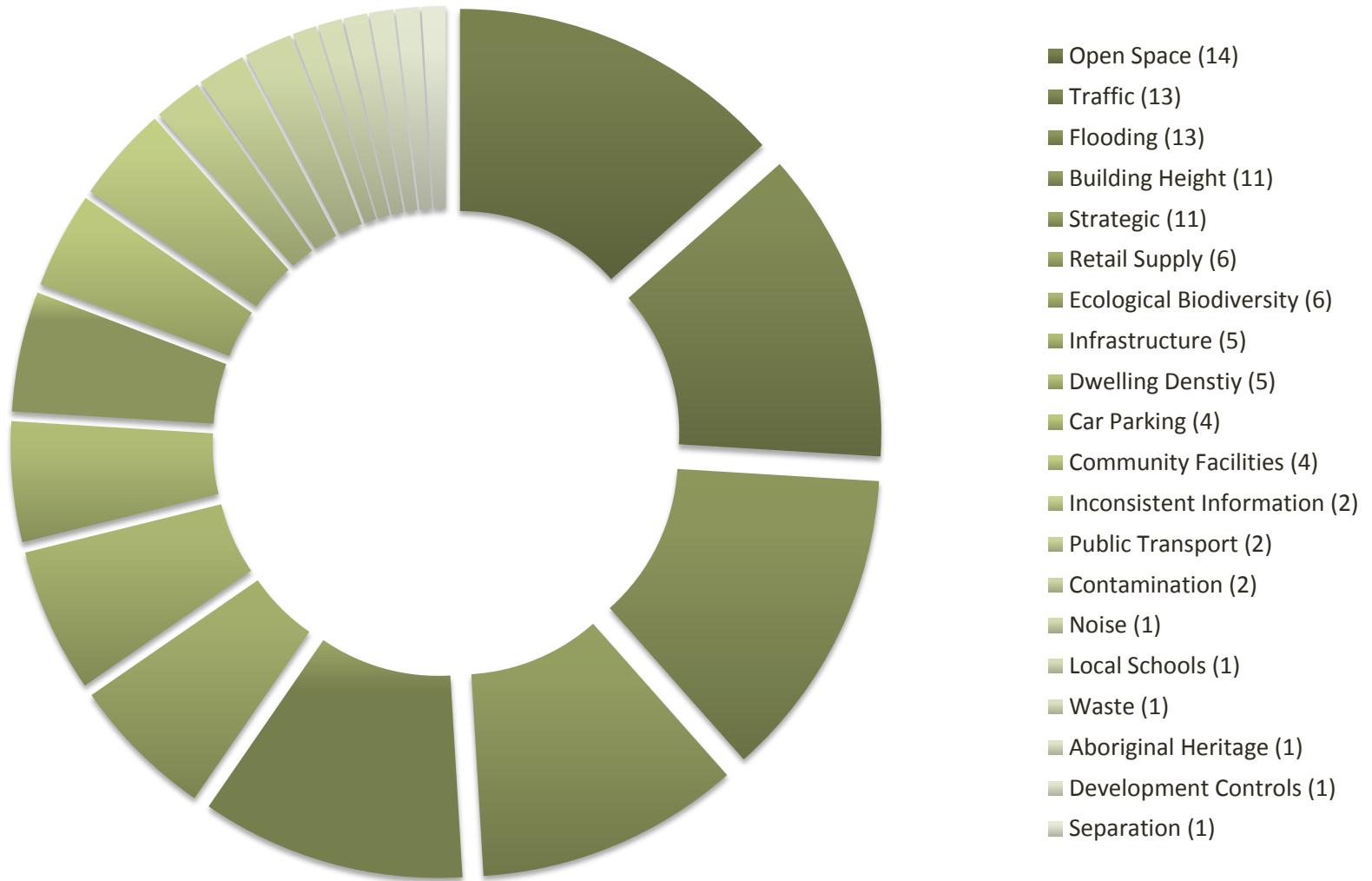


Figure 15 Public Submissions: Total Number of Collective Issues Raised for Each Theme

## 12 Planning Assessment

### Section 5: The Objects of the Act

The Objects of the EP&A Act 1979 are set out under Section 5 and are relevant to the Assessment of the Planning Proposal as they set the clear guidelines for what development (including a Planning Proposal) is to achieve. This Assessment has found that the Planning Proposal is not consistent with the Objects of the Act, which are addressed as follows:

- (a) **to encourage:**
  - (i) ***the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,***

Components of the Masterplan supporting the Planning Proposal are not acceptable on the basis of ecological impacts, and the proposed rezoning of land containing EECs to a B4 Mixed Use zone does not promote the proper management of conservation of natural areas and forests (refer **Section 9.2**). The Planning Proposal seeks to manage the constraints of the site however these management techniques are not acceptable (including flooding, built form and traffic impacts) and therefore the development would not promote the social and economic welfare of the community and a better environment.

- (ii) ***the promotion and co-ordination of the orderly and economic use and development of land,***

The Planning Proposal responds to the strategic direction of the Warriewood Valley Strategic Review through the preparation of a Planning Proposal supported by specialist Consultant studies and a Masterplan. The core concepts of the Planning Proposal, including mixed use development, retail floor area (with anchor tenancies such as a supermarket and DDS), commercial floor area, residential units and community facilities are all components of a successful vibrant town centre.

However in order to promote and coordinate the orderly and economic use and development of land, the key elements of the Planning Proposal for land within the Southern Buffer must be delivered such that they achieve a balance between strategic suitability, environmental constraints, economic capacity and viability, the provision of public infrastructure and services, community expectations, cumulative impacts, and acceptable built form outcomes.

This Assessment has found that a balance between these key elements has not been achieved and thus the proposal does not represent the acceptable promotion and coordination of the orderly and economic use and development of land due to the piecemeal approach to master planning.

The “*orderly and economic use and development of land*” will require a holistic approach to master planning which includes all land and land owners within the Southern Buffer and extends to also include Warriewood Square shopping centre (having regard to relevant strategic planning objectives). A holistic approach will ensure that land is developed in an orderly (i.e. incorporating all land owners) and economic (i.e. to meet the economic needs of the local community) manner.

**(iii) the protection, provision and co-ordination of communication and utility services,**

The provision of infrastructure including communication and utility services is a consideration that should be further investigated if the Planning Proposal is to proceed to a Gateway determination.

Federation Centres of (Warriewood Square shopping centre) made a submission during the notification period which was supported by letters of advice prepared by Hyder Consulting, which identified that the Planning Proposal fails to adequately address the expectations of the existing and forecasted community in regard to services and infrastructure, as existing water supply lines will be compromised as a result of additional demands. Further investigation of this matter is warranted.

**(iv) the provision of land for public purposes,**

The Masterplan supporting the Planning Proposal does not propose to dedicate land for public purposes, but rather assumes the provision of adjoining public land to meet public purposes and further will result in a net reduction in the provision of public open space and recreation reserves. The preferred Masterplan nominates two (2) rooftop landscaped areas, however Council has advised that as these areas are internal to a mixed use development they cannot be relied upon to provide any compensatory or replacement public open space, or land of any ecological value.

Further, the Planning Proposal would impact upon public land utilised for Sydney Water and Council services, and does not adequately address how or where land will be provided to accommodate these public services.

In this regard the Planning Proposal fails to adequately provide or accommodate for land for public purposes and it would have a net adverse impact on the provision of and demand for public open space land in the immediate surrounds.

**(v) the provision and co-ordination of community services and facilities, and**

The Masterplan supporting the Planning Proposal appears to propose alternative uses for surrounding community services and facilities (including the Council Services Depot at 1 Boondah Road and community facilities along Jacksons Road) to provide additional land for public open space and recreational facilities. This has been proposed without consultation with or agreement from Council or the Department of Lands.

The Masterplan envisages 1,537m<sup>2</sup> of floor area to be provided for community facilities (presumed to be multi-purpose areas to replace the community facilities along Jacksons Road). However the Masterplan and Planning Proposal do not identify new arrangements for Council's Services Depot, which would need to be relocated in its entirety.

In this regard the Planning Proposal fails to adequately provide for or coordinate community services and facilities, as Council's Services Depot would require relocation.

**(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and**

The Southern Buffer comprises a number of high value biodiversity characteristics which warrant protection and conservation or at least, relocation or augmentation, as detailed in the Ecological Constraints Analysis report prepared by Travers Bushfire and Ecology (refer **Section 9.2**). The Travers report recommends three corridor options which seek to connect areas of high biodiversity value through the use of appropriate biodiversity corridors.



The Masterplan envisages a number of built form components which impact upon the ecological biodiversity of the Site and surrounding land, including relocating Boondah Road, constructing a new road link between Boondah Road and Vuko Place, and erection of a residential flat building on 12 Boondah Road (Lot 3 DP 26902). The Masterplan fails to accommodate any of the biodiversity corridor options recommended in the Travers Ecological Constraints Analysis report. As a result, a number of these built form components are not acceptable on the grounds of adverse ecological impacts.

Additional impacts of cut, fill and road battering upon areas of ecological significance (particularly on land adjoining the Warriewood Wetlands) has not been taken into consideration. Further, the whole of the Site is proposed to be zoned B4 Mixed Use, which would provide no certainty in the protection and ongoing conservation of significant ecological biodiversity land within and adjoining the Site.

Having regard to the above, the Planning Proposal fails to provide adequate protection of the environment, including EECs as identified by Travers Bushfire and Ecology Analysis report.

***(vii) ecologically sustainable development, and***

Ecologically sustainable development requires the Planning Proposal to consider whether the proposed scope of building works would allow for sustainable conservation of areas of ecological significance such that the condition of that land is of equal or greater value for future generations.

As discussed above and at **Section 9.2**, components of the Planning Proposal are not supported on the basis of significant adverse ecological impacts. In this regard, the Planning Proposal would fail to encourage ecological sustainable development.

***(viii) the provision and maintenance of affordable housing, and***

The Planning Proposal would result in up to 330-350 residential units within the proposed town centre development. The design, layout and residential unit types which would be realised in the residential floor area would be the subject of a separate Development Application, where the provision and maintenance of affordable housing would be determined. A site specific DCP could also contain such a provision.

The Planning Proposal provides opportunities for additional affordable housing within the Warriewood Valley.

***(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and***

The Planning Proposal would not be inconsistent with this Objective, as the approval of the Planning Proposal would only be achieved through the sharing of responsibilities between Council and the DoPI.

***(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.***

As discussed at **Section 9.8**, the Planning Proposal does not provide any indication that the Proponents have undertaken consultation with adjoining land owners as a component of the preliminary Masterplan design process. This Assessment has found several issues which may prevent a number of components of the preferred Masterplan from being realised.

Notwithstanding, as this is a Pre-Gateway Assessment of the Planning Proposal, additional opportunities for public involvement and participation in the assessment

of the Planning Proposal will be provided throughout the Gateway determination process, should it proceed down that pathway.

Having regard to future master planning of the Southern Buffer, this Assessment has found that the rezoning of the Southern Buffer should be undertaken in a holistic manner whereby all land and land owners within the Southern Buffer are included in the rezoning process, including Warriewood Square shopping centre.

### **Section 55: Justification of Proposed Instrument**

The matters set out under Section 55 of the EP&A Act 1979 have been addressed within the body of the Planning Proposal and in this Assessment. An assessment of the relevant Ministerial Directions under Section 117 of the Act has been provided at **Appendix I**.

Further assessment of the matters outlined in *A Guide to Preparing Local Environmental Plans* is provided below.

#### **5.1 Does the proposal have strategic merit?**

##### **5.1.1 Is the proposal consistent with a relevant local strategy endorsed by the Director General?**

The Director General has endorsed the Warriewood Valley Strategic Review Report 2012 (see **Section 8.7**), which nominated residential densities, building heights and development objectives for the Warriewood Valley and included a draft Concept Plan for the Southern Buffer which was not pursued due to community opposition.

The Planning Proposal is consistent with the Warriewood Valley Strategic Review to the extent that it is supported by a Masterplan study and specialist consultants advice which address the constraints of the land.

However, the Masterplan which supports the Planning Proposal envisages a mixed use development including buildings up to 7 storeys in height, 330-350 residential units (resulting in a dwelling density of 56-59 dwellings per developable hectare), 7,737m<sup>2</sup> GFA of commercial floorspace, 23,427m<sup>2</sup> GFA of retail floorspace (including a full-line supermarket and DDS) and 2,053 car parking spaces.

The scale of the mixed use development envisaged by the Masterplan exceeds that assessed under the Warriewood Valley Strategic Review (with the exception of the quantum of retail floor space), including building heights (maximum 10.5m) and dwelling density (maximum 32 dwellings per developable hectare). Therefore all impacts relating to the Masterplan for the proposed Town Centre have not been envisaged and accommodated by the endorsed local strategy.

In this regard, the Planning Proposal is consistent with the intentions of the Warriewood Valley Strategic Review for the Southern Buffer to accommodate a new Town Centre, however the proposed development of a new town centre envisaged by the Masterplan is not appropriate having regard to a number of constraints including flooding, traffic, ecological, land ownership and other constraints.

##### **5.1.2 Is the proposal consistent with the relevant regional strategic or Metropolitan Plan?**

The assessment of strategic context (refer **Section 8**) found that the Planning Proposal is generally consistent with the aims and objectives of the subregional and Sydney Metropolitan strategies as the Proposal would provide new dwellings and employment opportunities which contribute towards the housing and employment targets envisaged by these strategies.

In regard to the Draft North East Subregional Strategy, the Planning Proposal is consistent with the envisaged evolution of Warriewood Square (being a “*stand alone shopping centre*”) into a town centre, however the preferred Masterplan does not

achieve an integrated town centre provided the key elements of the Masterplan are implemented otherwise there could be two “stand alone” shopping centres”.

**5.1.3 Can the proposal otherwise demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the site and other strategic considerations?**

The Planning Proposal is inconsistent with Section 117 Direction 4.3 Flood Prone Land (refer **Appendix I**). Further, the Masterplan supporting the Planning Proposal does not achieve the strategic objectives of the Draft North East Subregional Plan, SHOROC Employment Lands Study, Pittwater Local Planning Strategy and Warriewood Valley Strategic Review Report 2012 in regard to the expansion of Warriewood Square to provide a new town centre as it would not result in sufficient connection with Warriewood Square shopping centre and therefore result in two “stand alone shopping centres”.

**5.2 Does the proposal have site-specific merit and is it compatible with the surrounding land uses?**

**5.2.1 Is the proposal compatible with the natural environment (including known significant environmental values, resources or hazards)?**

Flooding

The Masterplan supporting the Planning Proposal adopts a suspended floor construction format to raise the ‘ground floor’ of the proposed new Town Centre above the PMF level, providing car parking in the basement/flood storage level below.

The assessment of flooding impacts and implications of the Planning Proposal was assessed at **Section 9.1** of this including flood storage implications, exposure to risk, evacuation issues, resultant built form, and cut and fill implications. The approach to managing this flooding constraint has other implications including adverse ecological outcomes and adverse impacts upon adjoining land.

Ecological Biodiversity

The Masterplan supporting the Planning Proposal was informed by an Ecological Constraints Analysis report prepared by Travers Bushfire and Ecology which recommended three (3) options for the conservation of biodiversity values in the Southern Buffer which is discussed at **Section 9.2** of this report. None of the options presented in the Ecological Constraints Analysis report appear to have been incorporated into the Masterplan.

The Masterplan recognises that the ecological attributes of the existing EEC vegetation need to be balanced with the benefits of creating a new north/south road (i.e. relocated Boondah Road). However the potential environmental impacts are more than just the location of the relocated Boondah Road, it is also the location of Site E for commercial development, creation of a new biodiversity corridor over existing cleared land and the batters and landscaping treatment associated with the construction of the relocated Boondah Road above PMF levels.

**5.2.2 Is the proposal compatible with the existing uses, approved uses and likely future uses of land in the vicinity of the proposal?**

Urban Design

The Masterplan supporting the Planning Proposal envisages integration of the new town centre with Warriewood Square shopping centre, and removes flooding as a constraint by the use of a suspended floor level. These matters are separate and have been addressed in detail at **Section 9.7** of this report.

In regard to compatibility with existing uses adjoining the site, the Planning Proposal seeks to integrate the development with Warriewood Square shopping centre, an

objective complicated by the recent DA consent for the expansion of Warriewood Square which does not envisage such a connection. There are a number of constraints to the preferred Masterplan option which would inhibit the desired objective to integrate the two retail/commercial centres, as discussed throughout the body of this Assessment. As a result, the Masterplan can be classified as an 'out-of-centre' development which duplicates to a large extent Warriewood Square shopping centre.

In regard to the built form envisaged by the Masterplan, the suspended floor level requires a number of urban design outcomes which present challenges, including the quantum of lineal retail floor space, connectivity with public open space areas, visual exposure to Pittwater Road, raised sections of Boondah Road, creation of competing retail/commercial centres, and viability of the main street. The majority of the issues relating to the urban design outcome of the development also relate to other constraints such as flooding, ecology, open space, bushfire and the like.

It has been recommended that a collaborative holistic approach be undertaken to developing the whole of the Southern Buffer, including Warriewood Square.

#### Public Open Space and Recreation Land

The Planning Proposal incorporates mixed use development on land which has been identified by Council as crucial to meeting the public open space and recreation land needs of the Warriewood Valley (refer **Section 9.6**). The Masterplan supporting the Planning Proposal would result in a net reduction in the availability of public open space areas within the Warriewood Valley, including a direct reduction to Boondah Reserve and Jacksons Road Reserve an increase in demand for additional public open space areas that is not contemplated in the Section 94 Plan.

Further consideration must be given to the appropriate location open space and recreation land areas within the Warriewood Valley, having regard to the limited availability of land suitable particularly for sports fields etc. and cost efficient to meet the growing public open space needs of the Pittwater LGA population.

#### **5.2.3 Is the proposal compatible with the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?**

The Planning Proposal will require the provision of improved and new infrastructure to the locality including raised and relocated roads, relocation of Council and Sydney Water land and infrastructure services, upgrades to traffic intersections (particularly the intersection of Jacksons Road and Pittwater Road), and potential upgrades to surrounding roads including to provide adequate flood evacuation routes.

In addition to these considerations, a public submission supported by service infrastructure advice from Hyder Consulting Pty Ltd notes that the Planning Proposal may have a detrimental effect to the existing water supply and reticulation system, noting that further assessment of both Council and Sydney Water facilities should be undertaken.

## 12.1 State Environmental Planning Policies

Table 7 provides an assessment of the Planning Proposal's consistency with relevant State Environmental Planning Policies (SEPPs).

Table 7 Consistency with Applicable State Environmental Planning Policies		
Planning Policy	Response	Consistency
<p><b>SEPP No. 55 Remediation of Land</b></p> <p>Council and the DoPI are required under SEPP 55 to consider if the land to which this Planning Proposal is contaminated and if so, whether the land is suitable for the intended use or can readily be made suitable prior to that use commencing.</p>	<p>The Site is known to have a potential for contamination and therefore an Environmental Site Investigation will be required should the Planning Proposal proceed to a Gateway determination, pursuant to Clause 6 of SEPP 55.</p>	Consistent
<p><b>SEPP (Infrastructure) 2007</b></p> <p>Clause 104 relates to assessment of traffic impacts of certain types of development, such as development with car parking supply in excess of 200 vehicles.</p>	<p>The Masterplan supporting the Planning Proposal envisages a range of mixed use developments on the land including 330-350 dwellings, 7,737m<sup>2</sup> GFA of commercial floor space, 23,427m<sup>2</sup> GFA of retail floor space and parking for 2,053 vehicles.</p> <p>Should the Planning Proposal proceed to a Gateway determination, the application may be required to be referred to NSW Roads and Maritime Services having regard to the scale of traffic generation envisaged by the Masterplan.</p>	Consistent

Accordingly, the Planning Proposal is considered to be generally consistent with the relevant applicable SEPPs, provided relevant studies and referrals are undertaken pursuant to a Gateway determination.

## 13 Other Assessment Considerations

### 13.1 Public Equity

A fundamental principle for planning of the Warriewood Valley Urban Land Release Area has been that of equity, ensuring fairness in the planning process and an equitable distribution of funding provision for infrastructure and services generated by the land release development.

Since the mid-1990s public equity has been achieved through the implementation of an appropriate and coordinated planning process, communicated through the strategic planning documents for the Warriewood Valley release including the background suite of studies that have informed these documents. Therefore an assessment of public equity is relevant to the Planning Proposal.

Matters which are relevant to the assessment of public equity include direct and indirect impacts of the Planning Proposal, as summarised below:

- Consistency with strategic objectives for the development of the Southern Buffer;
- Management of flooding risk, evacuation, mitigation and storage;
- Compatibility with natural environment;
- Impacts and improvements on road networks;
- Impacts upon surrounding retail/commercial centres;
- Provision of public open space and recreation areas; and
- Impacts upon adjoining land and intentions of adjoining land owners.

Having regard to the assessment undertaken at **Section 9**, the Planning Proposal and Masterplan do not achieve a sufficient level of public equity. Further, the Planning Proposal relates only to private land but has significant physical and social impacts (access to private land, urban design and public open space) to other land within the Southern Buffer. It will be challenging to achieve equity for all stakeholders without sufficient consultation and consideration of all land owner/stakeholder interests.

In this regard it is recommended that a more holistic approach to the master planning of the Southern Buffer should be undertaken which incorporates all land and land owners within the Southern Buffer, including Warriewood Square shopping centre. Such an approach would ensure that equity is achieved.

### 13.2 Net Community Benefit

A key component in the assessment of potential impacts of a Planning Proposal is that of what net community benefit is being provided, and how this warrants any relevant departures from relevant planning strategies planning controls and the local community's expectations for the land. Further, such an assessment is required for spot rezonings under Section 117 Ministerial Direction 3.4 Integrating Land Use and Transport and *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001).

Matters which are relevant in the assessment of the net community benefit of the Planning Proposal include direct and indirect impacts of the Planning Proposal, as summarised below:

- Balance of environmental impacts against economic gains;
- Suitability of the land to accommodate the proposed built form, including flooding and ecological impacts;
- Visual impacts of proposed built form, including building heights and housing density;

- Demand for retail floor space and capacity to accommodate additional retail floor space;
- Improvements and/or impacts on surrounding road networks;
- Provision of public open space and recreation areas to meet demand within the Warriewood Valley; and
- Impacts on development capability of land adjoining the rezoned land.

Having regard to the assessment undertaken at **Section 9**, the Planning Proposal and Masterplan do not achieve a net community benefit in the format proposed. Some of the principles of the preferred Masterplan can be applied within the Southern Buffer, however there are a range of impacts and considerations which need to be addressed before a net community benefit is achieved.

In this regard it is recommended that a more holistic approach to the master planning of the Southern Buffer be undertaken which incorporates all land and land owners within the Southern Buffer, including Warriewood Square shopping centre. Such an approach would ensure that a balanced assessment of the net community benefit is achieved for the whole of the Southern Buffer and including Warriewood Square.

### 13.3 Community Expectations

The vision for Warriewood Valley was originally expressed in the original planning framework for Warriewood Valley, the Warriewood Valley Urban Land Release Draft Planning Framework 1997, and continues through to the LEP, DCP and the most recent revision to the planning framework for the Valley, the Warriewood Valley Strategic Review Report 2012 (refer **Section 3**). The desired future character statement for Warriewood Valley, as outlined in Section A4.16 of Pittwater 21 DCP, envisages that:

*“The Warriewood Valley Land Release Area will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.*

*The Warriewood Valley Release Area will be developed into a desirable urban community in accordance with the adopted planning strategy for Warriewood Valley, and will include a mix of low to medium density housing, industrial/commercial development and open space and community services.*

*Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport. Future development will maintain a height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development will be designed to be safe from hazards.”*

The local community expectations for the desired future character of the Warriewood Valley have been formed over some 25 years and are now under the Warriewood Valley Strategic Review Report 2012, being jointly prepared and endorsed by Council and the DoPI. The local community has played a key role in the strategic planning of the Warriewood Valley and have provided input into the desired future character of the Valley throughout this strategic planning process.

In this regard, the vision for the Warriewood Valley provides a clear indication of the local community expectations for the Warriewood Valley (including the Southern Buffer) and accordingly must be taken into consideration as part of a Planning Proposal within the Warriewood Valley.

Having regard to the medium to high density built form, building heights, impacts upon native vegetation including EEC's and reduction of public open space and recreation facilities (as discussed at **Section 9**), the Planning Proposal and supporting Masterplan do not meet the desired future character statement for the Warriewood Valley and including

the Southern Buffer. As discussed at **Section 11**, a number of public submissions received during the non-statutory notification period were in support of the concept of a new or expanded town centre in the Southern Buffer, however the majority of submissions found the Masterplan was not consistent with the desired future character of the locality.



## 14 Conclusion and Commentary

DFP has been commissioned by Pittwater Council to undertake an independent assessment of the Planning Proposal submitted to Council for the rezoning of land at 6 Jacksons Road and 3, 6, 8, 10 and 12 Boondah Road, Warriewood.

This Assessment Report and accompanying material has been prepared in accordance with Section 55 of the EP&A Act and relevant Departmental guidance, and has taken into consideration a comprehensive range of strategic studies which provide the relevant background to the Warriewood Valley Urban Land Release Area and more specifically, to land within the Southern Buffer.

### 14.1 Conclusion

This report concludes that the Planning Proposal should not be supported on the following grounds:

- While the Planning Proposal is consistent with regional and subregional planning and transport strategies, particularly in relation to the opportunities for providing housing and employment close to existing facilities or facilities that could be realised in the Masterplan, the proposal is not considered to be consistent with the Warriewood Valley Strategic Review which is a strategy endorsed by Council and DoPI;
- Further, the proposal is inconsistent with the concept of expanding Warriewood Square shopping centre to become a new town centre, or integrating a new town centre on adjoining land which has clear and direct linkages with Warriewood Square, as envisaged by a number of strategic documents;
- Is inconsistent with Section 117 Direction 4.3 – Flood Prone Land, with which the Planning Proposal is inconsistent on a number of key issues as outlined in **Appendix I** of this report;
- The approach to managing flooding constraints in order to justify an urban zone on the subject land is not supported as it has unacceptable implications including:
  - Risk to property and life by providing over 1000 car parking spaces in the flood storage area which is susceptible to a probability of flood inundation;
  - Insufficient accommodation of flood evacuation measures have been considered/proposed; and
  - Level changes between the Planning Proposal site and adjoining public domain areas (roads and public open space) resultant adverse urban design outcomes.
  - Level changes between an elevated Boondah Road and Sydney Water land.
- The ecological recommendations in the Travers Ecological Analysis report are not adopted in the Masterplan. All land is zoned B4 creating the expectation that EECs could be redeveloped and therefore no certainty is provided in the ongoing protection of the vegetation.
- The 45m corridor on Lot 3 DP 26902 recommended in the Travers (report as a compensatory measure for ecological corridors including EEC removed elsewhere) is proposed to be zoned B4 – Mixed Use and the Masterplan does not guarantee satisfactory ecological outcomes.
- The rezoning of No. 6 Jackson Road (Lot 9 DP 806132) to relocate Boondah Road is not supported on the basis of unacceptable ecological and traffic impacts, including a road design conflict with the roundabout serving Warriewood Square

shopping centre. Further, as no satisfactory ecological outcomes are achieved for this land, it should not be rezoned to permit the development as proposed.

- The vehicular connection to Vuko Place from Boondah Road is not supported on the basis of unacceptable ecological and traffic impacts, and as consent from Sydney Water as the land owner would be required (which has been refused). An alternative, less intensive option such as a pedestrian footpath or cycleway should be considered.
- The Planning Proposal also proposes that Sites A and C not only be zoned B4 - Mixed Use, but the LEP also contain a clause to permit "*residential accommodation*" on those sites. The Masterplan does not envisage mixed use development on Site A and therefore that approach is not necessary. If Site C contained such a provision it would allow residential development with ground level active retail frontage, contrary to the Masterplan. Therefore this component is not supported and alternative zones for these Sites should be investigated.
- An Economic Impact Assessment is required to determine potential impacts of the Planning Proposal on surrounding retail/commercial centres, and to determine the potential for oversupply of commercial floor space within Pittwater LGA.
- The Masterplan supporting the Planning Proposal will result in unacceptable adverse outcomes for public open space and recreation areas within the Southern Buffer, including:
  - A net reduction in the availability of public open space and recreational facilities resulting from direct (i.e. net reduction in playing field areas) and indirect (i.e. generating a significant increase in demand for public open space areas which cannot be provided) impacts upon the existing public open space and recreation land including Boondah Reserve and Jacksons Road Reserve;
  - Failure to provide or dedicate any suitable public open space areas which can be used for recreational purposes;
  - Removal of car parking facilities along Boondah Road without identifying replacement or compensatory car parking facilities;
  - Removal of strategically significant land from a precinct which presently suffers from an undersupply of public recreational open space and will be subject to a future increase in demand for these areas.
- The urban design outcomes of the Masterplan supporting the Planning Proposal are not supported having regard to the following:
  - Adequate connectivity between the Site and surrounding retail and commercial development is not achieved and therefore the concept of an 'expanded Warriewood Square' would not be realised, resulting in two competing "stand-alone" shopping centres; and
  - The extent of active retail street frontages proposed at the raised ground floor level presents a significant challenge upon which hinges the success and vibrancy of the proposed town centre. Further investigation of this potential outcome is required.
- Insufficient consultation with adjoining landowners has been undertaken to guide the Masterplan supporting the Planning Proposal, therefore the Planning Proposal does not adequately represent the interests of all affected land owners.

Accordingly, we recommend that Council does not endorse this Planning Proposal or forward it to the Minister for Gateway Approval.

## 14.2 Commentary on Master Planning Approach to Southern Buffer

This Assessment has found that the approach to the master-planning of the Southern Buffer should not be piecemeal, as any town centre concept within the precinct will be constrained/informed/guided by:

- Strategic suitability ;
- Environmental constraints;
- Economic capacity of the population;
- All land owners' interests and expectations;
- The provision of public infrastructure and services, specifically including the provision of public open space and recreation areas;
- Community expectations;
- Cumulative impacts within the Warriewood Valley and beyond, including traffic and flooding impacts; and
- Acceptable built form outcomes.

Having regard to the range of the above matters and implications they each have on the design of a suitable town centre which achieves public equity, provides a net community benefit and meets local community expectations for a new or expanded town centre, a holistic and coordinated strategic planning approach to the rezoning and master-planning of the Southern Buffer should be undertaken.

Such a holistic approach should incorporate all land and land owners. On the basis that a number of primary strategic reports envisage the expansion of Warriewood Square shopping centre, it would be sensible to expand the master planning approach to include Warriewood Square within the Southern Buffer.

This Assessment has found that clear and direct linkages between Warriewood Square shopping centre and adjoining land are likely to be hindered by a range of factors including environmental constraints, separation of spaces, difficulties in urban design outcomes which will foster active street connections, constraints upon local road networks, flooding constraints and various other matters. In this regard, alternative development options may need to be investigated such as the rezoning of Warriewood Square shopping centre to enable mixed use development thus containing the core of the town centre on the Warriewood Square site.

Further to the above, this Assessment has also found that insufficient consideration has been given to the findings of specialist consultant advice which guided the draft Concept Plan under the Warriewood Valley Strategic Review Report 2012. The findings of the specialist consultant reports should form a key consideration of any future Planning Proposal investigation. If these recommendations are discarded, sufficient justification for alternative recommendations should be provided.

These matters should all form part of a holistic, coordinated and balanced master planning approach to determine the most environmentally sound, economic and sustainable town centre outcome for the Warriewood Valley Southern Buffer.

## 15 Recommendation

1. That the Planning Proposal not be supported for referral to the Department of Planning and Infrastructure for Gateway determination for the following reasons:
  - a. It does not meet the strategic objectives of the Draft North East Subregional Plan, SHOROC Employment Lands Study, Pittwater Local Planning Strategy and Warriewood Valley Strategic Review Report 2012 through the expansion of Warriewood Square shopping centre to provide a new town centre;
  - b. It will result in unacceptable adverse outcomes for public open space and recreation areas within the Southern Buffer;
  - c. It is inconsistent with Section 117 Direction 4.3 Flood Prone Land;
  - d. The approach to managing flooding constraints to justify an urban zone on flood prone land is not supported;
  - e. It fails to retain and protect high value biodiversity land (including EECs) and provides insufficient justification for their removal or consideration of ecological recommendations;
  - f. It is unable to achieve connectivity between the Site and adjoining commercial areas (including relocated Boondah Road and Vuko Place connection) on the basis of unacceptable ecological and traffic impacts;
  - g. It does not address potential negative economic impacts upon surrounding retail centres, or address the potential oversupply of commercial floor space;
  - h. The urban design outcomes of the Masterplan are not supported; and
  - i. It does not adequately represent the interests of all affected land owners.
2. That any future Planning Proposal for land within the Southern Buffer should incorporate all of the land within the Southern Buffer and also incorporate the Warriewood Square shopping centre site.