

SUBJECT: Warriewood Valley Planning Proposals - PP0003/12, PP0004/13 & PP0005/13

Meeting: Sustainable Towns and Villages Committee

Date: 21 October 2013

STRATEGY: Land Use & Development

ACTION: To complete Warriewood Valley Strategic Review (2013/14 Action – completed)
To implement recommendations from the Warriewood Valley Strategic Review (2014/15 Action)

PURPOSE OF REPORT

- To inform Council of the outcome of the public exhibition of the Planning Proposals PP0003/13, PP0004/13 & PP0005/13 to amend the *Pittwater Local Environmental Plan 1993* consistent with the recently adopted *Warriewood Valley Strategic Review Report 2012* and Council's resolution of 12 June 2013.
- To seek Council's endorsement of the subject Planning Proposals (contained in **Attachments 8, 9 & 10**) to facilitate the proposed amendments to the *Pittwater Local Environmental Plan 1993*.

1.0 BACKGROUND

1.1 Adoption of Warriewood Valley Strategic Review Report 2012 and Resolution of 12 June 2013

- 1.1.1 The Warriewood Valley Strategic Review project (the Strategic Review) was commenced in May 2011 and was a joint undertaking between the Department of Planning & Infrastructure (the DP&I) and Council. The main premise of the Strategic Review was to investigate all undeveloped residential sectors in Warriewood Valley as to their potential to accommodate medium density housing.
- 1.1.2 Council at its meeting of 12 June 2013 unanimously endorsed the *Warriewood Valley Strategic Review Report 2012* as the planning framework for the undeveloped residential sectors of Warriewood Valley (Council's resolution is contained in **Attachment 1**).
- 1.1.3 The key recommendations of the adopted *Warriewood Valley Strategic Review 2012* were:
 - Residential development up to a density of 32 dwellings per developable hectare can be accommodated in Warriewood Valley (an increase from generally 25 dwellings per developable hectare under the previous *Warriewood Valley Planning Framework 2010*)
 - Residential developments 2 storeys at the primary street front and up to 3 storeys behind the street front are suitable for Warriewood Valley
 - Some sectors due to significant environmental constraints are unable to be developed within the medium density range (25 to 60 dwellings per developable hectare)
 - Developer contributions should be set at \$50,000 per lot/dwelling to ensure that the economic viability of the development is not undermined.

- 1.1.4 In adopting the *Warriewood Valley Strategic Review Report 2012*, the Council endorsed the progression of the following Planning Proposals to the DP&I for Gateway Determination:
- PP0003/13 – for rezoning of sectors recommended for an increase in density and with a PMF evacuation route
 - PP0004/13 – for rezoning of sectors recommended for an increase in density without a PMF evacuation route
- 1.1.5 While the *Warriewood Valley Strategic Review Report 2012* did not recommend rezoning/dwelling yield for all sectors in the release area due to significant environmental constraints, Council Officers recognised that there was likely to be potential for low density residential development on some of these sites. In a process undertaken separate to Strategic Review, an assessment of constraints and opportunities relevant to these sectors was carried out.
- 1.1.6 Following this process, Council Officers identified potential for low density residential development on Sectors 901D, 901E and 901G. For these sectors the Council officers' report of 12 June 2013 recommended rezoning and a maximum dwelling yield contingent upon development controls being incorporated into Pittwater 21 Development Control Plan (DCP) to facilitate suitable residential form and retention of significant vegetation.
- 1.1.7 Council's resolution of 12 June 2013 also endorsed the progression of Planning Proposal PP0005/13 for the rezoning of Sectors 901D, 901E and 901G to the DP&I for Gateway Determination.
- 1.1.8 The subject Planning Proposals seek to amend the provisions relating to Warriewood Valley in the current *Pittwater Local Environmental Plan 1993* (LEP 1993).

1.2 **Proposed amendments to *Pittwater 21 Development Control Plan***

- 1.2.1 Following the adoption of the *Warriewood Valley Strategic Review Report 2012* a review of the relevant sections of *Pittwater 21 Development Control Plan* (DCP) has been undertaken to ensure consistency with the outcomes of the Strategic Review.
- 1.2.2 A number of provisions of the DCP are proposed to be amended consistent with the Strategic Review's recommendations, to facilitate:
- Residential development up to 2 storeys at the primary street frontage and 3 storeys at the rear of the site
 - Access/road and pedestrian/cycleway connectivity and delivery of water cycle management facilities on individual land parcels
 - Suitable residential form and retention of significant vegetation in various land parcels of former Sector 9.
- 1.2.3 At Council's meeting of 16 September 2013, the Council agreed to place these amendments on public exhibition. These amendments were exhibited for a period of 4 weeks, between 21 September 2013 and 19 October 2013.
- 1.2.4 A report will shortly be brought back to Council on the outcomes of the exhibition and recommending a forward path.

2.0 PLAN MAKING PROCESS

2.1 Progression of Planning Proposals – Resolution of 17 October 2011

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

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

2.1.2 In relation to the above resolution, it is noted that the subject Planning Proposals recommended to be endorsed, all concern land within the Warriewood Valley Strategic Review study area and should therefore be progressed by Council.

2.2 Relationship to Draft Pittwater Local Environmental Plan 2013

2.2.1 In accordance with Council's resolution of 12 June 2013 (**Attachment 1**) the proposed amendments to LEP 1993 have been incorporated into the *Draft Pittwater Local Environmental Plan 2013* (DLEP 2013). In addition, the Height of Buildings Map in the DLEP 2013 incorporates provisions which will allow buildings up to 3 storeys to be built in the Warriewood Valley, consistent with the outcomes of the Strategic Review.

2.2.2 The DLEP 2013 was presented to Council on 5 August 2013 and is shortly expected to be placed on exhibition for the second time.

2.3 Gateway Determination and Plan-Making Delegation

2.3.1 On 31 July 2013 a Gateway Determination by the DP&I was issued for Planning Proposal PP0005/13 (**Attachment 2**). On 7 August 2013 Gateway Determinations were issued by the DP&I for Planning Proposals PP0003/13 (**Attachment 3**) and PP0004/13 (**Attachment 4**).

2.3.2 The Gateway Determination for PP0004/13 notes Council's concerns in relation to emergency evacuation and the intra-government review of state-wide flood evacuation policy during the undertaking the Warriewood Valley Strategic Review, however supports Council's intentions to progress the subject Planning Proposal based on an evacuation routes being provided at the 1% AEP level.

2.3.3 The Gateway Determinations also set the following consultation requirements for each Planning Proposal:

- Public exhibition for a minimum of 14 days
- Consultation with the NSW Rural Fire Service who are to be given a minimum of 21 days to provide comments on the proposal.

2.3.4 In addition, authority to exercise the plan-making functions of the Minister for Planning and Infrastructure in relation to all three Planning Proposals has been issued to the Council (the written authorisation for each Planning Proposal is contained in **Attachment 2, 3 & 4**).

2.3.5 In accordance with Council's resolution of 18 March 2013 (**Attachment 5**), the General Manager is the nominated Council sub-delegate with the authority to exercise the delegation to liaise with Parliamentary Counsel and finalise any delegated Planning Proposal.

3.0 PUBLIC EXHIBITION PROCESS AND RESPONSES RECEIVED

3.1 Public Exhibition Process

- 3.1.1 In accordance with the Gateway Determinations, the Planning Proposals were publically exhibited for 14 days, between 17 August 2013 and 31 August 2013.
- 3.1.2 All landowners and registered community groups in Warriewood Valley, including the Warriewood Residents Association and Warriewood Valley Rezoning Association were notified in writing of the exhibition.
- 3.1.3 In accordance with the Gateway Determination's requirement for consultation with the NSW Rural Fire Service, the exhibition period for all state agencies and servicing authorities was extended until 17 September 2013.
- 3.1.4 An advertisement also appeared in the Manly Daily on 17 September 2013.
- 3.1.5 In accordance with Council's resolution of 15 July 2013, 12 notification signs were placed on a number of properties throughout Warriewood Valley that are the subject of these Planning Proposals. Given the extent of properties involved, it was not practical to place a notification sign on all 55 properties.

3.2 Submissions from the Community

- 3.2.1 A total of four submissions were received from the community. The main issues raised were:
 - Condition of local roads in Warriewood Valley
 - Impact of future development on native fauna in Sector 5
 - Objection to restriction to only low-medium density development
 - Objection to exclusion of some sectors from the Release Area
- 3.2.2 The submissions received are summarised and responded to in **Attachment 6**.

3.3 Submissions from State Agencies and Servicing Authorities

- 3.3.1 The following comments were provided by state agencies:
 - **Fire and Rescue NSW**
 - The vast majority of areas for development fall within the Fire and Rescue NSW fire district. Some areas west of Boundary Street and Jubilee Avenue are within the NSW Rural Fire Service district
 - The proposed development does not appear to pose any significant additional resource limitations for Fire and Rescue NSW
 - **Hawkesbury-Nepean Catchment Management Authority**
 - No comments on the matter
 - **NSW Education & Communities (DEC)**
 - DEC notes the net increase in dwellings under the subject Planning Proposals
 - Primary and high schools located in the area has been assessed and will have capacity to cater for enrolment demand by building additional classrooms
 - DEC requests that provision be made to seek contributions from the developer to contribute to the cost of providing additional permanent classrooms in nearby schools.
 - **Note:** No such mechanism exists to enable Council to seek contributions from the developer to contribute to the cost of the DEC providing additional classrooms

- **NSW Health, Northern Sydney Local Health District**
 - Such a marginal increase in dwellings as a result of the subject Planning Proposals is unlikely to have a significant impact on health service demand in the area
 - Specific roads (identified in the Warriewood Valley Strategic Review Hydrology Study, AECOM 2011) may need upgrading to facilitate evacuation to Mona Vale Hospital
 - **Note:** The newly provided and upgraded roads within Warriewood Valley have been and will continue to be developed at the 1% AEP level, enabling flood free evacuation in events up to the 1% AEP. The upgrading of the remaining roads in Warriewood will occur as the development proceeds.
- **NSW Office of Environment and Heritage (OEH)**
 - OEH initially raised issues in regard to the likelihood of adverse impacts on threatened species and their habitats as a result of the proposed LEP amendments
 - Council staff have revised the Planning Proposals in response to these issues
 - At the time of writing this report, a revised response from the OEH was still to be finalised
 - See **Attachment 7** for response from the OEH
- **NSW Police Force, Northern Beaches Local Area Command**
 - Given the nature of the development a Crime Risk Assessment and CPTED (Crime Prevention through Environmental Design) is not required.
- **NSW Rural Fire Service (RFS)**
 - Future development will be subject to the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997
 - Consideration must be given to ensuring appropriate access and water. Roads should provide a satisfactory level of service for evacuation of occupants while at the same time allowing access by emergency service's vehicles and under conditions of reduced visibility. Water pressure must be available for the duration of a fire emergency.
- **NSW State Emergency Service (SES)**
 - The issues that the SES has raised relating to emergency management matters and community safety for development in this area are still of a concern.
 - Notwithstanding the adoption by Council of the Warriewood Valley Strategic Review Report 2012, the SES's position on such matters, as communicated in writing and verbally to the NSW Department of Planning and Infrastructure and Pittwater Council over the past two years remain unchanged.
- **NSW Transport, Roads and Maritime Services (RMS)**
 - No objection is raised to the subject proposals

3.3.2 The following comments were provided by servicing authorities:

- **Ausgrid**
 - Additional work may be required at the existing zone substations to augment capacity in order to cater for increased electricity demand
 - It will be necessary to establish an 11kV network from Mona Vale and Narrabeen substations to and also within the proposed development sites. This will require provision to be made for cable systems in the proposed bridges and roads within the development.
- **Telstra**
 - No comments were received
- **Jemena**
 - No comments were received

4.0 AMENDMENTS TO PLANNING PROPOSALS FOLLOWING PUBLIC EXHIBITION

- 4.1 Following the public exhibition, minor amendments have been made to the Planning Proposals in response to issues raised by the OEH.
- 4.2 The issues raised by OEH related to the detail provided in the Planning Proposals in regard to the likelihood of adverse impacts on threatened species and their habitats as a resulting from the proposed LEP amendments, particularly in regard to Sectors 901D and 901E.
- 4.3 Following discussion between Council staff and the OEH, it was agreed to amend the Planning Proposals by providing a greater level of detail regarding the condition of the native vegetation within the sectors proposed to be rezoned and provide a more thorough justification for the proposed LEP amendments.
- 4.4 The amended Planning Proposals are contained in **Attachments 8, 9 and 10** (see underlined text in Question C7 of **Attachment 8, 9 and 10**).
- 4.5 The changes to the Planning Proposals do not alter the intent or original purpose of Council's decision of 12 June 2013.

5.0 FORWARD PATH

5.1 Finalisation of LEP Amendments

- 5.1.1 If Council agrees to adopt the subject Planning Proposals (**Attachment 8, 9 & 10**), Council's General Manager as the Council's sub-delegate, will liaise with Parliamentary Counsel to draft the legal instrument which will bring into effect the proposed LEP amendments.
- 5.1.2 Once signed by the General Manager the draft instrument will be forwarded to the DP&I who will arrange for notification of the LEP in the Government Gazette. The LEP will take effect on notification in the Government Gazette.

5.2 Concurrent DCP Amendments

- 5.2.1 The public exhibition of the Warriewood Valley specific DCP Amendments reported to Council at its meeting of 16 September 2013 recently concluded. Following review of submissions, a report will be brought back to Council in November/December 2013 advising of any revisions and recommending adoption of the proposed DCP amendments.
- 5.2.2 It is intended that the proposed DCP amendments will be brought into force to coincide with the gazettal of the proposed LEP amendments.

6.0 SUSTAINABILITY ASSESSMENT

6.1 Supporting & Connecting our Community (Social)

- 6.1.1 The subject Planning Proposals, being consistent with the adopted *Warriewood Valley Strategic Review Report 2012*, take into consideration infrastructure, land capacity, urban form, social fabric and the area's current character.

6.2 Valuing & Caring for our Natural Environment (Environmental)

- 6.2.1 The intention of the subject Planning Proposals is not to result in an unacceptable impact to the natural environment. Ecological values will continue to be valued in the development process in Warriewood Valley.

6.3 Enhancing our Working & Learning (Economic)

- 6.3.1 The intention of the subject Planning Proposals is to continue the orderly planned development of Warriewood Valley. The subject Planning Proposals, if adopted, will help to ensure the delivery of a viable land release.

6.4 Leading an Effective & Collaborative Council (Governance)

- 6.4.1 Landowner and community participation was facilitated during the exhibition period of the subject Planning Proposals and the now adopted *Warriewood Valley Strategic Review Report 2012* to ensure that decision making is ethical, accountable and transparent.

6.5 Integrating our Built Environment (Infrastructure)

- 6.5.1 The subject Planning Proposals, if adopted, will result in an additional number of dwellings contributing financially to infrastructure in the Release Area. This additional number of dwellings will help to ensure that necessary infrastructure is able to be delivered within the Release Area.

7.0 EXECUTIVE SUMMARY

- 7.1 The Warriewood Valley Strategic Review project was commenced in May 2011 and investigated the potential for intensified residential development within the Warriewood Valley Release Area. The *Warriewood Valley Strategic Review Report 2012*, which recommended an increase in dwelling density for the majority of the undeveloped sectors in the Release Area, was adopted by Council on 12 June 2013. Council at its meeting of 12 June 2013 endorsed the progression of draft Planning Proposals PP0003/13, PP0004/13 and PP0005/13 to the DP&I for Gateway Determination.
- 7.2 The subject Planning Proposals seek to amend *Pittwater Local Environmental Plan 1993*, consistent with the recommendations of the adopted *Warriewood Valley Strategic Review Report 2012*.
- 7.3 Gateway Determinations for the subject Planning Proposals were issued by the DP&I in late July/early August 2013 allowing the Planning Proposals to be publicly exhibited. Authority to exercise the plan-making functions of the Minister for Planning and Infrastructure has been delegated to the Council's General Manager in relation to subject Planning Proposals.
- 7.4 Following the public exhibition of the Planning Proposals, where comments were sought from the community and relevant state and servicing agencies, minor amendments have been made to the Planning Proposals.
- 7.5 This report recommends the adoption of the amended Planning Proposals (contained in **Attachments 8, 9 & 10**) to enable the progression of the statutory rezoning process.

RECOMMENDATION

1. That Council note the responses to the public exhibition.
2. That Council endorse the progression of the statutory rezoning process by adopting the amended Planning Proposals PP0003/13, PP0004/13, PP0005/13 (**Attachments 8, 9 & 10** respectively).
3. That those persons, organisations, state agencies and servicing authorities that made a submission or provided comments during the public exhibition of the Planning Proposals PP0003/13, PP0004/13 and PP0005/13 be advised of Council's decision.
4. That the Council and all landowners in the Warriewood Valley Release Area be advised in writing upon gazettal of the LEP amendments.

Report prepared by
Tija Stagni, Senior Planner – Land Release

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT

C5.1 Warriewood Valley Strategic Review Report - Outcomes of public exhibition and final report

Meeting: Council

Date: 12 June 2013

COUNCIL DECISION

1. That Council note the following:-
 - (a) The responses to the exhibition process detailed in the Analysis of Submissions Report (**tabled** separately).
 - (b) The **attached** Final Probity Report prepared by Procure Group for the Warriewood Valley Strategic Review (see **Attachment 3**).
2. That Council, subject to correcting of the typographical mistakes detailed in 7.8 of this report and noting that the attached Planning Proposals are to be amended to reflect the dwelling yields nominated in actions 5 and 6 of this recommendation, adopt the Warriewood Valley Strategic Review Report.
3. That Council in adopting the Warriewood Valley Strategic Review Report, totally rejects the Director-General's comments in paragraph 4 of his letter dated 1 May 2013 (see **Attachment 6**) as the comments have no legal effect.
4. That Council endorse progression of the statutory rezoning process to increase the maximum dwelling yield permitted for the sectors listed below, which have a PMF free evacuation route, as set out in the attached Planning Proposal which is to be forwarded to the Department seeking Gateway Determination (see **Attachment 7**).
 - Sector 101, having a maximum 4 dwellings
 - Buffer 1b, having a maximum 24 dwellings
 - Buffer 1c, having a maximum 18 dwellings
 - Buffer 1d, having a maximum 1 dwelling
 - Buffer 1e, having a maximum 15 dwellings
 - Buffer 1f, having a maximum 21 dwellings
 - Buffer 1g, having a maximum 23 dwellings
 - Buffer 1h, having a maximum 1 dwelling
 - Buffer 1i, having a maximum 39 dwellings
 - Buffer 1j, having a maximum 40 dwellings
 - Buffer 1k, having a maximum 21 dwellings; and
 - Buffer 1L, having a maximum 67 dwellings.

5. That Council endorse the progression of the statutory rezoning process to rezone Sectors 901A (including 9 Fern Creek Road) and Orchard Street Road Reserve (north-east portion), 901B, 901C, 901F and 9 Fern Creek Road to 2(f) (Urban Purposes – Mixed Residential); and to increase the maximum dwelling yield permitted for the sectors listed below which have a Flood Planning Level free evacuation route but are isolated during the PMF event, subject to the NSW Government agreeing to emergency flood response being facilitated by an evacuation route at the 1% AEP, as set out in the attached Planning Proposal which is to be forwarded to the Department seeking Gateway Determination (see **Attachment 8**).
 - Sector 301, having a maximum 53 dwellings
 - Sector 302, having a maximum 84 dwellings
 - Sector 303, having a maximum 29 dwellings
 - Sector 501 (also known as Sector 5), having a maximum 94 dwellings
 - Sector 801, having a maximum 38 dwellings
 - Sector 901A (excluding 9 Fern Creek Road) and Orchard Street Road Reserve (north-east portion), having a maximum 192 dwellings
 - Sector 901B, having a maximum 36 dwellings
 - Sector 901C, having a maximum 22 dwellings
 - Sector 901F, having a maximum 14 dwellings
 - Sector 10B, having a maximum 45 dwellings
 - Buffer 2a, having a maximum 29 dwellings; and
 - Buffer 3b, having a 9 dwellings.
6. That Council endorse the progression of the statutory rezoning process to rezone the sectors listed below and where applicable establish a maximum dwelling yield permitted which have a Flood Planning Level free evacuation route but are isolated during the PMF event, subject to the NSW Government agreeing to emergency flood response being facilitated by an evacuation route at the 1% AEP, as set out in the attached Planning Proposal which is to be forwarded to the Department seeking Gateway Determination (see **Attachment 10**).
 - Sector 901D, 901E and Orchard Street Road Reserve (north-west portion), having a maximum of 16 dwellings
 - Sector 901G, having a maximum of 6 dwellings.
7. That Council incorporate the proposed amendments set out in actions 4, 5 and 6 above into the draft Pittwater Local Environmental Plan 2013 prior to its second exhibition.
8. That Council confirm that Sectors 901H (portion of 4 & 5 Fern Creek Road), 10A.1 (portion of 115 Orchard Street) and 10A.2 (portions of 111, 111a & 113 Orchard Street) have no further development opportunity due to existing environmental constraints considers that these sectors may be removed from the Warriewood Valley Release Area.
9. That Council is willing to give further consideration to the inclusion of Sectors 901H, 10A.1 and 10A.2 subject to the landowners demonstrating that their sites have development potential.
10. That landowners in the Southern Buffer be advised of the opportunity to make a rezoning application for their properties, collectively or individually. Such application is to address the development constraints and opportunities that affect those lands.
11. That Council note that the Pre-Gateway Review process requested by landowner of 120 Mona Vale Road has progressed to the Joint Regional Planning Panel for its recommendation to the Minister for Planning.

12. That Council note that affordable housing provision cannot be achieved and agree it will not be included in the new Section 94 Plan for Warriewood Valley.
13. That a future report be provided to Council following a review of the following documents relating to Warriewood Valley:
 - Warriewood Valley Water Management Strategy
 - Warriewood Valley Water Management Specification, following release of the Narrabeen Lagoon Flood Study update
 - Applicable development controls within Pittwater 21 Development Control Plan
 - Warriewood Valley Section 94 Contributions Plan, Roads Masterplan and Landscape Masterplan (Public Domain)
 - Warriewood Valley Planning Framework 2010 in relation to the Southern Buffer lands and those lands not covered under the Strategic Review
 - Narrabeen Lagoon Floodplain Risk Management Study & Plan
14. In accordance with 14.4 of this report, affected landowners are to also be advised that, in the interim, the Warriewood Valley Planning Framework 2010 continues to be the adopted planning strategy applying to their lands.
15. That those persons and organisations that made a submission on the Draft Warriewood Valley Strategic Review Report be advised of Council's decision.

(Cr White / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

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

(Cr McTaggart / Cr Griffith)

Procedural Motion (COUNCIL DECISION)

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

(Cr Grace / Cr Millar)

Notes:

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

| Aye (For) | No (Against) |
|------------------|---------------------|
| Cr Griffith | Nil |
| Cr Grace | |
| Cr McTaggart | |
| Cr Millar | |
| Cr Townsend | |
| Cr White | |
| Cr Young | |

2. Cr Hegarty retired from the meeting at 7.04pm, having declared a pecuniary interest in Item C5.1 – Warriewood Valley Strategic Review Report – Outcomes of public exhibition and final report - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

“My mother has a property within the Warriewood Valley and I have previously abstained on items of consideration near her property.”

3. Cr White had declared a less than significant non-pecuniary interest in Item C5.1 – Warriewood Valley Strategic Review Report – Outcomes of public exhibition and final report. The reason provided by Cr White was:

“Parents live opposite Meritons. Area around them developed. No real pecuniary interest.”

Cr White elected to remain in the meeting and participate in both discussion and voting on this matter. The reason provided by Cr White was:

“Remote – No chance than any decision tonight would have any effect.”

4. Cr Millar submitted to the meeting a Schedule 3A Form of Special Disclosure of Pecuniary Interest in accordance with Section 451(4) of the Local Government Act 1993, and elected to remain in the meeting and participate in discussion and voting on the matter. Cr Millar declared an interest in land at 7 Orchard Street Warriewood.



Gateway Determination

Planning proposal (Department Ref: PP_2013_PITTW_003_00): to make various amendments to the Pittwater Local Environmental Plan 1993.

I, the Regional Director, Sydney East Regional Planning Team at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Pittwater Local Environmental Plan (LEP) 1993 to rezone and introduce maximum number of dwellings permitted on various sectors (901D, 901E & 901G) within the Warriewood Valley Urban Land Release Area should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to make clear that Clause 30E(4) pertaining to a State Infrastructure Contribution does not apply to current or future residential development in the Warriewood Valley Urban Release Area.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with NSW Rural Fire Service under section 56(2)(d) of the EP&A Act and to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 31st day of July 2013.

**Juliet Grant
Regional Director
Sydney Region East Planning Team
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Pittwater Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number | Name |
|----------------------|--|
| PP_2013_PITTW_002_00 | Planning proposal to rezone and introduce maximum dwellings permitted on various sectors (901D, 901E & 901G) within the Warriewood Valley Urban Land Release Area. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 31 July 2013

Juliet Grant
Regional Director
Sydney Region East
Planning Operations and Regional Delivery
Department of Planning and Infrastructure



**Planning &
Infrastructure**

Gateway Determination

Planning proposal (Department Ref: PP_2013_PITTW_003_00): to make various amendments to the Pittwater Local Environmental Plan 1993.

I, the Regional Director, Sydney East Regional Planning Team at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Pittwater Local Environmental Plan (LEP) 1993 to amend the minimum and maximum dwellings permitted in Sector 1 and Buffer 1a-1l of the Warriewood Valley Urban Land Release Area should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to make clear that Clause 30E(4) pertaining to a State Infrastructure Contribution does not apply to current or future residential development in the Warriewood Valley Urban Release Area.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
3. Consultation is required with NSW Rural Fire Service under section 56(2)(d) of the EP&A Act and to comply with the requirements of S117 Direction 4.4 Planning for Bushfire Protection. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 7th day of August 2013.

Juliet Grant
Regional Director
Sydney Region East Planning Team
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

**Delegate of the Minister for Planning and
Infrastructure**



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Pittwater Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number | Name |
|----------------------|---|
| PP_2013_PITTW_003_00 | Planning proposal to amend the minimum and maximum dwellings permitted in Sector 1 and Buffer 1a-1l of the Warriewood Valley Urban Land Release Area. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 7 August 2013

Juliet Grant
Regional Director
Sydney Region East
Planning Operations and Regional Delivery
Department of Planning and Infrastructure



Gateway Determination

Planning proposal (Department Ref: PP_2013_PITTW_001_00): to make various amendments to the Pittwater Local Environmental Plan 1993.

I, the Regional Director, Sydney East Regional Planning Team at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Pittwater Local Environmental Plan (LEP) 1993 to rezone parts of Sector 901 and increase the maximum dwellings permitted on various sectors including Sectors 301-303, 5, 801, 901A and adjoining Orchard Street road reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b sectors within the Warriewood Valley Urban Land Release Area should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal as follows:
 - (a) to make clear that Clause 30E(4) pertaining to a State Infrastructure Contribution does not apply to current or future residential development in the Warriewood Valley Urban Release Area.
 - (b) to amend the planning proposal to reflect Council's resolution of 12 June 2013 to proceed with the planning proposal with a flood free evacuation route at the 1% AEP.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with NSW Rural Fire Service under section 56(2)(d) of the EP&A Act and to comply with the requirement of S117 Direction 4.4 Planning for Bushfire Protection. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



Planning & Infrastructure

5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *7th* day of *August* 2013.

**Juliet Grant
Regional Director
Sydney Region East Planning Team
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and
Infrastructure**



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Pittwater Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number | Name |
|----------------------|---|
| PP_2013_PITTW_001_00 | Planning proposal to rezone parts of Sector 901 and increase the maximum dwellings permitted on various sectors including Sectors 301-303, 5, 801, 901A and adjoining Orchard Street Road Reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b of the Warriewood Valley Urban Land Release Area. |

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 7 August 2013

Juliet Grant
Regional Director
Sydney Region East
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

C12.6: Changes to Local Environmental Plan Making Procedures Regarding Delegations and Independent Reviews of Plan-Making Decisions

Meeting: Planning an Integrated Built Environment Committee

Date: 18 March 2013

COUNCIL DECISION (By Exception)

1. That the delegation of the Minister under section 59 of the Environmental Planning and Assessment Act 1979 for the making of Local Environmental Plans be accepted.
2. That the General Manager be given the authority to exercise the delegation to liaise with the Parliamentary Counsel and finalise Planning Proposals in accordance with Council's decision.
3. That the Independent Review process within the plan making process be noted.

(Cr White / Cr Griffith)

Notes:

1. Cr Hegarty left the meeting at 7.16pm and returned at 7.17pm, having declared a significant non-pecuniary interest in this Item and took no part in discussions or voting. The reason provided by Cr Hegarty was:

"I sit as a delegate on the JRPP and one of the applications before the JRPP is mentioned in the body of the report."

2. Cr Townsend left the meeting at 7.16pm and returned at 7.17pm, having declared a significant non-pecuniary interest in this Item and took no part in discussions or voting. The reason provided by Cr Townsend was:

"I am a Delegate on the Joint Regional Planning Panel who will be determining an application referred to in the item."

| Submission No. | Issues Raised | Response |
|----------------|---|--|
| 1 | <p>Objection to PP0003/13, PP0004/13, PP0005/13.</p> <p>No information seems to be presented concerning improvement to road access to Warriewood Valley.</p> <p>Very little work done on any of the access roads - importantly Warriewood Rd (Pittwater Rd end), Macpherson & Garden Streets. The present roads cannot possibly handle all the traffic.</p> <p>Vuko Place has also become a dangerous intersection with Warriewood Road.</p> <p>Where can I view the plan on proposed road improvements & traffic management?</p> | <p>The roads within Warriewood Valley are all scheduled to be upgraded over time. These upgrades are funded in two ways. Firstly, developers adjoining a road must reconstruct half the road including shared paths, drainage etc. The second method is for Council to reconstruct the roads using Section 94 funds. These funds are collected from developers and are dependent on the rate of development.</p> <p>At the conclusion of the construction of the roundabout at Macpherson Street and Boondah Road, Council will commence upgrading Macpherson Street between Boondah Road to Warriewood Road.</p> <p>In regard to the intersection of Vuko Place and Warriewood Road, Council's Principal Officer – Strategy, Investigation and Design has advised that except for short delays to traffic in Vuko Place during the PM peak the intersection functions effectively and safely.</p> <p>Planned road improvements and traffic management, delivered through the development process (either directly by the developer or through developer contributions), are identified under the Warriewood Valley Roads Masterplan and the Warriewood Valley Section 94 Contributions Plan (Plan No. 15 Amendment 16).</p> <p>Both Warriewood Valley Roads Masterplan (1999 and 2006 Review) and the Warriewood Valley Section 94 Contributions Plan (Plan No. 15 Amendment 16) are available to view via the Council's website.</p> |

| | | |
|---|--|---|
| 2 | <p>Objection to PP0004/13.</p> <p>Sector 5 is a corridor and buffer between suburban areas and the bush as it currently exists, and should be protected as much as possible, or even enhanced with further native plantings.</p> <p>Sector 5 is part of an essential habitat for local native flora and fauna and should be investigated by appropriately trained independent ecological consultants. I believe the biodiversity needs to be properly assessed as to whether increasing housing density in Sector 501 would impact on the immediate area; particularly bird species as they have a greater range. One of the most significant is the Powerful Owl.</p> <p>A long list of native fauna species were observed by the submitter, including birds, reptiles, invertebrates, marsupials and other vertebrates.</p> <p>The following list of locally and regionally significant fauna species were observed:</p> <ul style="list-style-type: none"> • Brush Turkey • Brown Goshawk • Pheasant Coucal • Superb Lyrebird – Note: Population is in decline • Long-nosed Bandicoot – Note: Population is in decline | <p>Sector 501, formally known as Sector 5, adjoins the escarpment. This sector was rezoned from a non-urban to a residential zone in July 2010. At the time, Council and the State Government concluded that the proposed residential zoning would not have a significant impact on the neighbouring native fauna.</p> <p>All of the species claimed to have been observed in the sector are known by Council to be present in the locality and are likely to utilise the subject property at times. However, the core habitat is located mainly on the escarpment, outside the boundary of Sector 501. The Planning Proposal PP0004/13 does not seek to rezone or apply to land comprising this core habitat. None of this core habitat will be cleared and therefore will not be directly impacted.</p> <p>An ecological assessment will be required as part of any future subdivision application. At that time ecologists have the benefit of plans showing proposed lot layout, as well as other reports, to allow an accurate assessment of the potential issues and impacts arising.</p> |
| | <p>These concerns are valid, however much of these concerns can be mitigated by imposing appropriate conditions. This may include prohibiting the keeping of cats and dogs by any resident living in this sector (as has been done in other sectors in Warriewood Valley).</p> <p>In regard to weed infestation, any future development would be required to control all weeds as part of a landscape masterplan and bushland management plan. This will greatly assist with controlling future weed spread downstream in Narrabeen Creek for example. In addition the planting of native vegetation throughout the sector, as required by condition, will encourage wildlife to utilise the developed area in the sector.</p> <p>Any future development application will also require the portion of Narrabeen Creek adjoining the sector to be rehabilitated. The restoration of Narrabeen Creek would improve the existing water quality and environmental condition of the riparian corridor.</p> <p>Road kill could be mitigated by installation of exclusion fencing in places as well as traffic calming devices and signage.</p> | |

| | | |
|-----------------|---|--|
| <p>3</p> | <p>Objection to PP0003/13 and PP0004/13 as they relate to the sites 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road.</p> <p>Objection to the limit placed on density. The Planning Proposals represent a missed opportunity to deliver more diverse housing in Pittwater.</p> <p>The exhibited Planning Proposals represent a very modest proposed increase in density and there is potential risk of sterilising land of residential development.</p> <p>The exhibited Planning Proposals place an unnecessary constraint on developers by limiting development to generally low densities. This represents an inefficient use of land and jeopardises the potential to adequately satisfy the objectives of the Sydney Metropolitan Plan and draft Sydney Metropolitan Strategy.</p> | <p>The issues raised in this objection relate largely to the now adopted <i>Warriewood Valley Strategic Review Report 2012</i> and the Planning Proposal PP0002/12, now refused by Council, and not the subject Planning Proposals. These issues were addressed and dealt with as part of the assessment report put to Council on 2 September 2013 for the Planning Proposal Application PP0002/13 for the rezoning of 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road, Warriewood.</p> <p>The <i>Warriewood Valley Strategic Review Report 2012</i> and the subject Planning Proposals are supported by a range of technical studies, including Urban Design and Economic Feasibility studies. The subject Planning Proposals seeks a modest increase in dwelling density up to 32 dwellings per hectare to facilitate a financially viable and sustainable development.</p> <p>Development of 4 and 5 storey apartment buildings at a density of 98 dwellings per developable hectare proposed under the now refused application PP0002/13 is totally inconsistent with the findings of the <i>Warriewood Valley Strategic Review Report 2012</i>, the technical studies that informed the review process and the community's expectations for the development of the Release Area.</p> |
|-----------------|---|--|

| | | |
|----------|---|--|
| <p>4</p> | <p>Objection to adopted <i>Warriewood Valley Strategic Review Report 2012</i> and the subject Planning Proposals as they relate to the site 4 Fern Creek Road, Warriewood.</p> <p>Objection to 4 Fern Creek Road not being allocated a density or yield under the <i>Warriewood Valley Strategic Review Report 2012</i> and not being rezoned under the subject Planning Proposals.</p> <p>Objection to break-up of Sector 901 into subsectors.</p> | <p>This objection relates primarily to the <i>Warriewood Valley Strategic Review Report 2012</i>, now adopted by Council, and not the subject Planning Proposals. Nonetheless the following response is provided:</p> <ul style="list-style-type: none"> • Sector 901H, of which a small portion of 4 Fern Creek Road forms part was identified during the Strategic Review as highly constrained and unlikely to achieve any additional yield. • It is also noted that less than half of 4 Fern Creek Road is actually in the Warriewood Valley Release Area, including only a small proportion of the battle-axe handle (providing access into the main part of the property). • Council in adopting the <i>Warriewood Valley Strategic Review Report 2012</i>, considered this objection and the address made by this landowner. Part of Council's resolution of 12 June 2013 was that Council give further consideration to the site's capacity for intensified development subject to landowners demonstrating their site's development potential. To date, no information has been supplied by the landowners of Sector 901H or Council's invitation to meet. • The <i>Warriewood Valley Strategic Review 2012</i> recommended that in order to facilitate timely development, Sector 901 be broken up into sub-sectors based on various environmental constraints affecting parts of the sector and in recognition of the past difficulty to reach consensus on a masterplan for the sector as a whole. |
|----------|---|--|

**Office of
Environment
& Heritage**

Your reference: PP0003/13, PP0004/13,
PP0005/13
Our reference: DOC13/46560
Contact: Rachel Lonie, 99956837

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

Attention: Andrew Pigott – A/Manager Planning and Assessment

Dear General Manager

I refer to previous correspondence from the Office of Environment and Heritage (OEH) dated 20 September 2013 regarding three planning proposals (PP0005/13, PP0004/13 and PP0005/13) in Warriewood Valley.

Further advice has been provided by Pittwater Council on the environmental impacts of the planning proposals under section C. Environmental, social and economic impacts. OEH considers that these now adequately address the concerns raised and OEH has no further issues to raise in regard to these planning proposals.

If you require further details or clarification on any matters raised in this response please contact me on 9995 6837 or by email at rachel.lonie@environment.nsw.gov.au (please note work days are generally Mondays and Wednesdays).

Yours sincerely

S. Harrison 14/10/13

SUSAN HARRISON
Senior Team Leader, Planning
Greater Sydney
Regional Operations



PLANNING PROPOSAL PP0003/13

To amend/introduce the minimum & maximum number of dwellings permitted in Sector 1 and Buffer 1a-1m of the Warriewood Valley Release Area

PART 1 OBJECTIVES OR INTENDED OUTCOMES

To amend the minimum and maximum numbers of dwellings permitted in Sector 1 and Buffer Area 1 of the Warriewood Valley Release Area, representing an increase in dwelling density from 25 to 32 dwellings per developable hectare.

To confirm that Buffer 1M has no residential density potential due to significant environmental constraints.

Developable hectare refers to the total area of the site exclusive of environmentally sensitive land, including the creek line corridor land (as measured 25 metres, either side of the creek centreline) expressed in hectares.

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- A series of new maps are provided for this Planning Proposal (See **MAP 3 and 5**) and will require amending Clause 30B of the *Pittwater Local Environmental Plan 1993* as follows:

Insert at the end of subclause (1), this paragraph:

Land at Warriewood within Buffer 1a to Buffer 1m inclusive of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)"

Land at Warriewood within Sector 1 including Sector 101 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)"

- Amending Clause 30C of the *Pittwater Local Environmental Plan 1993* as follows:-

Sector 1 (including Sector 101) – not more than ~~240~~ 213 dwellings or less than ~~195~~ 210 dwellings

~~Buffer Area 1 – not more than 176 dwellings or less than 167 dwellings~~

Buffer 1a – not more than 17 dwellings or less than 15 dwellings

Buffer 1b – not more than 24 dwellings or less than 17 dwellings

Buffer 1c – not more than 18 dwellings or less than 13 dwellings

Buffer 1d – not more than 1 dwelling

Buffer 1e – not more than 15 dwellings or less than 11 dwellings

Buffer 1f – not more than 21 dwellings or less than 14 dwellings

Buffer 1g – not more than 23 dwellings or less than 17 dwellings

Buffer 1h – not more than 1 dwelling

Buffer 1i – not more than 39 dwellings or less than 27 dwellings

Buffer 1j – not more than 40 dwellings or less than 26 dwellings

Buffer 1k – not more than 21 dwellings or less than 14 dwellings

Buffer 1l – not more than 67 dwellings or less than 43 dwellings

Buffer 1m – no dwellings

- A new map is provided for this Planning Proposal (See **MAP 3**) and will require amending Clause 30D of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (1), this paragraph:

- (a) This clause applies to land shown edged heavy black on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #) – Sheet 1.

- A series of new maps are provided for this Planning Proposal (See **MAP 4 and 5**) and will require amending Clause 30E of the *Pittwater Local Environmental Plan 1993* as follows:-

Amend subclause (5) as follows and at the end of subclause (5) insert this paragraph:

- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot, or
- (d) any current or future residential development in the Warriewood Valley Urban Release Area.

Insert at the end of subclause (8), this paragraph:

Buffer 1a to Buffer 1m inclusive of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 2 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)"

Sector 1 including Sector 101 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)"

PART 3 JUSTIFICATION

Section A Need for the Planning Proposal

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

Yes. The recently adopted *Warriewood Valley Strategic Review Report 2012* was the result of a joint undertaking by the Department of Planning & Infrastructure and Council to review the height and density standards for residential development within the Release Area. The Strategic Review Report has been endorsed by the Director-General of Planning & Infrastructure.

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

Yes. The Planning Proposal is the best means of achieving the intended outcome as the subject lands are already rezoned and the range of dwellings numbers permitted in the subject lands are already stipulated in Clause 30C of Pittwater LEP 1993. Progressing the Planning Proposal is the only mechanism of enabling changes to be made to Clause 30C of Pittwater LEP.

Section B Relationship to Strategic Planning Framework

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

This Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy, in line with the State Plan, and the Draft North-East Subregional Strategy, where goals are set for housing and land supply.

Action C1 in the Draft North-East Subregional Strategy calls for ensuring the adequate supply of land and sites for residential development through the MDP. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. This Planning Proposal will increase housing supply and is therefore consistent with such an action.

This Planning Proposal would also be consistent with Action C4 of the Draft North-East Subregional Strategy, which calls for improving housing affordability. Once again, by increasing housing supply the Planning Proposal is consistent with such an action.

As the intended outcome of this Planning Proposal is to allow more dwellings to be built in the Warriewood Valley Release Area, it is subsequently consistent with the objectives and actions contained within the relevant strategic planning framework.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

This Planning Proposal is consistent with the recently adopted *Warriewood Valley Strategic Review Report 2012* which recommends an increase in the numbers of dwellings in the Warriewood Valley Release Area.

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

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (see Appendix 1).

6. Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 2).

C Environmental, social and economic impact

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

The lands subject of this Planning Proposal known as Sector 101 (residue of Sector 1) and Buffer 1a to Buffer 1l (formally known collectively as Buffer Area 1) have already been zoned for urban development, already having a maximum dwelling yield applying to each sector. The subject Planning Proposal seeks amend the PLEP 1993 to increase the maximum dwelling yield permitted in the sectors, consistent with the adopted and endorsed *Warriewood Valley Strategic Review Report 2012*.

The lands subject to this Planning Proposal were previously used for horticulture and are largely cleared. Buffers 1a to 1l are traversed by Narrabeen Creek at their rear boundary. This creek line contains a mixture of native and exotic vegetation. Within the creek line of some properties is known remnant Swamp Sclerophyll Forest (indicated as 'High Biodiversity Value' on Council's adopted Biodiversity Map).

Any future development of these sites is restricted to the 'developable area' of the site, situated outside of this creek line (as shown on Map 3). Development of properties containing Swamp Sclerophyll Forest will also be subject to an assessment of significance under Part 5A of *Environmental Planning and Assessment Act 1979* at the development application stage. Conditions of any future development approval will also require the creek line to be rehabilitated and revegetated with native endemic species.

During the earlier rezoning of Sector 1 and Buffer Area 1 from non-urban to residential the likelihood of threatened species and habitats being adversely affected by the rezoning was considered. At this point, it was concluded that there was little likelihood of adverse impacts as a result of the rezoning on threatened species or their habitats. It is concluded that this Planning Proposal, in seeking to amend the provisions PLEP 1993 to increase the maximum dwelling yield permitted in these sectors, is unlikely to result in any adverse impacts to threatened species or their habitats.

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

This Planning Proposal seeks a modest increase in the number of dwellings permitted in these sectors as forecast under *Warriewood Valley Planning Framework 2010* (adopted by Council on 3 May 2010).

This Planning Proposal is consistent with the recommendations of the *Warriewood Valley Strategic Review Report 2012* which is supported by mapping layers adopted by Council in 2011 as part of the Pittwater Local Planning Strategy and the findings of several environmental studies which considered flooding and water management, traffic and transport, urban design and economic feasibility issues.

Further, any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flooding, bushfire prone land, waste, land contamination, geotechnical hazards, heritage and traffic, through the Pittwater LEP and Pittwater 21 DCP.

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

The lands the subject of this Planning Proposal comprises existing residential sectors within the Warriewood Valley Release Area, which are identified in the State Government's MDP. A suite of studies were undertaken for the original Warriewood Valley urban land release, including consideration of social and economic effects. This Planning Proposal will therefore not have any marked negative social or economic effects.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

As the subject lands form part of the Warriewood Valley Land Release, public infrastructure is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)*. Council has commenced a review of this plan to account for the additional infrastructure required as a result of the additional dwellings now anticipated in the release area.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The following preliminary views were expressed by state and service agencies during the public exhibition of Warriewood Valley Strategic Review prepared by the Department of Planning and Infrastructure and Council which recommends an increase in the numbers of dwellings in the release area.

Response from Department of Education & Communities (DEC):

- Based on up to an additional 500 dwellings, the DEC advises that there is adequate capacity at Narrabeen Sports High School to accommodate senior students.
- For primary students, the Department expects that there would be a need to increase capacity at either Narrabeen North Public School or Mona Vale Public School.

Response from Roads & Maritime Services (RMS):

- The RMS has advised that it supports the Strategic Review's recommendations, provided that:-
 - The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings, and
 - No further development is approved for the area identified as the Southern Buffer until further traffic modelling is carried out on the Pittwater Road/Warriewood Road and Pittwater Road/Mona Vale Road intersections.

Response from Department of Health – Northern Sydney Local Health District (NSLHD):

- NSLHD notes that the northeast is Sydney's most car dependent subregion and recommends that the frequency and the capacity of the public transport system be improved to accommodate the proposed increase in density.
- NSLHD commends the inclusion of pedestrian and cycle links throughout Warriewood, but recommends that cycleways be separated from traffic to allow for safe, active transport and to increase participant numbers.

Response from Office of Environment & Heritage (OEH)"

The OEH generally supports the proposed increase in residential density, provided that flooding issues and bushfire protection issues are adequately considered and that riparian corridors can be retained and protected.

Response from Sydney Water:

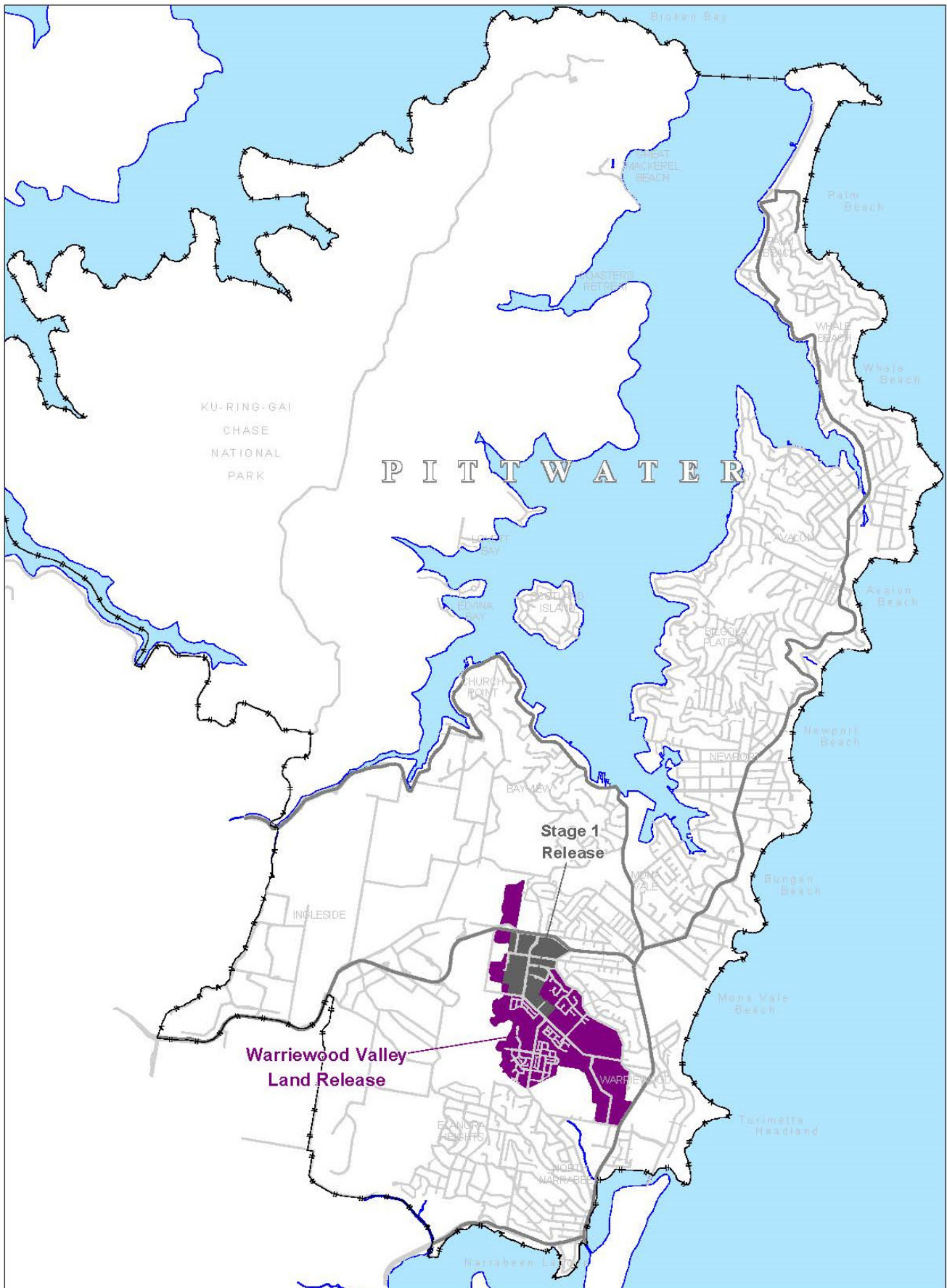
- Sydney Water advises there is capacity in both water and wastewater systems to service the proposed density increase in Warriewood Valley.

Response from Ausgrid:

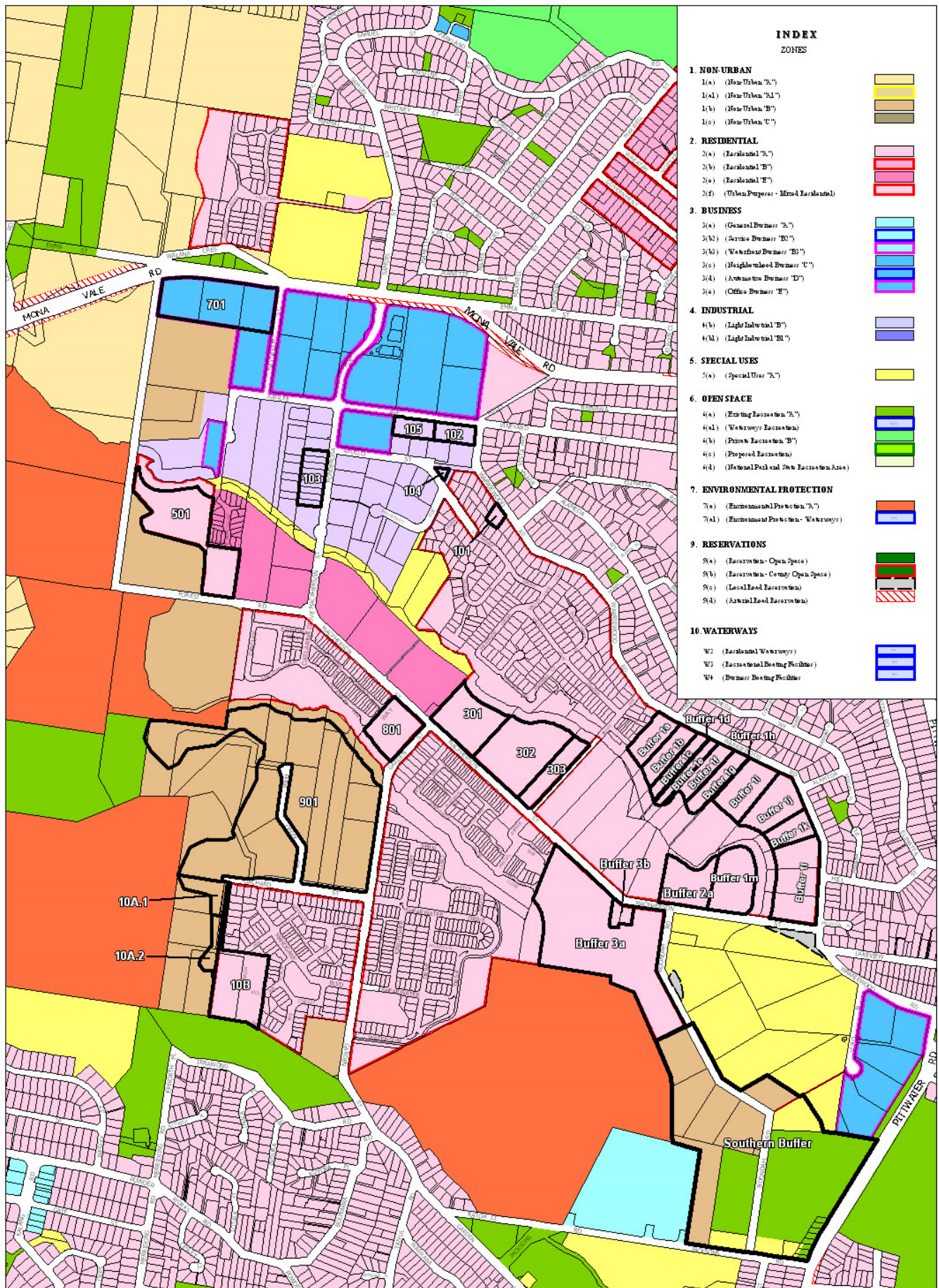
- Ausgrid expects that supply to the proposed development would be able to be provided from the electricity substations at Mona Vale or Narrabeen.

PART 4 MAPPING

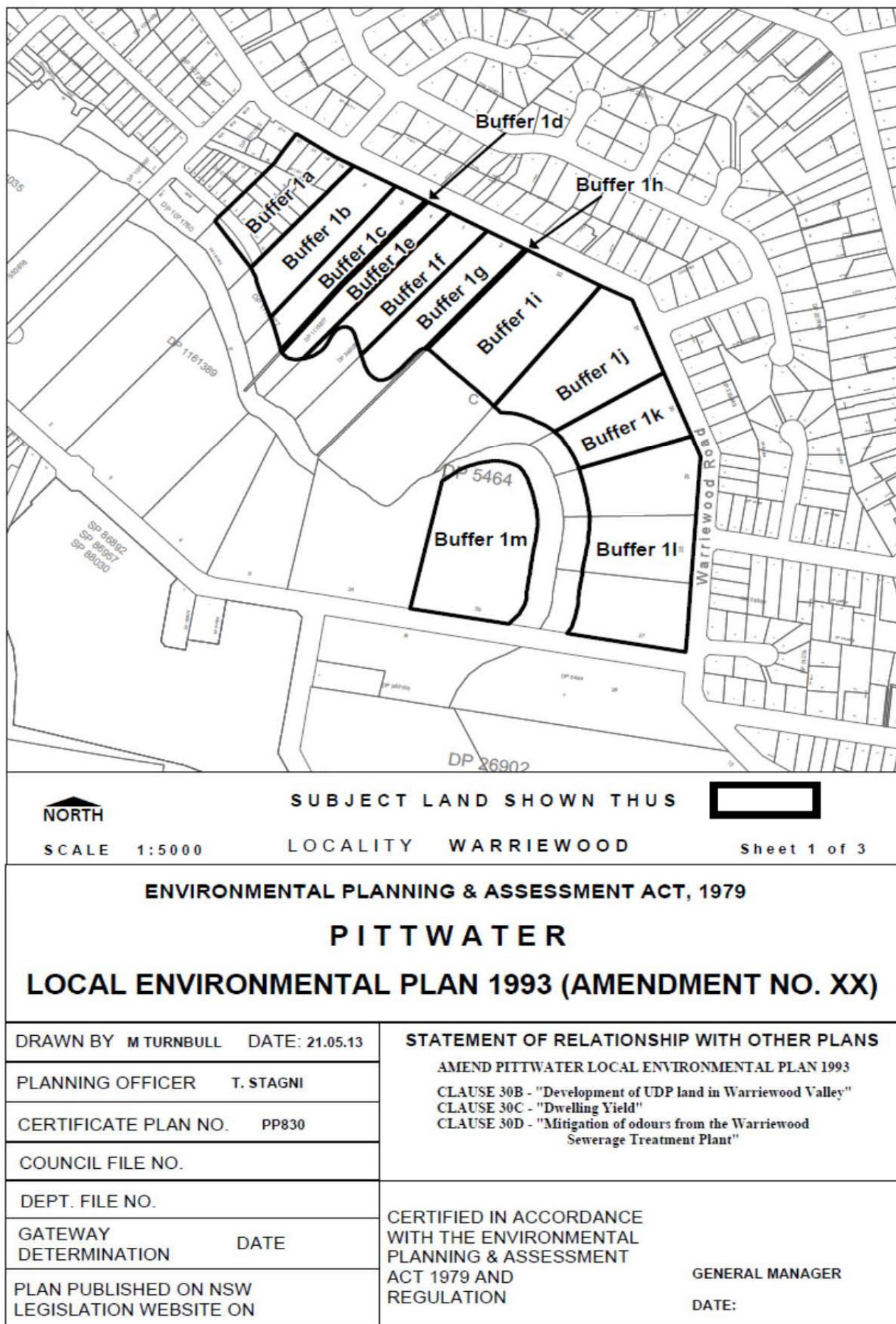
Map 1: Location Map – Warriewood Valley Release Area



Map 2: Current Sectors – Warriewood Valley Planning Framework 2010



Map 3: Pittwater Local Environmental Plan 1993 Sheet 1



NORTH

SCALE 1:5000

LOCALITY WARRIEWOOD

SHEET 2 OF 3

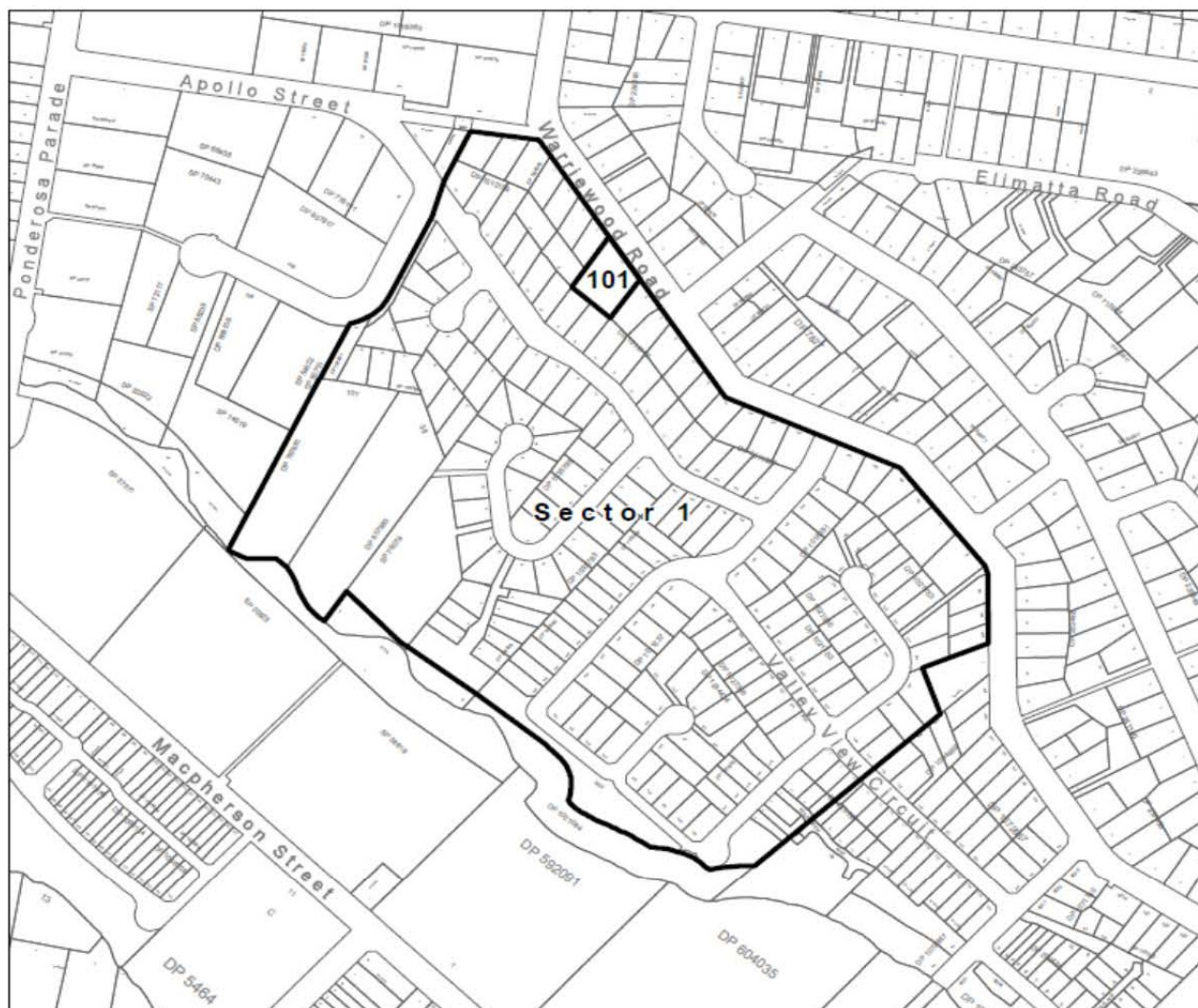
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

| | | |
|---|-----------------------|---|
| DRAWN BY M TURNBULL | DATE: 21.05.13 | STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993 CLAUSE 30E - "Public infrastructure in urban release areas" |
| PLANNING OFFICER T. STAGNI | | |
| CERTIFICATE PLAN NO. PP830 | | |
| COUNCIL FILE NO. | | |
| DEPT. FILE NO. | | CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION |
| GATEWAY DETERMINATION | DATE | |
| PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON | | |
| | | GENERAL MANAGER |
| | | DATE: |

Map 5: Pittwater Local Environmental Plan 1993 Sheet 3



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 3 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP830

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"

CLAUSE 30C - "Dwelling Yield"

CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

PART 5 COMMUNITY CONSULTATION

The lands the subject of this Planning Proposal has already been zoned for urban development, already having a maximum dwelling yield applying to each sector. This Planning Proposal relates to changes to the maximum dwelling yields permitted in Sector 1 and Buffer Area 1 in Warriewood Valley, consistent with the maximum dwelling yields under the recently adopted *Warriewood Valley Strategic Review Report 2012*. The Warriewood Valley Strategic Review Report was the subject of a comprehensive community consultation process and was endorsed by the Director-General of the Department of Planning & Infrastructure.

Infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)* which is currently being reviewed to account for additional infrastructure required as a result the additional dwellings now anticipated in the release area.

Subsequently, this Planning Proposal is considered a 'low impact' proposal.

In keeping with *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 14 day exhibition period (*this may need to be extended if the exhibition occurs during the December to January school holiday period*)
- Notification in local newspaper at commencement of exhibition period
- Notification on Council's website for the duration of the exhibition
- Notification in writing to affected and adjoining landowners at commencement of exhibition period
- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period

PART 6 PROJECT TIMELINE

| Planning Proposal Milestone | Timeframe | Anticipated Completion Date |
|---|---|---|
| Date of Gateway determination | 6 weeks from Council decision to forward Planning Proposal to Gateway | Mid July 2013 |
| Completion of required technical information | | COMPLETED 2012 |
| Government agency consultation | | Pre-exhibition consultation COMPLETED 2012 |
| Public exhibition | 14 days (<i>pending school holiday period</i>) | August 2013 |
| Consideration of submissions | 4 weeks from close of public exhibition | Early September 2013 |
| Consideration of proposal post-exhibition and report to Council | 6 weeks from close of public exhibition | October 2013 |
| Submission to Department to finalise LEP | | Late October 2013 following Council decision |
| *RPA to make plan (if delegated) | 6 weeks from Council decision | December 2013 |

**Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under section 59 of the Environmental Planning & Assessment Act in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal.*

Checklist – Consideration of State Environmental Planning Policies

The following SEPP's are relevant to the Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applying, is the Planning Proposal consistent with the provisions of the SEPP.

(Last updated 20 August 2010)

| Title of State Environmental Planning Policy (SEPP) | Applicable | Consistent | Reason for inconsistency |
|--|------------|------------|--------------------------|
| SEPP No 1 – Development Standards | YES | YES | |
| SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development | YES | YES | |
| SEPP No 6 – Number of Storeys in a Building | YES | YES | |
| SEPP No 14 – Coastal Wetlands | NO | N/A | |
| SEPP No 21 – Caravan Parks | NO | N/A | |
| SEPP No 22 – Shops and Commercial Premises | NO | N/A | |
| SEPP No 26 – Littoral Rainforests | NO | N/A | |
| SEPP No 30 – Intensive Agriculture | NO | N/A | |
| SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land) | NO | N/A | |
| SEPP No 33 – Hazardous and Offensive Development | NO | N/A | |
| SEPP No 44 – Koala Habitat Protection | NO | N/A | |
| SEPP No 50 – Canal Estate Development | NO | N/A | |
| SEPP No 55 – Remediation of Land | NO | N/A | |
| SEPP No 60 – Exempt and Complying Development | YES | YES | |
| SEPP No 62 – Sustainable Aquaculture | NO | N/A | |
| SEPP No 64 – Advertising and Signage | YES | YES | |

| Title of State Environmental Planning Policy (SEPP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SEPP No 65 – Design Quality of Residential Flat Development | YES | YES | |
| SEPP No 70 – Affordable Housing (Revised Schemes) | YES | YES | |
| SEPP 71 – Coastal Protection | NO | N/A | |
| SEPP (Affordable Rental Housing) 2009 | YES | YES | |
| SEPP (Building Sustainability Index: BASIX) 2004 | YES | YES | |
| SEPP (Exempt and Complying Development Codes) 2008 | YES | YES | |
| SEPP (Housing for Seniors or People with a Disability) 2004 | YES | YES | |
| SEPP (Infrastructure) 2007 | YES | YES | |
| SEPP (Major Development) 2005 | NO | N/A | |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | NO | N/A | |
| SEPP (Rural Lands) 2008 | NO | N/A | |
| SEPP (Temporary Structures) 2007 | NO | N/A | |
| SEPP (Urban Renewal) 2010 | NO | N/A | |

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

| Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SREP No 20 – Hawkesbury-Nepean River (No 2 -1997) | NO | N/A | |

Justification for inconsistency

NIL

Checklist – Consideration of Section 117 Ministerial Directions

1 Employment and Resources

| | Direction | Applicable | Consistent |
|-----|--|------------|------------|
| 1.1 | Business and Industrial Zones | NO | N/A |
| 1.2 | Rural Zones | NO | N/A |
| 1.3 | Mining, Petroleum Production and Extractive Industries | NO | N/A |
| 1.4 | Oyster Aquaculture | NO | N/A |
| 1.5 | Rural Lands | NO | N/A |

Justification for inconsistency

NIL

2 Environment and Heritage

| | Direction | Applicable | Consistent |
|-----|--------------------------------|------------|------------|
| 2.1 | Environmental Protection Zones | NO | N/A |
| 2.2 | Coastal Protection | NO | N/A |
| 2.3 | Heritage Conservation | YES | NO |
| 2.4 | Recreation Vehicle Areas | NO | N/A |

Justification for inconsistency with Direction 2.3

The Planning Proposal relates to changes to the maximum dwelling yield permitted in Sector 1 and Buffer Area 1 of the Warriewood Valley Release Area. Provisions already exist in Pittwater LEP 1993 for the protection and conservation of environmentally sensitive area and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

| | Direction | Applicable | Consistent |
|-----|---|------------|------------|
| 3.1 | Residential Zones | YES | YES |
| 3.2 | Caravan Parks and Manufactured Home Estates | YES | NO |
| 3.3 | Home Occupations | YES | YES |
| 3.4 | Integrating Land Use and Transport | YES | YES |
| 3.5 | Development Near Licensed Aerodromes | NO | N/A |
| 3.6 | Shooting Ranges | NO | N/A |

Justification for inconsistency with Direction 3.2

The Planning Proposal relates to changes to the maximum dwelling yield permitted in Sector 1 and the former Buffer Area 1 of the Warriewood Valley Release Area. The subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) and have been identified in the MDP. The planning and development of Warriewood Valley is based on a suite of environmental studies and objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial viability. These objectives form the basis for the planning and implementation of development in Warriewood Valley and have been consistently applied by Pittwater Council and

agreed to by the Department of Planning and Infrastructure over the years. In this regard, it did not contemplate opportunities for caravan parks and manufactured home estates.

4 Hazard and Risk

| | Direction | Applicable | Consistent |
|-----|-----------------------------------|------------|------------|
| 4.1 | Acid Sulphate Soils | NO | N/A |
| 4.2 | Mine Subsidence and Unstable Land | NO | N/A |
| 4.3 | Flood Prone Land | YES | NO |
| 4.4 | Planning For Bushfire Protection | YES | NO |

Justification for inconsistency with Direction 4.3

Sections of Narrabeen Creek traverse Buffer 1a to 1m (former Buffer Area 1). The planning and development of Warriewood Valley is based on utilising the creek line corridor to convey the 1% AEP flood event. The subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) which allows for development to occur on the land. Despite this, no vertical structures are permitted on that part of the land comprising the creek line corridor. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

Justification for inconsistency with Direction 4.4

The subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) which allows for residential development to occur on the land. This Planning Proposal is inconsistent with the direction insofar as the NSW Rural Fire Service has not yet been consulted.

5 Regional Planning

| | Direction | Applicable | Consistent |
|-----|--|------------|------------|
| 5.1 | Implementation of Regional Strategies | NO | N/A |
| 5.2 | Sydney Drinking Water Catchments | NO | N/A |
| 5.3 | Farmland of State and Regional Significance on NSW Far North Coast | NO | N/A |
| 5.4 | Commercial and Retail Development along the Pacific Hwy, North Coast | NO | N/A |
| 5.5 | Development in the vicinity of Ellalong, Paxton and Millfield | NO | N/A |
| 5.8 | Second Sydney Airport: Badgerys Creek | NO | N/A |

Justification for inconsistency

NIL

6 Local Plan Making

| | Direction | Applicable | Consistent |
|-----|------------------------------------|------------|------------|
| 6.1 | Approval and Referral Requirements | YES | YES |
| 6.2 | Reserving Land for Public Purposes | YES | YES |
| 6.3 | Site Specific Purposes | YES | NO |

Justification for inconsistency with Direction 6.3

The Planning Proposal seeks to amend the maximum permissible dwelling yield provisions contained in Clause 30C of the Pittwater LEP. The application of Clause 30C, stipulating the maximum number of dwellings, is well established for the Warriewood Valley Release Area and is not a new provision.

7 Metropolitan Planning

| | Direction | Applicable | Consistent |
|-----|---|------------|------------|
| 7.1 | Implementation of the Metropolitan Strategy | YES | YES |

Justification for inconsistency

NIL



PLANNING PROPOSAL

PP0004/13

To rezone Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C, and 901F of the Warriewood Valley Urban Land Release Area to a residential zone

To introduce/increase the maximum dwellings permitted in Sectors 301-303, 5, 801, 901A and adjoining Orchard Street road reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b of the Warriewood Valley Release Area

PART 1 OBJECTIVES OR INTENDED OUTCOMES

To rezone specific land 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP, being:

- Lot 13 DP1092788, 9 & 10 Fern Creek Road, 2, 4, & 6 Orchard Street, 204 & 206 Garden Street, Warriewood and north-west portion of Orchard Street Road reserve (*identified as Sector 901A and adjoining Orchard Street Road Reserve*)
- 2 Fern Creek Road (*identified as Sector 901B*),
- 12 Fern Creek Road Warriewood (*identified as Sector 901C*),
- 14 Orchard Street Warriewood (*identified as Sector 901F*).

To introduce/amend the minimum and maximum numbers of dwellings permitted in:

- Sector 301, 302 and 303,
- Sector 5,
- Sector 801,
- Sector 901A and adjoining Orchard Street Road Reserve, 901B, 901C and 901F
- Sector 10B,
- Buffer 2a and
- Buffer 3b.

of the Warriewood Valley Release Area, representing an increase in dwelling density from 25 to 32 dwellings per developable hectare.

Developable hectare refers to the total area of the site exclusive of environmentally sensitive land, including the creek line corridor land (as measured 25 metres, either side of the creek centreline) expressed in hectares.

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- An amended zoning map is provided for this Planning Proposal (See **MAP 3**) and will require amending Clause 5 of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of definition of “the Zoning Map” contained in subclause (1), this paragraph:

[Pittwater Local Environmental Plan 1993 \(Amendment No. #\) – Sheet 1](#)

- A series of new maps are provided for this Planning Proposal (See **MAP 4, 6, 8, 9, 11, 12, 14**) and will require amending Clause 30B of the *Pittwater Local Environmental Plan 1993* as follows:-

Delete at end of subclause (1), these paragraphs:

~~Land at Warriewood within Sector 3 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (amendment No 87)”~~

~~Land at Warriewood within Sector 5 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (amendment No 91)”~~

Insert at the end of subclause (1), this paragraph:

Land at Warriewood within Sector 301, 302 and 303 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 4 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 5 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 6 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 8 including Sector 801 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 7 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 901A and adjoining Orchard Street Road Reserve, 901B, 901C and 901D of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 2 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 10 including Sector 10B of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 9 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Buffer 2a of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 10 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Buffer 3b of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 12 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

- Amending Clause 30C of the *Pittwater Local Environmental Plan 1993* as follows:-

~~Sector 3 – not more than 165 dwellings~~

Sector 301 – not more than 53 dwellings or less than 42 dwellings

Sector 302 – not more than 84 dwellings or less than 66 dwellings

Sector 303 – not more than 29 dwellings or less than 23 dwellings

Sector 5 – not more than ~~75~~ 94 or less than ~~65~~ 75 dwellings

Sector 8 (excluding Sector 801) – not more than 159 dwellings

Sector 801 – not more than 38 dwellings or less than 19 dwellings

Sector 10 (excluding Sector 10B) – not more than ~~164~~ 134 dwellings ~~or less than 147 dwellings~~

Sector 10B – not more than 45 dwellings or less than 28 dwellings

Sector 901A (including adjoining road reserve) – not more than 192 dwellings or less than 156 dwellings

Sector 901B – not more than 36 dwellings or less than 12 dwellings

Sector 901C – not more than 22 dwellings or less than 17 dwellings

Sector 901F – not more than 14 dwellings

Buffer 2a – not more than 29 dwellings or less than 20 dwellings

Buffer 3b – not more than 9 dwellings or less than 7 dwellings

- A series of new maps are provided for this Planning Proposal (See **MAP 12 & 14**) and will require amending Clause 30D of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (1), this paragraph:

- (b) This clause applies to land shown edged heavy black on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #) – Sheet 10".
- (c) This clause applies to land shown edged heavy black on the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #) – Sheet 12".

- A series of new maps are provided for this Planning Proposal (See **MAP 5, 7, 10, 11, 13 & 14**) and will require amending Clause 30E of the *Pittwater Local Environmental Plan 1993* as follows:-

Amend subclause (5) as follows and at the end of subclause (5) insert this paragraph:

- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot, or
- (d) any current or future residential development in the Warriewood Valley Urban Release Area.

Delete at end of subclause (8), these paragraphs:

~~Land at Warriewood within Sector 3 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked "Pittwater Local Environmental Plan 1993 (amendment No 87)"~~

Insert at the end of subclause (8), these paragraphs:

Sector 301, 302 and 303 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 5 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Sector 8 including Sector 801 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 8 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Sector 901A and road reserve, 901B, 901C and 901F of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Sector 10 including Sector 10B of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 9 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Buffer 2a of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 11 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Buffer 3b of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 12 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

PART 3 JUSTIFICATION

Section A Need for the Planning Proposal

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

Yes. The recently adopted *Warriewood Valley Strategic Review Report 2012* was the result of a joint undertaking by the Department of Planning & Infrastructure and Council to review the height and density standards for residential development within the Release Area. This report also confirmed those sectors, prepared to be rezoned 2(f) are capable of residential development and is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

The Strategic Review Report has been endorsed by the Director-General of Planning & Infrastructure.

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

Yes. The Planning Proposal is the best means of achieving the intended outcome as Council is only able to grant consent for residential development on lands in Warriewood Valley listed in Clause 30B. Progressing the Planning Proposal is also the only mechanism of enabling changes to be made to Clause 30C of Pittwater LEP and amending/introducing maximum dwelling numbers for Sector 301, 302, 303, 5, 801, 901A and adjoining Orchard Street Road Reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b.

Section B Relationship to Strategic Planning Framework

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

This Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy, in line with the State Plan, and the Draft North-East Subregional Strategy, where goals are set for housing and land supply.

Action C1 in the Draft North-East Subregional Strategy calls for ensuring the adequate supply of land and sites for residential development through the MDP. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. This Planning Proposal will increase housing supply and is therefore consistent with such an action.

This Planning Proposal would also be consistent with Action C4 of the Draft North-East Subregional Strategy, which calls for improving housing affordability. Once again, by increasing housing supply the Planning Proposal is consistent with such an action.

As the intended outcome of this Planning Proposal is to allow more dwellings to be built in the Warriewood Valley Release Area, it is subsequently consistent with the objectives and actions contained within the relevant strategic planning framework.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

This Planning Proposal is consistent with the recently adopted *Warriewood Valley Strategic Review Report 2012* which recommends an increase in the numbers of dwellings in the Warriewood Valley Release Area. This review report is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

This report also confirmed those sectors, prepared to be rezoned 2(f) are capable of residential development and also consistent with Council's adopted *Warriewood Valley Planning Framework 2010* (adopted 3 May 2010) insofar as these sectors to be rezoned are designated for medium density form of residential development.

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

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (see Appendix 1).

6. Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 2).

C Environmental, social and economic impact

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

Sectors 301, 302 and 303 (formerly known collectively as Sector 3), Sector 5, Sector 801 (residue of Sector 8), Sector 10B (residue of Sector 10), Buffer 2a (residue of Buffer Area 2) and Buffer 3b (residue of Buffer Area 3), have already been zoned for urban development, already having a maximum dwelling yield applying to each sector.

Sectors 901A, 901B, 901C and 901F are the only sectors proposed to be rezoned from non-urban to residential under this Planning Proposal. The Planning Proposal also seeks to apply a maximum dwelling yield for each of these sectors.

This Planning Proposal, in seeking to rezone and apply a maximum dwelling yield, is consistent with the adopted and endorsed *Warriewood Valley Strategic Review Report 2012*.

The lands subject to this Planning Proposal were previously used for horticulture and are largely cleared. Sectors 301, 302, 302, 5 and Buffer 2a are traversed by Narrabeen Creek at their rear boundary. Sectors 801, 901A and 901C are traversed by Fern Creek at their rear boundary. The adjoining sections of Narrabeen Creek and Fern Creek contain a mixture of native and exotic vegetation, with the native vegetation only in moderate condition.

Any future development of these sites is restricted to the 'developable area' of the site, situated outside of this creek line (as shown on Map 4, 6, 8, 9 and 12). Conditions of any future development approval will also require the creek line to be rehabilitated and revegetated with native endemic species.

During the earlier rezoning of Sectors 3, 5 8, 10 and Buffer Area 2 and 3 from non-urban to residential the likelihood of threatened species and habitats being adversely affected by the rezoning was considered. At this point, it was concluded that there was little likelihood of adverse impacts as a result of the rezoning on threatened species of their habitats. It is concluded that this Planning Proposal, in seeking to amend the provisions PLEP 1993 to increase the maximum dwelling yield permitted in these sectors, is unlikely to result in any adverse impacts to threatened species or their habitats.

During the undertaking of the Warriewood Valley Strategic Review the likelihood of adverse impacts as a result of the rezoning of 901A, 901B and 901C was considered. The rezoning of these sectors is consistent with the recommendations of the recently adopted Warriewood Valley Strategic Review Report 2012 which is supported by mapping layers adopted by Council in 2011 as part of the Pittwater Local Planning Strategy and the findings of several environmental studies. During the undertaking of the Strategic Review it was concluded that there was little likelihood of adverse impacts as a result of the rezoning of these sectors on threatened species or their habitats.

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

This Planning Proposal seeks a modest increase in the number of dwellings permitted in these sectors as forecast under *Warriewood Valley Planning Framework 2010* (adopted by Council on 3 May 2010).

This Planning Proposal is consistent with the recommendations of the recently adopted *Warriewood Valley Strategic Review Report 2012* which is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy* and the findings of several environmental studies which considered flooding and water management, traffic and transport, urban design and economic feasibility issues.

Any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flooding, bushfire prone land, waste, land contamination, geotechnical hazards, heritage and traffic, through the Pittwater LEP and Pittwater 21 DCP.

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

The lands the subject of this Planning Proposal comprises identified residential sectors within the Warriewood Valley Release Area (land release identified in the State Government's MDP). A suite of studies were undertaken for the original Warriewood Valley urban land release, including consideration of social and economic effects. This Planning Proposal will therefore not have any marked negative social or economic effects.

The north-east portion of Orchard Street Road Reserve to be rezoned does not require reclassification under the Local Government Act. It will however need to be "closed" under the Roads Act and subsequent subdivision, to be undertaken separate to this Planning Proposal.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

As the subject lands form part of the Warriewood Valley Land Release, public infrastructure is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)*. Council has commenced a review of this plan to account for the additional infrastructure required as a result of the additional dwellings now anticipated in the release area.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The Department of Planning & Infrastructure is attending to a review of flood evacuation requirements in regard to emergency flood evacuation policy and the requirements of the NSW State Emergency Service (SES) which arose during the investigative stages of the Warriewood Valley Strategic Review. It is understood that this intra-government review of its flood evacuation policy to resolve a consistent approach to land release development and flood evacuation requirements is due for completion in 2013.

Council's resolution of 12 June 2013 is to progress this Planning Proposal subject to the NSW Government agreeing to an emergency response policy being facilitated by an excavation route at the 1% AEP.

The following preliminary views were expressed by state and service agencies during the public exhibition of Council's local strategic plan for Warriewood Valley which recommends an increase in the numbers of dwellings in the release area.

Response from Department of Education & Communities (DEC):

- Based on up to an additional 500 dwellings, the DEC advises that there is adequate capacity at Narrabeen Sports High School to accommodate senior students.
- For primary students, the Department expects that there would be a need to increase capacity at either Narrabeen North Public School or Mona Vale Public School.

Response from Roads & Maritime Services (RMS):

- The RMS has advised that it supports the Strategic Review's recommendations, provided that:-
 - The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings, and
 - No further development is approved for the area identified as the Southern Buffer until further traffic modelling is carried out on the Pittwater Road/Warriewood Road and Pittwater Road/Mona Vale Road intersections.

Response from Sydney Water:

- Sydney Water advises there is capacity in both water and wastewater systems to service the proposed density increase in Warriewood Valley.

Response from Ausgrid:

- Ausgrid expects that supply to the proposed development would be able to be provided from the electricity substations at Mona Vale or Narrabeen.

Response from Department of Health – Northern Sydney Local Health District (NSLHD):

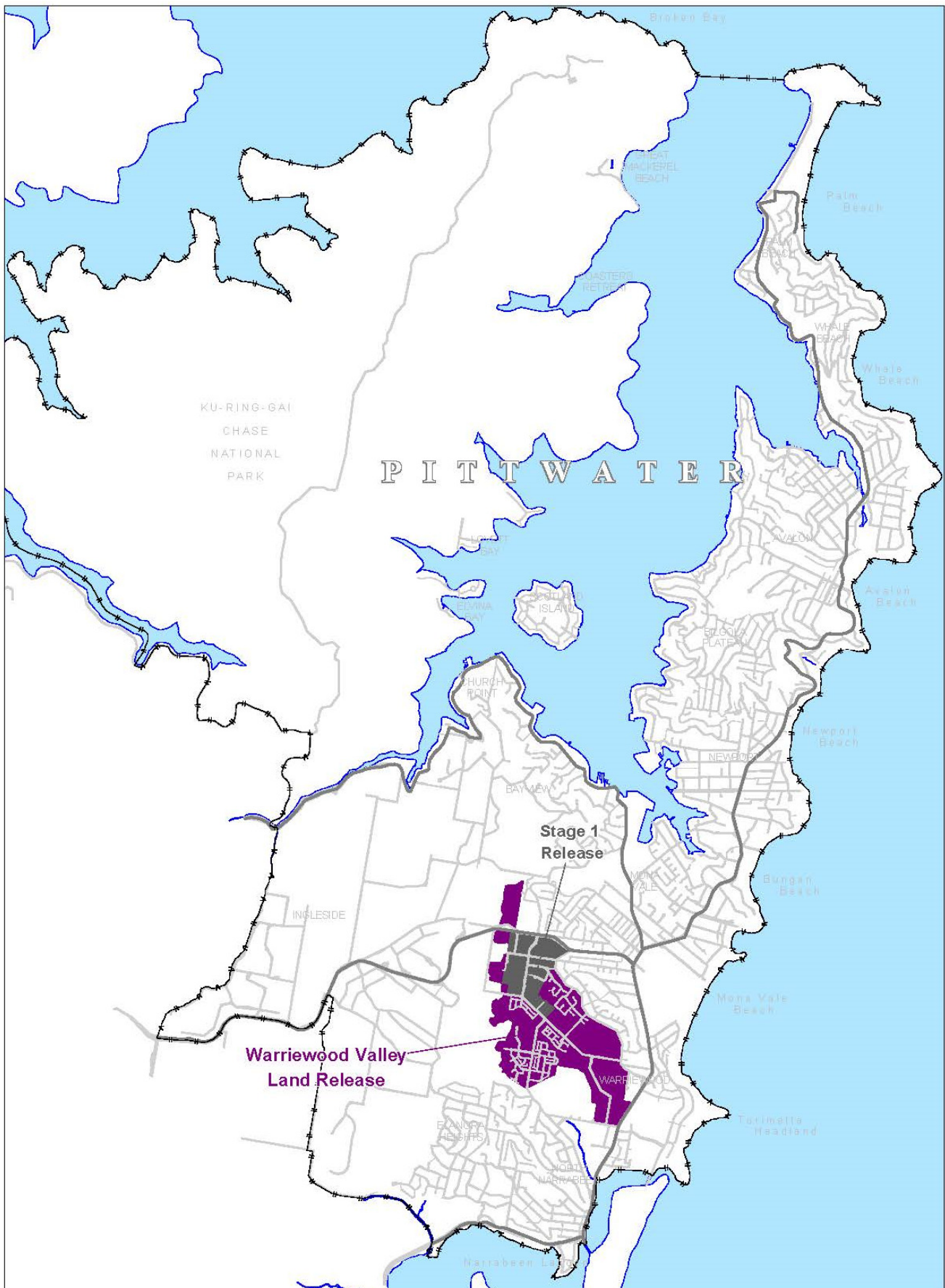
- NSLHD notes that the northeast is Sydney's most car dependent subregion and recommends that the frequency and the capacity of the public transport system be improved to accommodate the proposed increase in density.
- NSLHD commends the inclusion of pedestrian and cycle links throughout Warriewood, but recommends that cycleways be separated from traffic to allow for safe, active transport and to increase participant numbers.

Response from Office of Environment & Heritage (OEH):

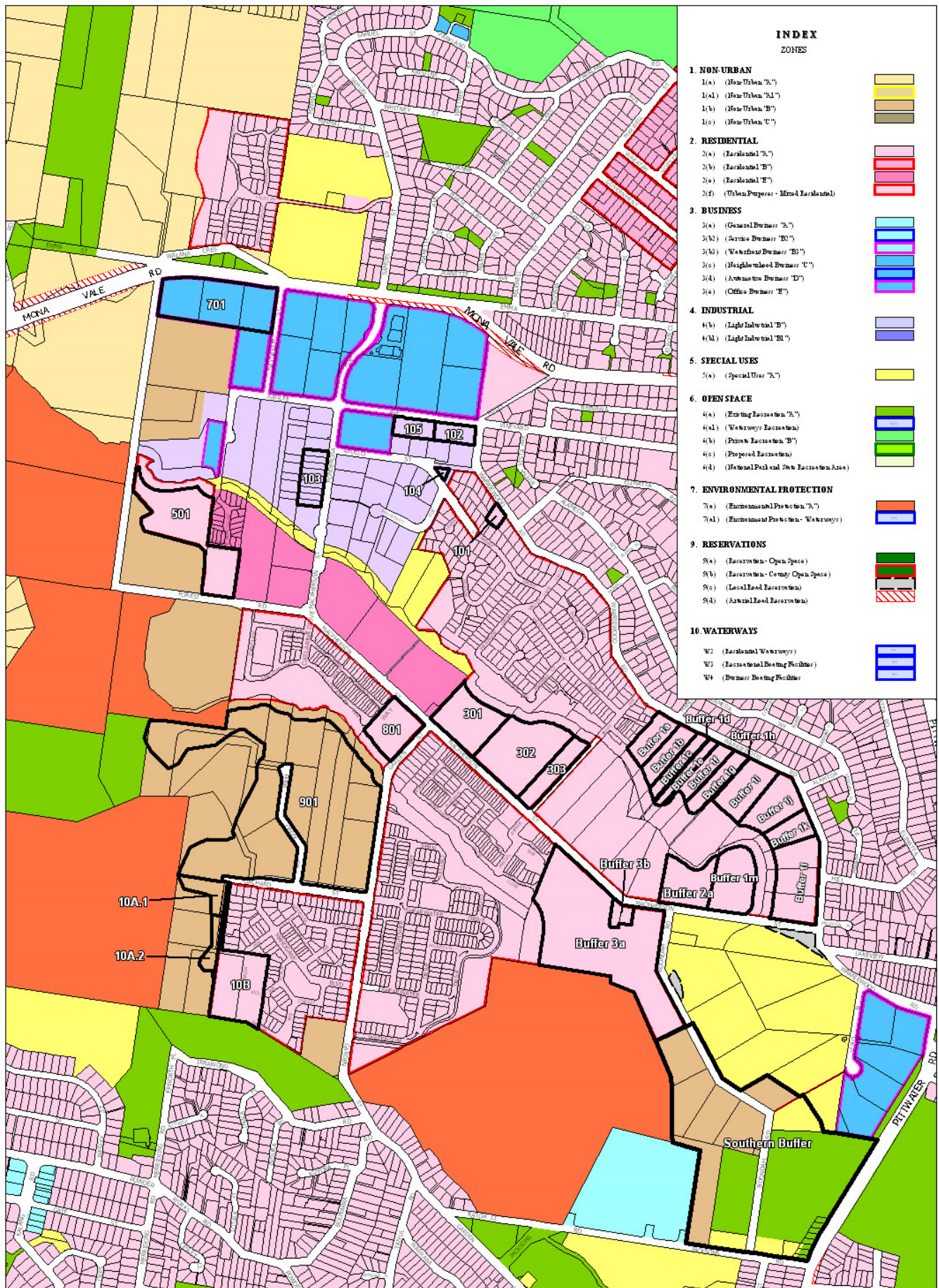
- The OEH generally supports the proposed increase in residential density, provided that flooding issues and bushfire protection issues are adequately considered and that riparian corridors can be retained and protected.

PART 4 MAPPING

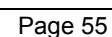
Map 1: Location Map – Warriewood Valley Release Area



Map 2: Current Sectors – Warriewood Valley Planning Framework 2010



Report to Sustainable Towns and Villages Committee for meeting to be held on 21 October 2013



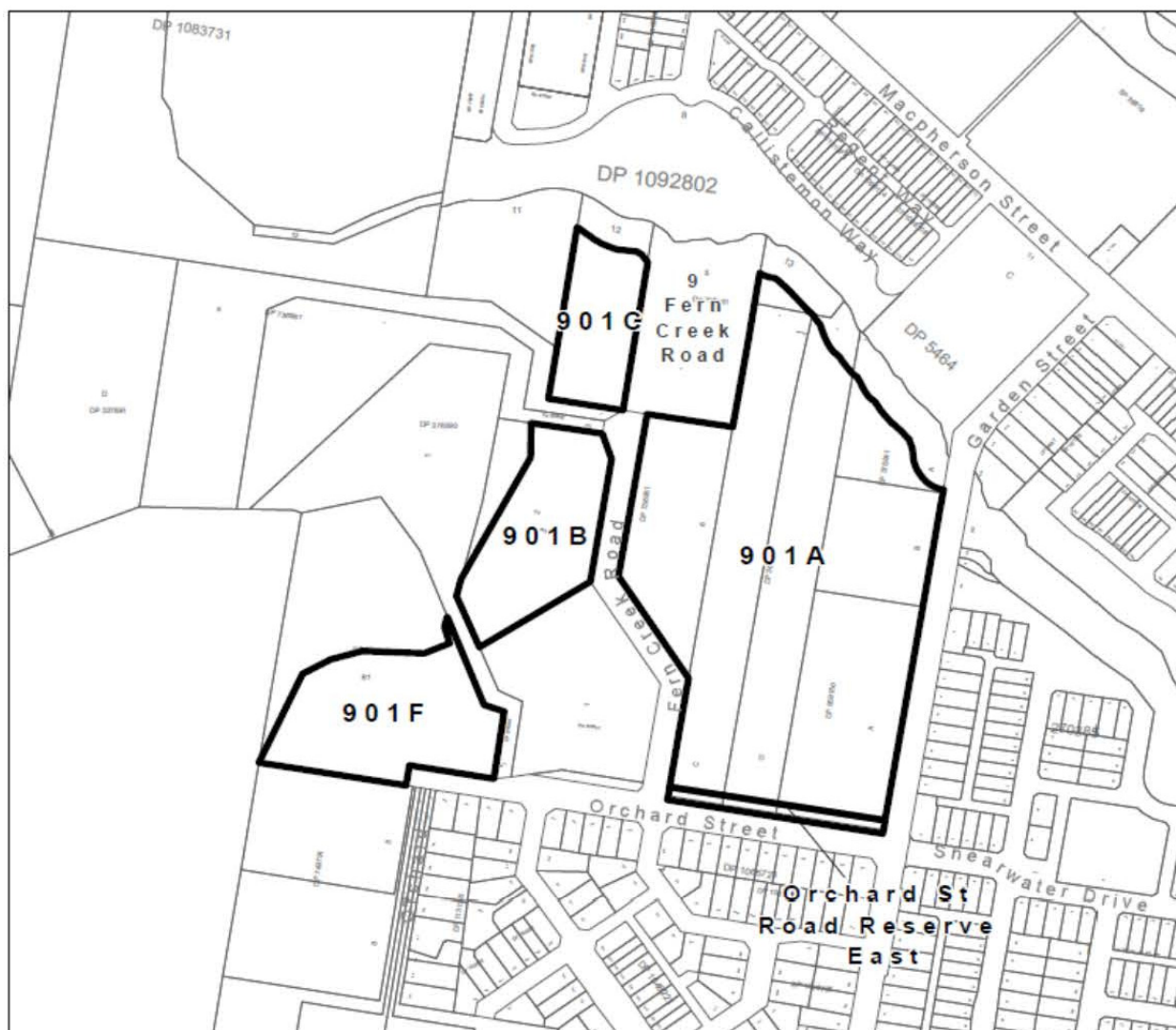
2 (f)

Sheet 1 of 12

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DATE:

Map 4: Pittwater Local Environmental Plan 1993 Sheet 2



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 2 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

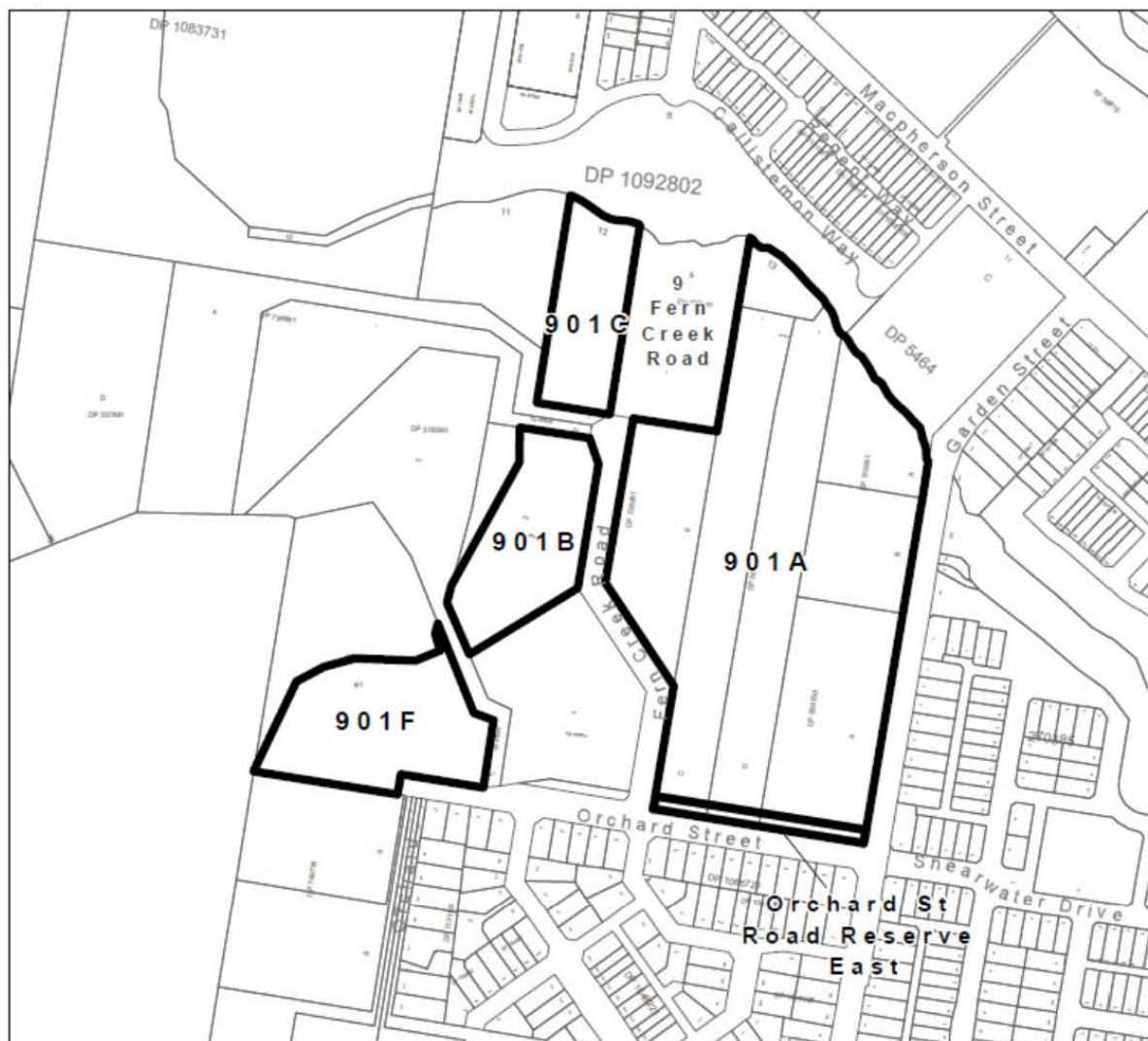
CLAUSE 30B - "Development of UDP land in Warriewood Valley"
CLAUSE 30C - "Dwelling Yield"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER

DATE:

Map 5: Pittwater Local Environmental Plan 1993 Sheet 3



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 3 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 10.07.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER

DATE:

Map 6: Pittwater Local Environmental Plan 1993 Sheet 4



SUBJECT LAND SHOWN THUS



SCALE 1:5000

LOCALITY WARRIEWOOD

Sheet 4 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"
CLAUSE 30C - "Dwelling Yield"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER

DATE:

NORTH

SCALE 1:5000

SUBJECT LAND SHOWN THUS

LOCALITY WARRIEWOOD

Sheet 5 of 12

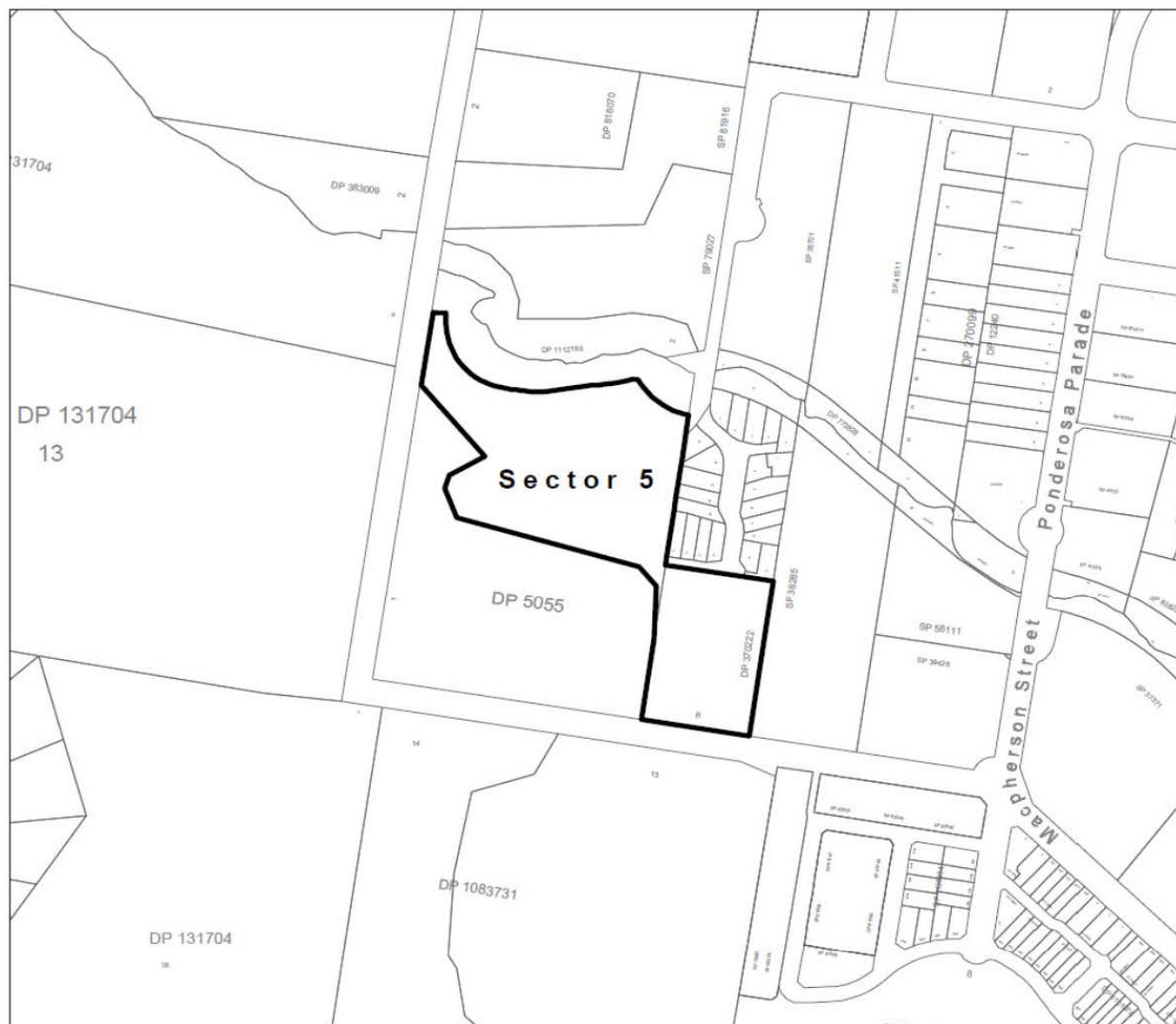
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

| | |
|--|---|
| <p>DRAWN BY M TURNBULL DATE: 21.05.13</p> <p>PLANNING OFFICER T. STAGNI</p> <p>CERTIFICATE PLAN NO. PP831</p> <p>COUNCIL FILE NO.</p> <p>DEPT. FILE NO.</p> <p>GATEWAY DETERMINATION DATE</p> <p>PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON</p> | <p>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</p> <p>AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993</p> <p>CLAUSE 30E - "Public infrastructure in urban release areas"</p> <p>CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION</p> <p style="text-align: right;">GENERAL MANAGER</p> <p style="text-align: right;">DATE:</p> |
|--|---|

Map 8: Pittwater Local Environmental Plan 1993 Sheet 6



NORTH

SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 6 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

| GATEWAY DETERMINATION | DATE |
|--------------------------|------|
|--------------------------|------|

PLAN PUBLISHED ON NSW
LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTSWATER LOCAL ENVIRONMENTAL PLAN 1993

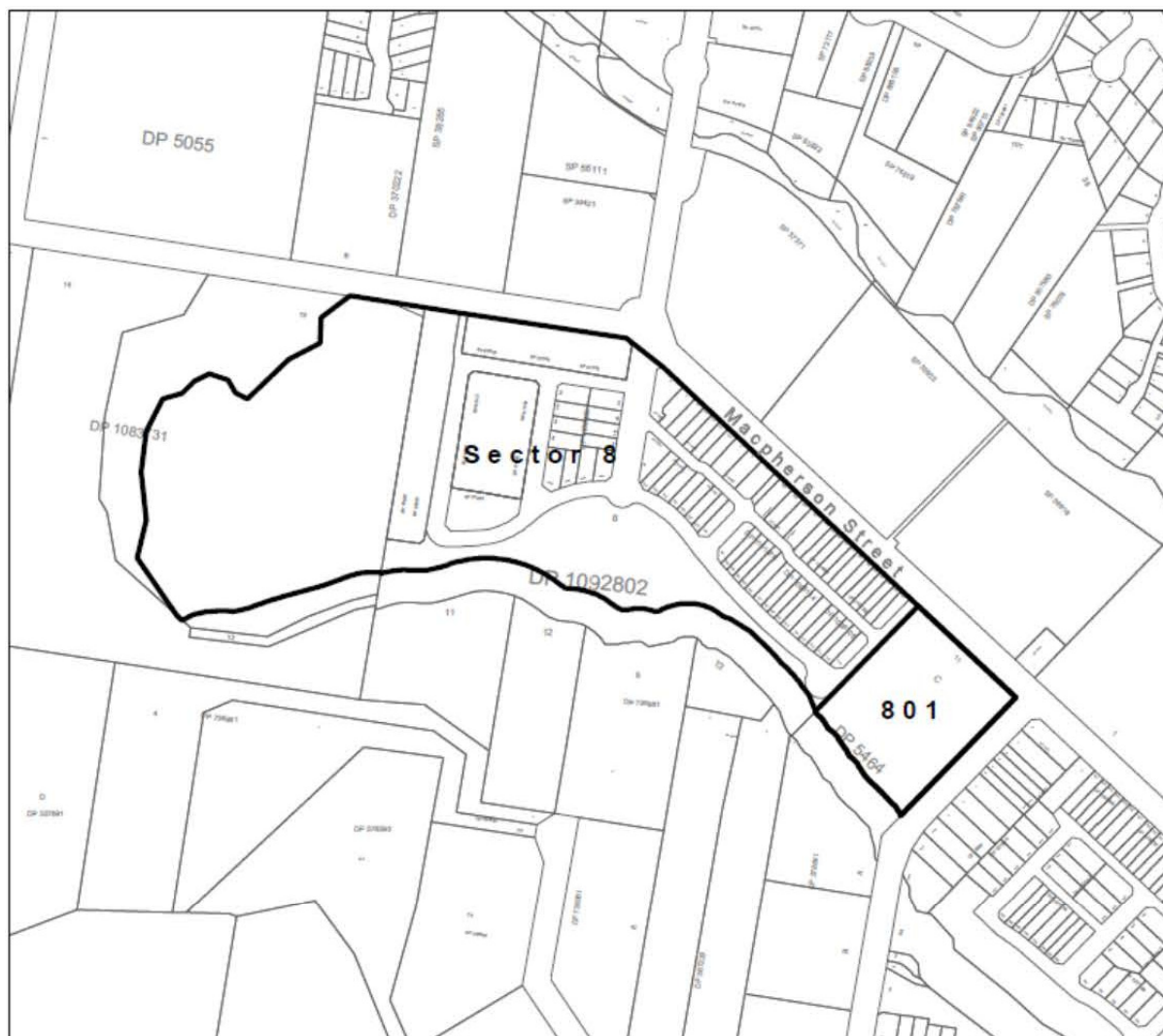
CLAUSE 30B - "Development of UDP land in Warriewood Valley"
CLAUSE 30C - "Dwelling Yield"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER

DATE:

Map 9: Pittwater Local Environmental Plan 1993 Sheet 7



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 7 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

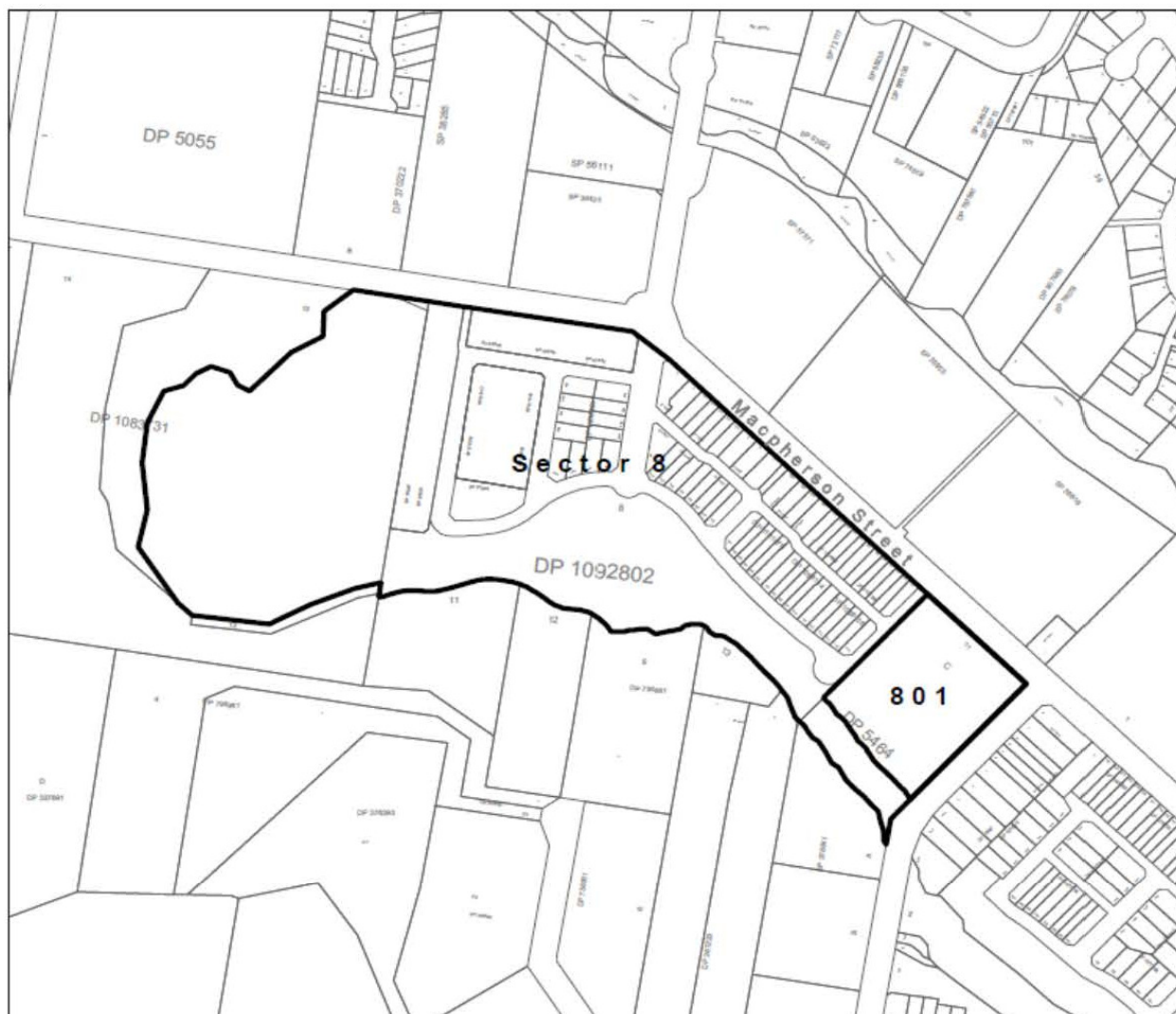
AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"
CLAUSE 30C - "Dwelling Yield"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER
DATE:

Map 10: Pittwater Local Environmental Plan 1993 Sheet 8



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIWOOD

Sheet 8 of 12

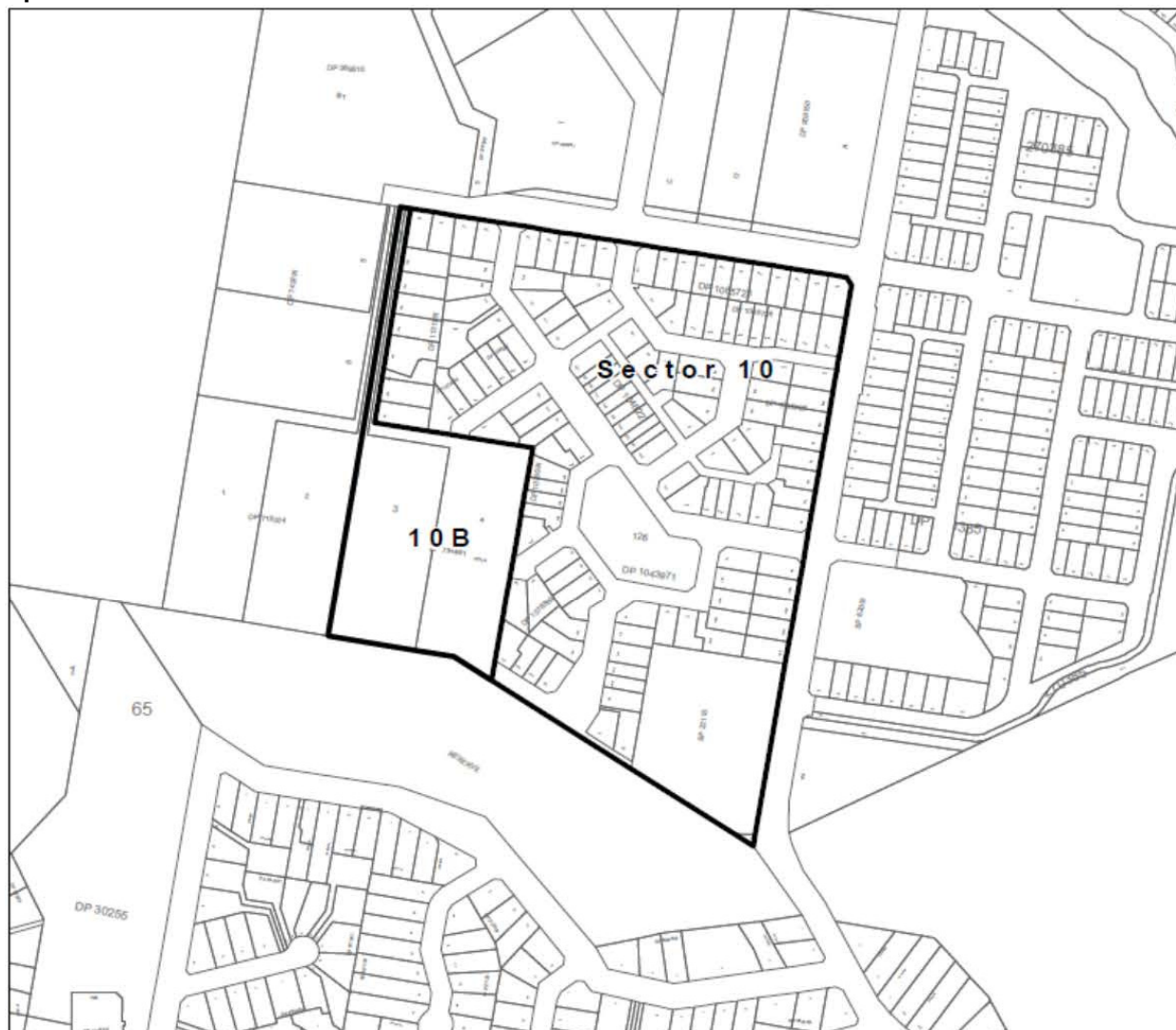
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

| | |
|--|---|
| DRAWN BY M TURNBULL DATE: 21.05.13 | STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993 CLAUSE 30E - "Public infrastructure in urban release areas" |
| PLANNING OFFICER T. STAGNI | |
| CERTIFICATE PLAN NO. PP831 | |
| COUNCIL FILE NO. | |
| DEPT. FILE NO. | CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION GENERAL MANAGER DATE: |
| GATEWAY DETERMINATION DATE | |
| PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON | |

Map 11: Pittwater Local Environmental Plan 1993 Sheet 9



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 9 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"

CLAUSE 30C - "Dwelling Yield"

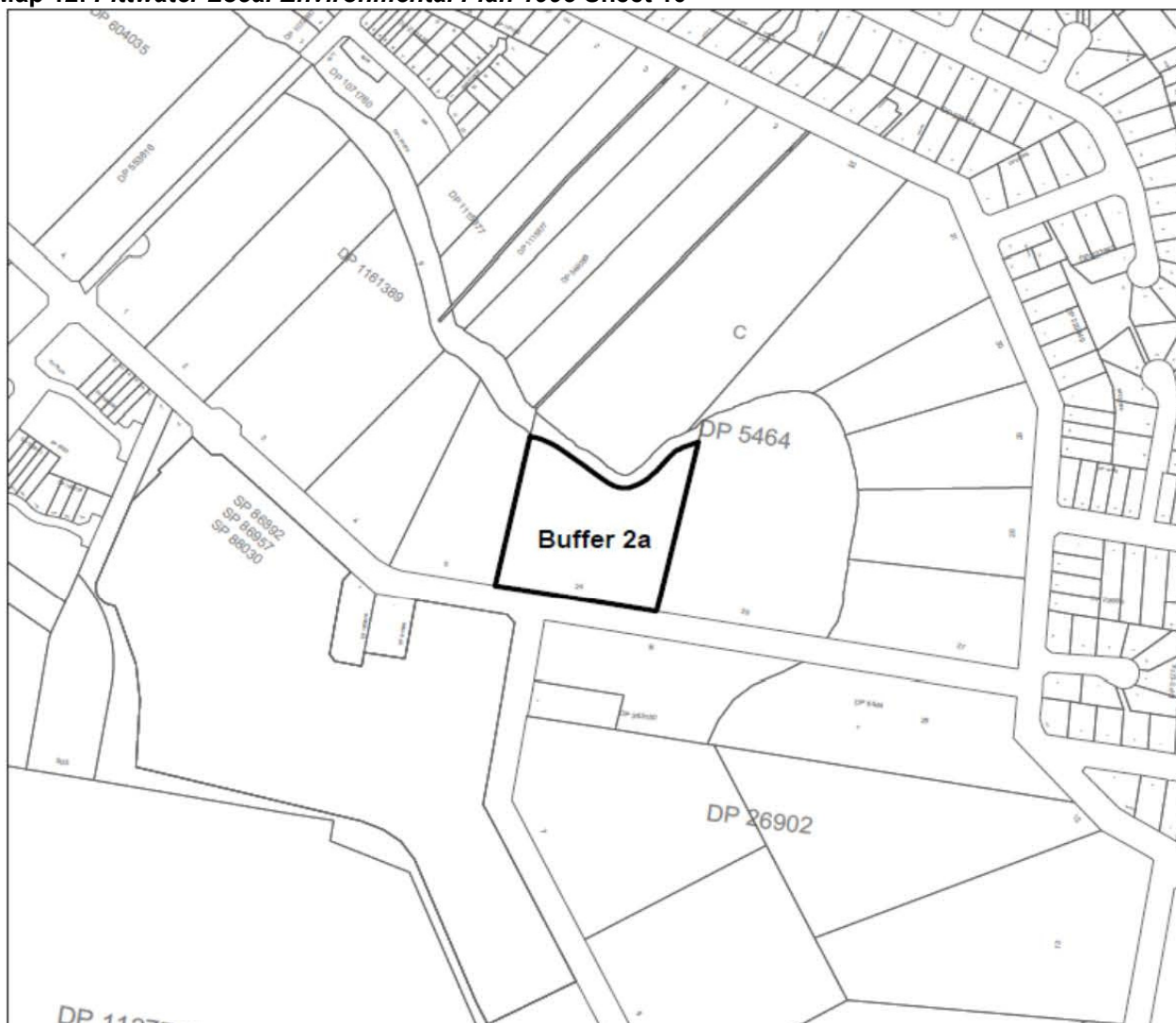
CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

Map 12: Pittwater Local Environmental Plan 1993 Sheet 10



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 10 of 12

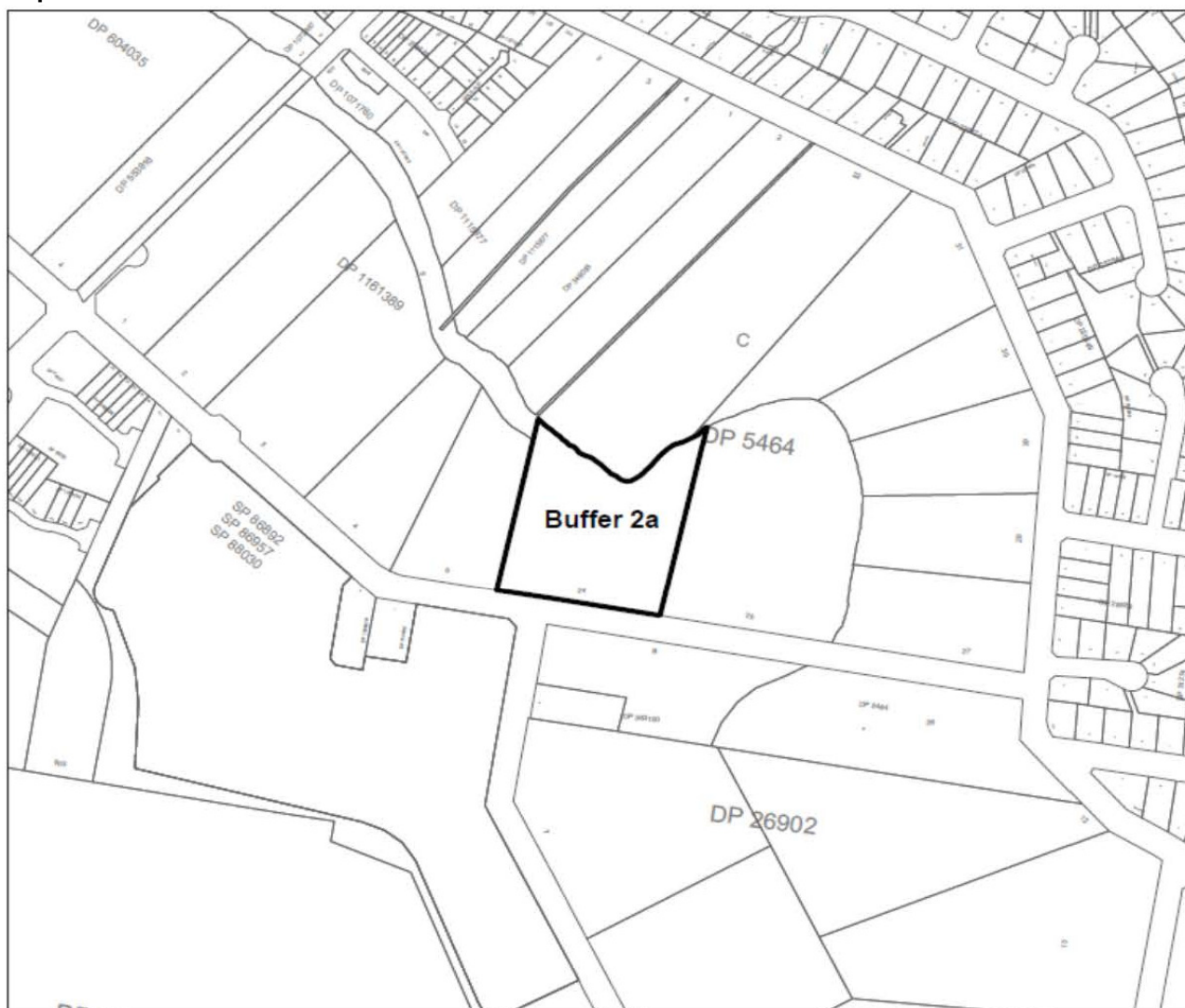
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

| | | |
|--|----------------|--|
| DRAWN BY M TURNBULL | DATE: 21.05.13 | STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993 CLAUSE 30B - "Development of UDP land in Warriewood Valley" CLAUSE 30C - "Dwelling Yield" CLAUSE 30D - "Mitigation of odours from the Warriewood Sewerage Treatment Plant" |
| PLANNING OFFICER T. STAGNI | | |
| CERTIFICATE PLAN NO. PP831 | | |
| COUNCIL FILE NO. | | |
| DEPT. FILE NO. | | CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION |
| GATEWAY DETERMINATION | DATE | |
| PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON | | |
| | | GENERAL MANAGER DATE: |

Map 13: Pittwater Local Environmental Plan 1993 Sheet 11



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 11 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

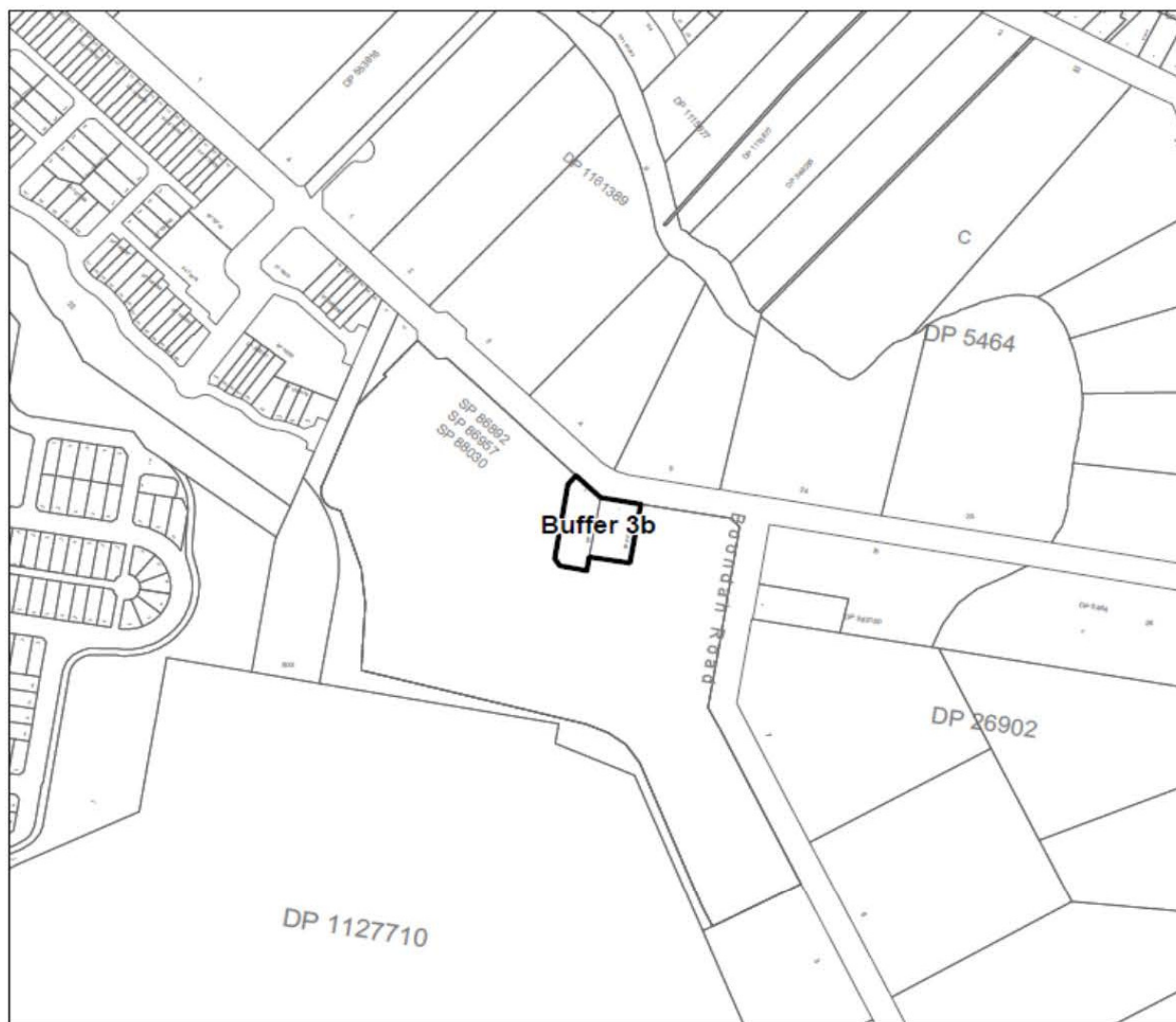
CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

Map 14: Pittwater Local Environmental Plan 1993 Sheet 12



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 12 of 12

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"

CLAUSE 30C - "Dwelling Yield"

CLAUSE 30D - "Mitigation of odours from the Warriewood Sewerage Treatment Plant"

CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

PART 5 COMMUNITY CONSULTATION

The recently adopted *Warriewood Valley Strategic Review Report 2012* identifies increased development capacity, up to 32 dwellings per hectare, for Sectors 301, 302, 303; 5; 801 901A, 901B, 901C, 901F and Orchard Street road reserve and Buffer 2a & 3a.

The *Warriewood Valley Strategic Review Report 2012* was the subject of a comprehensive community consultation process and was endorsed by the Director-General of the Department of Planning & Infrastructure.

Infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)* which is currently being reviewed to account for additional infrastructure required as a result the additional dwellings now anticipated in the release area.

Subsequently, this Planning Proposal is considered a 'low impact' proposal.

In keeping with *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 14 day exhibition period (*this may need to be extended if the exhibition occurs during the December to January school holiday period*)
- Notification in local newspaper at commencement of exhibition period
- Notification on Council's website for the duration of the exhibition
- Notification in writing to affected and adjoining landowners at commencement of exhibition period
- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period

PART 6 PROJECT TIMELINE

| Planning Proposal Milestone | Timeframe | Anticipated Completion Date |
|---|---|---|
| Date of Gateway determination | 6 weeks from Council decision to forward Planning Proposal to Gateway | Mid July 2013 |
| Completion of required technical information | | COMPLETED 2012 |
| Government agency consultation | | Pre-exhibition consultation COMPLETED 2012 |
| Public exhibition | 14 days (<i>pending school holiday period</i>) | August 2013 |
| Consideration of submissions | 4 weeks from close of public exhibition | Early September 2013 |
| Consideration of proposal post-exhibition and report to Council | 6 weeks from close of public exhibition | October 2013 |
| Submission to Department to finalise LEP | | Late October 2013 following Council decision |
| *RPA to make plan (if delegated) | 6 weeks from Council decision | December 2013 |

**Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under section 59 of the Environmental Planning & Assessment Act in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal.*

Checklist – Consideration of State Environmental Planning Policies

The following SEPP's are relevant to the Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applying, is the Planning Proposal consistent with the provisions of the SEPP.

| Title of State Environmental Planning Policy (SEPP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SEPP No 1 – Development Standards | YES | YES | |
| SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development | YES | YES | |
| SEPP No 6 – Number of Storeys in a Building | YES | YES | |
| SEPP No 14 – Coastal Wetlands | NO | N/A | |
| SEPP No 21 – Caravan Parks | NO | N/A | |
| SEPP No 22 – Shops and Commercial Premises | NO | N/A | |
| SEPP No 26 – Littoral Rainforests | NO | N/A | |
| SEPP No 30 – Intensive Agriculture | NO | N/A | |
| SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land) | NO | N/A | |
| SEPP No 33 – Hazardous and Offensive Development | NO | N/A | |
| SEPP No 44 – Koala Habitat Protection | NO | N/A | |
| SEPP No 50 – Canal Estate Development | NO | N/A | |
| SEPP No 55 – Remediation of Land | NO | N/A | |
| SEPP No 60 – Exempt and Complying Development | YES | YES | |
| SEPP No 62 – Sustainable Aquaculture | NO | N/A | |
| SEPP No 64 – Advertising and Signage | YES | YES | |
| SEPP No 65 – Design Quality of Residential Flat Development | YES | YES | |

| Title of State Environmental Planning Policy (SEPP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SEPP No 70 – Affordable Housing (Revised Schemes) | YES | YES | |
| SEPP 71 – Coastal Protection | NO | N/A | |
| SEPP (Affordable Rental Housing) 2009 | YES | YES | |
| SEPP (Building Sustainability Index: BASIX) 2004 | YES | YES | |
| SEPP (Exempt and Complying Development Codes) 2008 | YES | YES | |
| SEPP (Housing for Seniors or People with a Disability) 2004 | YES | YES | |
| SEPP (Infrastructure) 2007 | YES | YES | |
| SEPP (Major Development) 2005 | NO | N/A | |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | NO | N/A | |
| SEPP (Rural Lands) 2008 | NO | N/A | |
| SEPP (Temporary Structures) 2007 | NO | N/A | |
| SEPP (Urban Renewal) 2010 | NO | N/A | |

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

| Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SREP No 20 – Hawkesbury-Nepean River (No 2 -1997) | NO | N/A | |

Justification for inconsistency

NIL

Checklist – Consideration of Section 117 Ministerial Directions

1 Employment and Resources

| | Direction | Applicable | Consistent |
|-----|--|------------|------------|
| 1.1 | Business and Industrial Zones | NO | N/A |
| 1.2 | Rural Zones | YES | NO |
| 1.3 | Mining, Petroleum Production and Extractive Industries | NO | N/A |
| 1.4 | Oyster Aquaculture | NO | N/A |
| 1.5 | Rural Lands | NO | N/A |

Justification for inconsistency with Director 1.2

The Planning Proposal so far as it is inconsistent with Direction 1.2 relates to the rezoning of Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C & 901F in the Warriewood Valley Release Area from a rural zone to a residential zone.

Warriewood Valley is identified in the State Government's MDP. The proposed rezoning is consistent with recommendations of the *Warriewood Valley Strategic Review Report 2012* which has been endorsed by the Director-General of Planning & Infrastructure.

2 Environment and Heritage

| | Direction | Applicable | Consistent |
|-----|--------------------------------|------------|------------|
| 2.1 | Environmental Protection Zones | NO | N/A |
| 2.2 | Coastal Protection | NO | N/A |
| 2.3 | Heritage Conservation | YES | NO |
| 2.4 | Recreation Vehicle Areas | NO | N/A |

Justification for inconsistency with Direction 2.3

The Planning Proposal rezones Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C & 901F from a rural zone to a residential zone and introduces/amends the maximum dwelling yield permitted in Sectors 301, 302, 303; 501; 801; 901A, 90B, 901C & 901F; 10B; and Buffer 2a & 3a. Provisions already exist in Pittwater LEP 1993 for the protection and conservation of environmentally sensitive area and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

| | Direction | Applicable | Consistent |
|-----|---|------------|------------|
| 3.1 | Residential Zones | YES | YES |
| 3.2 | Caravan Parks and Manufactured Home Estates | YES | NO |
| 3.3 | Home Occupations | YES | YES |
| 3.4 | Integrating Land Use and Transport | YES | YES |
| 3.5 | Development Near Licensed Aerodromes | NO | N/A |
| 3.6 | Shooting Ranges | NO | N/A |

Justification for inconsistency with Direction 3.2

The Planning Proposal relates to lands in the Warriewood Valley Release Area, identified in the State Government's MDP.

The Planning Proposal rezones Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C & 901F from a rural zone to a residential zone and to the introduces maximum permitted dwelling yields in these sectors.

An amendment is also proposed to the maximum dwelling yield permitted in Sectors 301, 302, 303; 5, 801; 10B; and Buffer 2a & 3a, being lands are already zoned 2(f) (Urban Purposes – Mixed Residential).

The planning and development of Warriewood Valley is based on a suite of environmental studies and objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial viability. These objectives form the basis for the planning and implementation of development in Warriewood Valley and have been consistently applied by Pittwater Council and agreed to by the Department of Planning and Infrastructure over the years. In this regard, it did not contemplate opportunities for caravan parks and manufactured home estates.

4 Hazard and Risk

| | Direction | Applicable | Consistent |
|-----|-----------------------------------|------------|------------|
| 4.1 | Acid Sulphate Soils | NO | N/A |
| 4.2 | Mine Subsidence and Unstable Land | NO | N/A |
| 4.3 | Flood Prone Land | YES | NO |
| 4.4 | Planning For Bushfire Protection | YES | NO |

Justification for inconsistency with Direction 4.3

Sections of Fern Creek traverse Sectors 901A and 901C. The planning and development of Warriewood Valley is based on utilising the creek line corridor to convey the 1% AEP flood event. Development Controls prohibit vertical structures to be erected on that part of the land comprising the creek line corridor. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

Justification for inconsistency with Direction 4.4

This Planning Proposal is inconsistent with the direction insofar as consultation has not occurred with the Rural Fire Service.

5 Regional Planning

| | Direction | Applicable | Consistent |
|-----|--|------------|------------|
| 5.1 | Implementation of Regional Strategies | NO | N/A |
| 5.2 | Sydney Drinking Water Catchments | NO | N/A |
| 5.3 | Farmland of State and Regional Significance on NSW Far North Coast | NO | N/A |
| 5.4 | Commercial and Retail Development along the Pacific Hwy, North Coast | NO | N/A |
| 5.5 | Development in the vicinity of Ellalong, Paxton and Millfield | NO | N/A |
| 5.8 | Second Sydney Airport: Badgerys Creek | NO | N/A |

Justification for inconsistency

NIL

6 Local Plan Making

| | Direction | Applicable | Consistent |
|-----|------------------------------------|------------|------------|
| 6.1 | Approval and Referral Requirements | YES | YES |
| 6.2 | Reserving Land for Public Purposes | YES | YES |
| 6.3 | Site Specific Purposes | YES | NO |

Justification for inconsistency with Direction 6.3

The Planning Proposal seeks to introduce/amend the maximum permissible dwelling yield provisions contained in Clause 30C of the Pittwater LEP. The application of Clause 30C, stipulating the maximum number of dwellings, is well established for the Warriewood Valley Release Area and is not a new provision.

7 Metropolitan Planning

| | Direction | Applicable | Consistent |
|-----|---|------------|------------|
| 7.1 | Implementation of the Metropolitan Strategy | YES | YES |

Justification for inconsistency

NIL



PLANNING PROPOSAL

PP0005/13

To rezone Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G and 9 Fern Creek Road of the Warriewood Valley Urban Land Release Area to a residential zone

To introduce maximum dwellings permitted in Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G of the Warriewood Valley Release Area

PART 1 OBJECTIVES OR INTENDED OUTCOMES

To rezone specific land 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP, being:

- 1 Fern Creek Rd (Lot 1 DP 736961) and adjoining Orchard Street Road Reserve (*identified as Sector 901D and adjoining Orchard Street Road Reserve*)
- 12 Orchard Street (Lot C1 DP 373690) - *battle axe portion only (identified as Sector 901E)*,
- Lot 11 DP 1092788 (*identified as Sector 901G*),
- 9 Fern Creek Road (*Lot 5 DP736961*)

To introduce maximum numbers of dwelling number permitted in:

- Sector 901D and adjoining Orchard Street Road Reserve and Sector 901E
- Sector 901G

of the Warriewood Valley Release Area.

It is not intended to state a dwelling yield for 9 Fern Creek Road.

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- An amended zoning map is provided for this Planning Proposal (See **MAP 3**) and will require amending Clause 5 of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of definition of “the Zoning Map” contained in subclause (1), this paragraph:

[Pittwater Local Environmental Plan 1993 \(Amendment No. #\) – Sheet 1](#)

- A new map is provided for this Planning Proposal (See **MAP 4**) and will require amending Clause 30B of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (1), this paragraph:

[Land at Warriewood within Sector 901D including north-west portion of road reserve, 901E and 901G of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 2 of the map marked “Pittwater Local Environmental Plan 1993 \(Amendment No. #\)”.](#)

- Amending Clause 30C of the *Pittwater Local Environmental Plan 1993* as follows:-

[Sectors 901D and 901E including adjoining Orchard Street road reserve – not more than 16 dwellings](#)

[Sector 901G – not more than 6 dwellings](#)

- A new map is provided for this Planning Proposal (See **MAP 5**) and will require amending Clause 30E of the *Pittwater Local Environmental Plan 1993* as follows:-

Amend subclause (5) as follows and at the end of subclause (5) insert this paragraph:

- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot, or
- (d) any current or future residential development in the Warriewood Valley Urban Release Area.

Insert at the end of subclause (8), these paragraphs:

Sector 901D including northern portion of road reserve, 901E and 901G of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

PART 3 JUSTIFICATION

Section A Need for the Planning Proposal

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

The recently adopted *Warriewood Valley Strategic Review Report 2012* was the result of a joint undertaking by the Department of Planning & Infrastructure and Council to review the height and density standards for medium density residential development (being 25 to 60 dwellings per hectare) within the Release Area. The Strategic Review Report, endorsed by the Director-General of Planning & Infrastructure, however identified Sectors 901D including adjoining Orchard Street road reserve (north-west portion), 901E and 901G as not capable, due to environmental constraints, of development above 25 dwellings per hectare.

Council's adopted Warriewood Valley Planning Framework 2010 (adopted 3 May 2010) identified these lands had capacity for development at a lower density, and was further confirmed in Council's report of 12 June 2013 namely:

"Although the Final Draft Strategic Review Report recognised no development potential greater than 25 dwellings per hectare for some sectors, potential capacity for low density development (less than 25 dwellings per hectare) on Sector 901D, 901E, 901G is noted.

Sector 901D, 901E and Orchard Street road reserve

The Urban Design Consultant recommended Sector 901D be set aside as a park and lookout. Council staff have identified that Sector 901D is constrained by biodiversity, visual impact issues and high voltage overhead cables while Sector 901E comprises a battle-axe handle only. There is potential for Sectors 901D and 901E including the Orchard Street road reserve (north-east portion) to conglomerate, enabling more appropriate setbacks to constraints whilst maximise development potential across the two sectors.

Development controls will be developed to be incorporated into Pittwater 21 DCP as a future amendment to facilitate suitable residential form and retention of significant vegetation.

Sector 901G

Sector 901G adjoins Sector 901C which was recommended for development at 32 dwellings per hectare under the Strategic Review. The Urban Design Consultant recommended Sectors 901G and 901C be amalgamated for development (with the majority of the development placed on 901C, recognising asset protection zone and creek line buffer requirements constraining development on Sector 901G). Although Sector 901G is land-locked and constrained by biodiversity and the creek line corridor, this sector is owned by the same entity as Sector 901C, increasing likely opportunity of both sectors to be developed together...

Orchard Street Road Reserve

Council's Urban Infrastructure Unit advised that the Orchard Street road reserve, being 30 metres wide, is unnecessarily wide and can be narrowed to a local street with designated on-street parking in accordance with the adopted Warriewood Valley Roads Masterplan (2006). The 30m road reserve width could be reduced to:-

- 20 metres between to Fern Creek Road and Garden Street, and
- 16 metres, west of Fern Creek Road.

The unnecessary portions of the Orchard Street road reserve... comprise approximately 2,825 square metres of additional land that can be utilized, for residential development, subject to rezoning, if amalgamated with the already closed road reserve parcels and adjoining privately owned properties fronting Orchard Street.

If agreed, administrative provisions to "close" the two portions of road reserve under the Roads Act and subsequent subdivision need to be undertaken separate to rezoning."

This Planning Proposal is the outcome of the recommendation of Council staff to rezone this land to residential to facilitate low density development, consistent with Council's adopted Warriewood Valley Planning Framework 2010. These lands would be the last remaining parcels identified for residential development under the *Warriewood Valley Planning Framework 2010* and the recently adopted 2012 Strategic Review Report required to be rezoned. Rezoning of these lands will facilitate residential development that in turn, enables a range of densities and housing forms to occur in the Warriewood Valley Release Area.

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

Yes. The Planning Proposal is the best means of achieving the intended outcome as Council is only able to grant consent for residential development on lands in Warriewood Valley listed in Clause 30B. Progressing the Planning Proposal is also the only mechanism of enabling changes to be made to Clause 30C of Pittwater LEP and introducing maximum dwelling numbers for Sector 901D and road reserve, 901E and 901G.

Section B Relationship to Strategic Planning Framework

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

This Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy, in line with the State Plan, and the Draft North-East Subregional Strategy, where goals are set for housing and land supply.

Action C1 in the Draft North-East Subregional Strategy calls for ensuring the adequate supply of land and sites for residential development through the MDP. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. This Planning Proposal will increase housing supply and is therefore consistent with such an action.

This Planning Proposal would also be consistent with Action C4 of the Draft North-East Subregional Strategy, which calls for improving housing affordability. Once again, by increasing housing supply the Planning Proposal is consistent with such an action.

As the intended outcome of this Planning Proposal is to allow more dwellings to be built in the Warriewood Valley Release Area, it is subsequently consistent with the objectives and actions contained within the relevant strategic planning framework.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

This Planning Proposal is the outcome of the recommendation of Council staff to rezone this land to residential to facilitate low density development, supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

The Planning Proposal is consistent with Council's adopted *Warriewood Valley Planning Framework 2010* (adopted May 2010) insofar as it identified these lands to be designated residential under the Warriewood Valley Release Area, and Council's report of 12 June 2013 (agreed to by Council resolution) which detailed the development potential of these sectors.

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

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (see Appendix 1).

6. Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 2).

C Environmental, social and economic impact

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

The subject Planning Proposal proposed to rezone Sectors 901D and 901E, adjoining Orchard Street Road Reserve and 901G from a non-urban to a residential zone. The Planning Proposal also seeks to apply a maximum dwelling yield for each of these sectors (yield allocated to 901D and E is contingent upon the sectors amalgamating).

During the undertaking of the Warriewood Valley Strategic Review it was identified that these sectors, due to their environmental attributes, would only have capacity for low density development, less than 25 dwellings per hectare. The aim of the Strategic Review was to identify sectors with capacity for intensified development, generally over 25 dwellings per hectare and as result Sectors 901D, E and G were not examined further as part of the review process.

Sector 901D currently contains a large dwelling, paddock and concrete driveway and 901E is only a battle axe handle which provides access to the rear property. While both sectors do contain a number of native canopy trees and as a result are currently mapped as having high biodiversity value the vegetation on the ground has been substantially disturbed and there is no understorey layer.

Council is aware of historical records which listed threatened species, including the Regent Honeyeater, Little Lorikeet, Little Bentwing Bat and Eastern Bentwing Bat in this vicinity of Sector 901D and E, however these sectors in their current state are not considered by Council to provide core habitat for these listed threatened species, which in the case of the two bird species are very rare and infrequent visitors to the Pittwater LGA, and therefore these sectors are unlikely to support these species apart from possibly the occasional passing through.

Sector 901G it is mapped as having medium biodiversity value and is traversed by Fern Creek at its rear boundary. The creek line contains a mixture of native and exotic vegetation however the rest of the site has been largely cleared. The native vegetation in the creek line is in only in moderate condition.

Any future development of Sector 901G is restricted to the 'developable area' of the site, situated outside of this creek line (as shown on Map 4). Conditions of any future development approval will also require the creek line to be rehabilitated and revegetated with native endemic species.

Council staff have identified that Sector 901D, while constrained by biodiversity issues, if amalgamated with Sector 901E, would have potential for low density development (approximately 10 dwellings per hectare and subject to further ecological and arboricultural assessment to determine appropriate building envelope location). Similarly, Council staff identified Sector 901G as constrained by biodiversity and the creek line corridor limitations; however has potential for low density development (approximately 10 dwellings per hectare).

It is concluded that this Planning Proposal is unlikely to result in any adverse impacts to threatened species or their habitats.

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

This Planning Proposal is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy* and the findings of several environmental studies undertake during the *Warriewood Valley Strategic Review* which considered flooding and water management, traffic and transport, urban design and economic feasibility issues.

Any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flooding, bushfire prone land, waste, land contamination, geotechnical hazards, heritage and traffic, through the Pittwater LEP and Pittwater 21 DCP.

Additionally site specific development controls subservient to statutory provisions, will be incorporated into Pittwater 21 DCP to facilitate suitable residential form and retention of significant vegetation.

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

The lands the subject of this Planning Proposal comprises identified residential sectors within the Warriewood Valley Release Area (land release identified in the State Government's MDP). A suite of studies were undertaken for the original Warriewood Valley urban land release, including consideration of social and economic effects. This Planning Proposal will therefore not have any marked negative social or economic effects.

The north-west portion of Orchard Street Road Reserve to be rezoned does not require reclassification under the Local Government Act. It will however need to be "closed" under the Roads Act and subsequent subdivision, to be undertaken separate to this Planning Proposal.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

As the subject lands form part of the Warriewood Valley Land Release, public infrastructure is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)*. Council has commenced a review of this plan to account for the additional infrastructure required as a result of the additional dwellings now anticipated in the release area.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The Department of Planning & Infrastructure is attending to a review of flood evacuation requirements in regard to emergency flood evacuation policy and the requirements of the NSW State Emergency Service (SES) which arose during the investigative stages of the Warriewood Valley Strategic Review. It is understood that this intra-government review of its flood evacuation policy to resolve a consistent approach to land release development and flood evacuation requirements is due for completion in 2013.

Council's resolution of 12 June 2013 is to progress this Planning Proposal subject to the NSW Government agreeing to an emergency response policy being facilitated by an excavation route at the 1% AEP.

The following preliminary views were expressed by state and service agencies during the public exhibition of Council's local strategic plan for Warriewood Valley which recommends an increase in the numbers of dwellings in the release area.

Response from Department of Education & Communities (DEC):

- Based on up to an additional 500 dwellings, the DEC advises that there is adequate capacity at Narrabeen Sports High School to accommodate senior students.
- For primary students, the Department expects that there would be a need to increase capacity at either Narrabeen North Public School or Mona Vale Public School.

Response from Roads & Maritime Services (RMS):

- The RMS has advised that it supports the Strategic Review's recommendations, provided that:-
 - The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings, and
 - No further development is approved for the area identified as the Southern Buffer until further traffic modelling is carried out on the Pittwater Road/Warriewood Road and Pittwater Road/Mona Vale Road intersections.

Response from Sydney Water:

- Sydney Water advises there is capacity in both water and wastewater systems to service the proposed density increase in Warriewood Valley.

Response from Ausgrid:

- Ausgrid expects that supply to the proposed development would be able to be provided from the electricity substations at Mona Vale or Narrabeen.

Response from Department of Health – Northern Sydney Local Health District (NSLHD):

- NSLHD notes that the northeast is Sydney's most car dependent subregion and recommends that the frequency and the capacity of the public transport system be improved to accommodate the proposed increase in density.

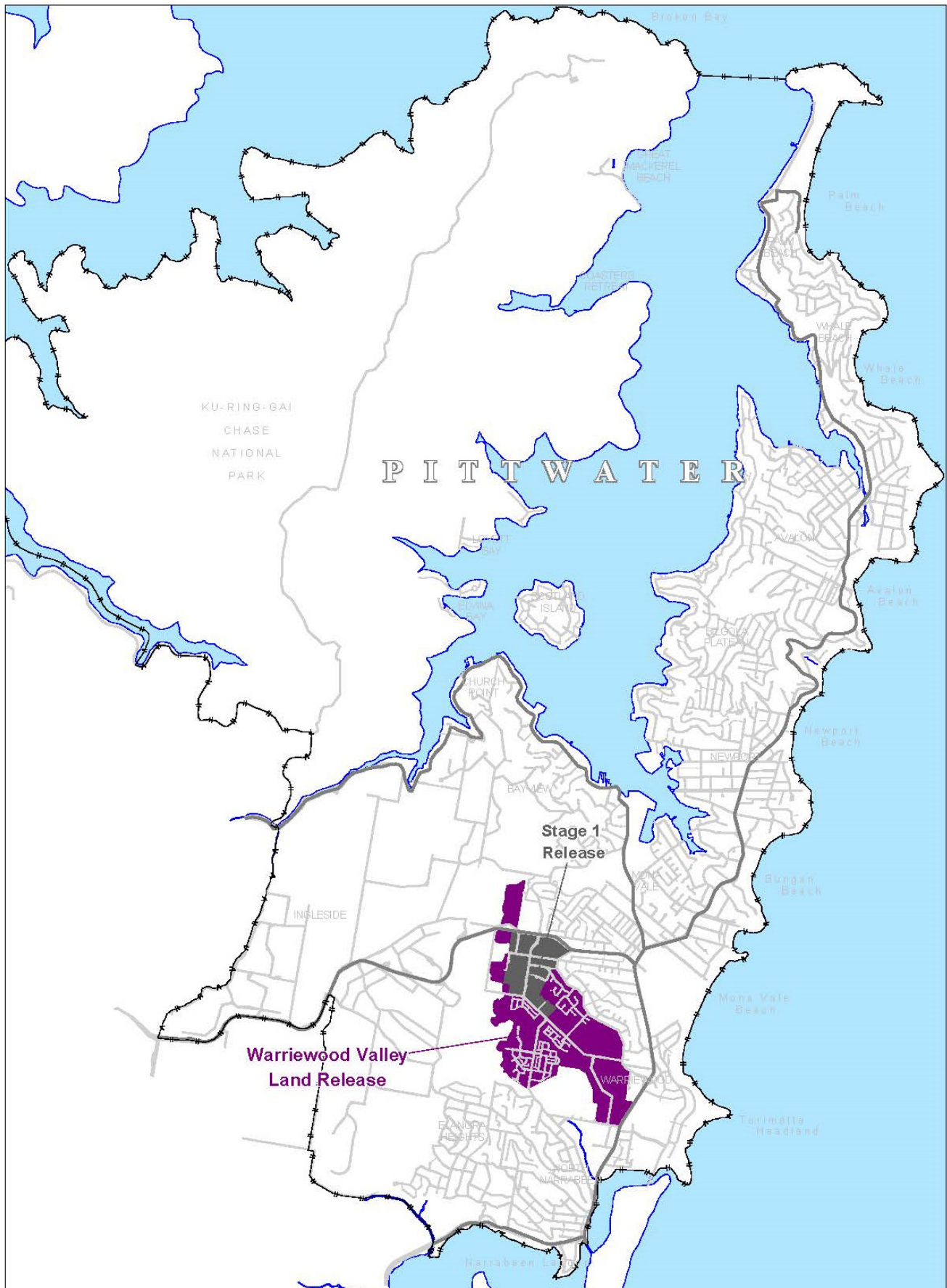
- NSLHD commends the inclusion of pedestrian and cycle links throughout Warriewood, but recommends that cycle ways be separated from traffic to allow for safe, active transport and to increase participant numbers.

Response from Office of Environment & Heritage (OEH)”

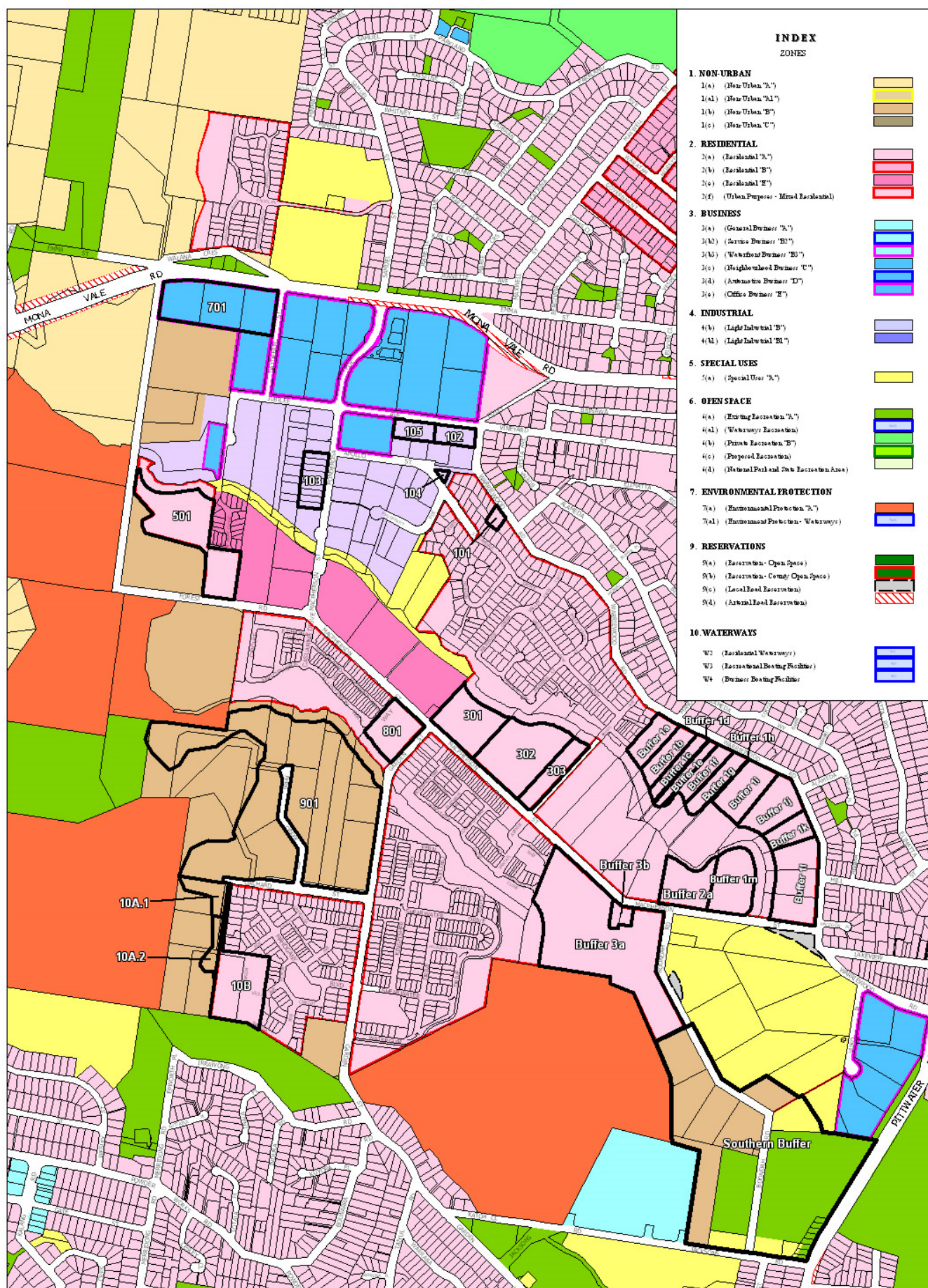
- The OEH generally supports the proposed increase in residential density, provided that flooding issues and bushfire protection issues are adequately considered and that riparian corridors can be retained and protected.

PART 4 MAPPING

Map 1: Location Map – Warriewood Valley Release Area



Map 2: Current Sectors – Warriewood Valley Planning Framework 2010



Map 3: Pittwater Local Environmental Plan 1993 Sheet 1



SCALE 1:5000

LOCALITY WARRIEWOOD

Sheet 1 of 3

2(f) - Urban Purposes - Mixed Residential

2(f)

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

| | | |
|---|----------------|--|
| DRAWN BY M TURNBULL | DATE: 21.05.13 | STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993 CLAUSE 5 - "The Zoning Map" |
| PLANNING OFFICER T. STAGNI | | |
| CERTIFICATE PLAN NO. PP832 | | |
| COUNCIL FILE NO. | | |
| DEPT. FILE NO. | | CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION GENERAL MANAGER DATE: |
| GATEWAY DETERMINATION | DATE | |
| PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON | | |

Map 4: Pittwater Local Environmental Plan Sheet 2



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 2 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP832

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"
CLAUSE 30C - "Dwelling Yield"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

Map 5: *Pittwater Local Environmental Plan* Sheet 3



NORTH

SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 3 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP832

COUNCIL FILE NO.

DEPT. FILE NO.

| GATEWAY DETERMINATION | DATE |
|--------------------------|------|
|--------------------------|------|

PLAN PUBLISHED ON NSW
LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTSWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER

DATE:

PART 5 COMMUNITY CONSULTATION

This Planning Proposal is consistent with the pattern of surrounding land uses.

Infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)* which is currently being reviewed to account for additional infrastructure required as a result the additional dwellings now anticipated in the release area.

Subsequently, this Planning Proposal is considered a 'low impact' proposal.

In keeping with *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 14 day exhibition period (*this may need to be extended if the exhibition occurs during the December to January school holiday period*)
- Notification in local newspaper at commencement of exhibition period
- Notification on Council's website for the duration of the exhibition
- Notification in writing to affected and adjoining landowners at commencement of exhibition period
- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period

PART 6 PROJECT TIMELINE

| Planning Proposal Milestone | Timeframe | Anticipated Completion Date |
|---|---|---|
| Date of Gateway determination | 6 weeks from Council decision to forward Planning Proposal to Gateway | Mid July 2013 |
| Completion of required technical information | | COMPLETED 2012 |
| Government agency consultation | | Pre-exhibition consultation COMPLETED 2012 |
| Public exhibition | 14 days (<i>pending school holiday period</i>) | August 2013 |
| Consideration of submissions | 4 weeks from close of public exhibition | Early September 2013 |
| Consideration of proposal post-exhibition and report to Council | 6 weeks from close of public exhibition | October 2013 |
| Submission to Department to finalise LEP | | Late October 2013 following Council decision |
| *RPA to make plan (if delegated) | 6 weeks from Council decision | December 2013 |

**Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under section 59 of the Environmental Planning & Assessment Act in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal.*

Checklist – Consideration of State Environmental Planning Policies

The following SEPP's are relevant to the Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applying, is the Planning Proposal consistent with the provisions of the SEPP.

| Title of State Environmental Planning Policy (SEPP) | Applicable | Consistent | Reason for inconsistency |
|--|------------|------------|--------------------------|
| SEPP No 1 – Development Standards | YES | YES | |
| SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development | YES | YES | |
| SEPP No 6 – Number of Storeys in a Building | YES | YES | |
| SEPP No 14 – Coastal Wetlands | NO | N/A | |
| SEPP No 21 – Caravan Parks | NO | N/A | |
| SEPP No 22 – Shops and Commercial Premises | NO | N/A | |
| SEPP No 26 – Littoral Rainforests | NO | N/A | |
| SEPP No 30 – Intensive Agriculture | NO | N/A | |
| SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land) | NO | N/A | |
| SEPP No 33 – Hazardous and Offensive Development | NO | N/A | |
| SEPP No 44 – Koala Habitat Protection | NO | N/A | |
| SEPP No 50 – Canal Estate Development | NO | N/A | |
| SEPP No 55 – Remediation of Land | NO | N/A | |
| SEPP No 60 – Exempt and Complying Development | YES | YES | |
| SEPP No 62 – Sustainable Aquaculture | NO | N/A | |
| SEPP No 64 – Advertising and Signage | YES | YES | |
| SEPP No 65 – Design Quality of Residential Flat Development | YES | YES | |

| Title of State Environmental Planning Policy (SEPP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SEPP No 70 – Affordable Housing (Revised Schemes) | YES | YES | |
| SEPP 71 – Coastal Protection | NO | N/A | |
| SEPP (Affordable Rental Housing) 2009 | YES | YES | |
| SEPP (Building Sustainability Index: BASIX) 2004 | YES | YES | |
| SEPP (Exempt and Complying Development Codes) 2008 | YES | YES | |
| SEPP (Housing for Seniors or People with a Disability) 2004 | YES | YES | |
| SEPP (Infrastructure) 2007 | YES | YES | |
| SEPP (Major Development) 2005 | NO | N/A | |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | NO | N/A | |
| SEPP (Rural Lands) 2008 | NO | N/A | |
| SEPP (Temporary Structures) 2007 | NO | N/A | |
| SEPP (Urban Renewal) 2010 | NO | N/A | |

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

| Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP) | Applicable | Consistent | Reason for inconsistency |
|--|-------------------|-------------------|---------------------------------|
| SREP No 20 – Hawkesbury-Nepean River (No 2 -1997) | NO | N/A | |

Justification for inconsistency

NIL

Checklist – Consideration of Section 117 Ministerial Directions

1 Employment and Resources

| | Direction | Applicable | Consistent |
|-----|--|------------|------------|
| 1.1 | Business and Industrial Zones | NO | N/A |
| 1.2 | Rural Zones | YES | NO |
| 1.3 | Mining, Petroleum Production and Extractive Industries | NO | N/A |
| 1.4 | Oyster Aquaculture | NO | N/A |
| 1.5 | Rural Lands | NO | N/A |

Justification for inconsistency with Director 1.2

The Planning Proposal so far as it is inconsistent with Direction 1.2 relates to the rezoning of Sectors 901D and adjoining Orchard Street road reserve, 901E and 901G in the Warriewood Valley Release Area from a rural zone to a residential zone. The subject lands have been identified in the State Government's MDP. The proposed rezoning is consistent with Council's Warriewood Valley Planning Framework 2010 (adopted May 2010).

2 Environment and Heritage

| | Direction | Applicable | Consistent |
|-----|--------------------------------|------------|------------|
| 2.1 | Environmental Protection Zones | NO | N/A |
| 2.2 | Coastal Protection | NO | N/A |
| 2.3 | Heritage Conservation | YES | NO |
| 2.4 | Recreation Vehicle Areas | NO | N/A |

Justification for inconsistency with Direction 2.3

The Planning Proposal seeks to rezone Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G from a rural zone to a residential zone and seeks to introduce to maximum permissible dwelling yield provisions in regard to these sectors.

Provisions already exist in Pittwater LEP 1993 for the protection and conservation of environmentally sensitive area and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

| | Direction | Applicable | Consistent |
|-----|---|------------|------------|
| 3.1 | Residential Zones | YES | YES |
| 3.2 | Caravan Parks and Manufactured Home Estates | YES | NO |
| 3.3 | Home Occupations | YES | YES |
| 3.4 | Integrating Land Use and Transport | YES | YES |
| 3.5 | Development Near Licensed Aerodromes | NO | N/A |
| 3.6 | Shooting Ranges | NO | N/A |

Justification for inconsistency with Direction 3.2

The Planning Proposal seeks to rezone Sectors 901D and adjoining Orchard Street Road Reserve, 901E and 901G from a rural zone to a residential zone and seeks to introduce to maximum permissible dwelling yield provisions in regard to these sectors.

The subject lands have been identified in the State Government's MDP. The planning and development of Warriewood Valley is based on a suite of environmental studies and objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial viability. These objectives form the basis for the planning and implementation of development in Warriewood Valley and have been consistently applied by Pittwater Council and agreed to by the Department of Planning and Infrastructure over the years. In this regard, it did not contemplate opportunities for caravan parks and manufactured home estates.

4 Hazard and Risk

| | Direction | Applicable | Consistent |
|-----|-----------------------------------|------------|------------|
| 4.1 | Acid Sulphate Soils | NO | N/A |
| 4.2 | Mine Subsidence and Unstable Land | NO | N/A |
| 4.3 | Flood Prone Land | YES | NO |
| 4.4 | Planning For Bushfire Protection | YES | NO |

Justification for inconsistency with Direction 4.3

Sections of Fern Creek traverse Sector 901G and 9 Fern Creek Road. The planning and development of Warriewood Valley is based on utilising the creek line corridor to convey the 1% AEP flood event. Development Controls prohibit vertical structures to be erected on that part of the land comprising the creek line corridor. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

Justification for inconsistency with Direction 4.4

This Planning Proposal is inconsistent with the direction insofar as consultation has not occurred with the NSW Rural Fire Service.

5 Regional Planning

| | Direction | Applicable | Consistent |
|-----|--|------------|------------|
| 5.1 | Implementation of Regional Strategies | NO | N/A |
| 5.2 | Sydney Drinking Water Catchments | NO | N/A |
| 5.3 | Farmland of State and Regional Significance on NSW Far North Coast | NO | N/A |
| 5.4 | Commercial and Retail Development along the Pacific Hwy, North Coast | NO | N/A |
| 5.5 | Development in the vicinity of Ellalong, Paxton and Millfield | NO | N/A |
| 5.8 | Second Sydney Airport: Badgerys Creek | NO | N/A |

Justification for inconsistency

NIL

6 Local Plan Making

| | Direction | Applicable | Consistent |
|-----|------------------------------------|------------|------------|
| 6.1 | Approval and Referral Requirements | YES | YES |
| 6.2 | Reserving Land for Public Purposes | YES | YES |
| 6.3 | Site Specific Purposes | YES | NO |

Justification for inconsistency with Direction 6.3

The Planning Proposal in rezoning specified lands in the Warriewood Valley Release Area seeks a maximum permissible dwelling yield be applied. The application of Clause 30C, stipulating the maximum number of dwellings, is well established for the Warriewood Valley Release Area and is not a new provision.

7 Metropolitan Planning

| | Direction | Applicable | Consistent |
|-----|---|------------|------------|
| 7.1 | Implementation of the Metropolitan Strategy | YES | YES |

Justification for inconsistency

NIL