



SUBJECT: Assessment of Planning Proposal Application PP0002/13 -
2 & 18 Macpherson Street and 23, 25 & 27 Warriewood
Road Warriewood

Meeting: Natural Environment Committee

Date: 2 September 2013

STRATEGY: Land Use & Development

ACTION: To establish land uses that respond to environmental, cultural, social and economic needs in a sustainable manner.

PURPOSE OF REPORT

This report provides Council with an assessment of the Planning Proposal Application PP0002/13 for 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road, Warriewood.

INTRODUCTION

The subject sites are within the Warriewood Valley Release Area recently the subject of a comprehensive review by the Department of Planning and Infrastructure (DP&I) and Council. This review culminated in the adoption, by the State government and Council, of the *Warriewood Valley Strategic Review Report 2012*.

Warriewood Valley's current and projected density, development form and infrastructure is underlain by an extensive and orderly planning process, reflecting not only the Strategic Review outcomes but the Council's adopted *Pittwater Local Planning Strategy – Planning for Pittwater towards 2031* (adopted 2011), Council's housing strategy and the *Draft North East Subregional Plan*.

The outcomes of the recent adopted Warriewood Valley Strategic Review are a critical benchmark and determinant of future development in the Valley.

The Strategic Review process was commenced on the recommendation of the Planning Assessment Commission (PAC). In its determination of the Part 3A application for 14-18 Boondah Road, Warriewood in January 2010, the PAC in rejecting the DP&I's *Warriewood Valley Strategic Review 2010* (Worley Parsons) stated:-

"...The Commission concluded that a more thorough and extended strategic examination of the valley is required. Hence it does not support the findings of the Strategic Review and makes the following points:

Firstly, strategic planning should not be driven by individual development proposals. It is preferable to establish the strategic direction of the entire Warriewood valley before individual development proposals are considered. Of itself, the viability of the development from a proponent's perspective should not be a determining factor in establishing densities. Council should have a reasonable expectation that they can deliver the housing targets within their planning framework.

Secondly, the Strategic Review is too narrowly focussed on the 3 buffer areas when a more strategic approach to the future development of whole Valley (sic), should be undertaken...

The commission strongly recommends that Council and the Department work together to clarify the role of the Warriewood centre , the potential for higher density residential and employment generating developments adjacent to the centre , its role in the subregion and how it relates to the rest of the Valley , in terms of development density , housing mix and traffic and transport...”

The PAC in its conclusion stated, inter alia:-

“... The proposed concept plan, if approved, would set a precedent of development density that could apply to all undeveloped sites in the Valley. The Commission considers there is insufficient strategic justification for the density increase proposed by the proponent and that the implications for all undeveloped sites in the Valley have not been adequately considered...”

This report on the proposed development of 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road, Warriewood finds that the Planning Proposal varies widely from the prescribed development scenario established for this site, and the Valley under the adopted *Warriewood Valley Strategic Review Report 2012*.

The report demonstrates that the proposal is contrary to the PAC's determination of the Part 3A application which called for a strategic direction for the entire Valley and that strategic planning should not be driven by individual development proposals.

Council's evaluation of the proposal identifies a comprehensive list of issues and deficiencies that, like the aforementioned Part 3A proposal, lacks equity, departs from the orderly planning process, impacts on infrastructure and services provision and funding, impacts on amenity and is beyond community expectations particularly given the recent adoption by the DP&I and Council after extensive community consultation.

1.0 THE SITES

1.1 Five properties are proposed to be rezoned under this Planning Proposal (see **Attachment 1** for location map of the subject properties):

- 18 Macpherson Street (Lot 1 DP604035), also known as Sector 302, has a wide frontage to Macpherson Street and is traversed by Narrabeen Creek along its rear boundary. The property is rectangular in shape and falling 4 metres from the Macpherson Street frontage to the south east corner of the property at Narrabeen Creek. It has a total site area of approximately 3.05 hectares.

The property is mostly cleared with some remnant native vegetation along the eastern boundary and along the rear boundary within the creek line.

- 2 Macpherson Street (Lot 25 Section C DP5464), also known as Buffer 1M, has a frontage to Macpherson Street at is traversed by Narrabeen Creek along its rear and eastern boundaries. A secondary tributary also runs along the property's western boundary. The property is rectangular in shape, flat and low lying. It has a total site area of approximately 2.13 hectares.

The property contains the remnants of its previous horticultural use. It is likely to have been filled with material of unknown quality and quantity.

The property has newly been listed as Bushfire Prone on Council's Bushfire Prone Property Map.

- 23, 25 & 27 Warriewood Road (Lot 27, 28 & 29 Section C DP5464), also known as Buffer 1L, are located at the corner of Macpherson Street and Warriewood Road. The properties are traversed by Narrabeen Creek along their rear boundary. The properties are rectangular in shape and fall approximately 12 metres from the north east corner of 27 Warriewood Road to the south west corner of 23 Warriewood Road at the creek line. The total site area of the three properties is approximately 4.66 hectares.

The properties are mostly cleared with some areas of remnant native vegetation and exotic vegetation along the western boundary of the properties within the creek line.

The five properties have a total site area of approximately 7.72 hectares.

2.0 DESCRIPTION OF APPLICATION

2.1 Proposed Local Environmental Plan Amendments

- 2.1.1 The application proposes to rezone the subject sites to allow high density residential development.
- 2.1.2 Specifically, the application proposes to amend clause 30C of *Pittwater Local Environmental Plan 1993* (LEP 1993) to include a Floor Space Ratio (FSR) provision of 0.8:1 applying the subject sites.
- 2.1.3 The proposal states that the proposed FSR is equivalent to a maximum dwelling density of 80 dwellings per hectare. The Applicant has calculated dwelling density based on gross or total site area. Council generally calculates dwelling density based on net developable area, that is, total site area minus environmentally sensitive land. Based on the combined net developable area, 6.29 hectares, the density proposed under this application has been calculated as being 98 dwellings per developable hectare.

2.2 Proposed Development Control Amendments

- 2.2.1 The Planning Proposal application proposes that a site specific Development Control Plan (DCP) be prepared to support the LEP amendments proposed.
- 2.2.2 The application proposes that the site specific DCP would include a height control to permit building heights up to 4 storeys. Elsewhere within the Planning Proposal application, for example within the Executive Summary and Preliminary Urban Design Study, building heights up to 5 storeys are proposed and shown in the concept drawings.

2.3 Proposed Voluntary Planning Agreement (VPA)

- 2.3.1 The application proposes that Council and the developer enter into a Voluntary Planning Agreement (VPA) to address the funding and provision of infrastructure required as a result of the proposed development.

- 2.3.2 A VPA is a contractual agreement entered into between the developer and a public authority for the purpose of infrastructure provision/funding. The agreement can encompass land dedication, direct infrastructure provision and/or monetary contributions.
- 2.3.3 The developer proposes, as part of future VPA agreement, to provide public domain improvements and monetary contributions fixed at a rate of 3% of the value of the project.
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3.0 ISSUES

- Pre-Gateway Review Process
 - Flooding and water management
 - Traffic impacts
 - Access arrangements
 - Urban design and amenity
 - Inconsistency with strategic framework
 - Net community benefit, equity and community expectation
 - Proposed Voluntary Planning Agreement
 - Infrastructure provisioning
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4.0 ASSESSMENT PROCESS

- 4.1 A pre-lodgement meeting was held with the applicant and landowner on 14 May 2013. Following the meeting, Council advised in writing that the application must demonstrate that it has strategic merit and give consideration to the following principles:
- Equity and precedent
 - Departure from the orderly planning process
 - Infrastructure and service provision
 - Impact on amenity
 - Community expectation and participation
- 4.2 In addition the applicant was advised that the following information is required to accompany the application:
- Traffic impact assessment
 - Water Management analysis
 - Ecological site analysis
 - Urban Design analysis

- 4.3 The Planning Proposal was lodged by Urbis Planning Pty Ltd on 7 June 2013 on behalf of Karimbla Properties (no. 32) Pty Ltd.
- 4.4 Council staff have assessed and reported this application to Council for determination within 90 days of lodgement. The 90th day from the lodgement date is considered to be 5 September 2013.
- 4.5 In circumstances where the Council does not determine an application within 90 days of lodgement, the applicant may make a request for a Pre-Gateway Review. A Pre-Gateway Review is enabled under Section 56(5) of the *Environmental Planning and Assessment Act 1979* (the Act) and allows the Minister for Planning and Infrastructure (the Minister) to arrange for a review of a Planning Proposal by the Joint Regional Planning Panel (JRPP) or the Planning Assessment Commission (PAC).
- 4.6 If a decision is made that the proposal is to be referred to the JRPP/PAC for review, these bodies will provide advice based on the merits of the proposal and make a recommendation to the Minister as to whether the proposal should progress to a Gateway Determination under Section 56 of the Act. The Minister (or delegate) will make the final decision on whether the proposal should proceed to a Gateway Determination.
- 4.7 This application has been assessed against the Department of Planning and Infrastructure's *A Guide to Preparing Local Environmental Plans* (April 2013) which outlines a set of assessment criteria that must be reasonably satisfied to justify the proposal. The assessment criteria are:
- a. *Has strategic merit as it:*
 - *Is consistent with the relevant local strategic endorsed by the Director-General or*
 - *Is consistent with the relevant regional strategy or Metropolitan Plan or*
 - *Can it otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)*
 - b. *Has site specific merit and is it compatible with the surrounding land uses, having regard to the following:*
 - *The natural environment (including known significant environmental values, resources or hazards) and*
 - *The existing uses, approved uses and likely future uses of land in the vicinity of the proposal and*
 - *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*
- 4.8 Council engaged HBO+EMTB Urban and Landscape Design (HBO+EMTB) in July 2013 to undertake a peer review of Urbis' Preliminary Urban Design Study lodged with the Planning Proposal application. Council also engaged AECOM Australia Pty Ltd (AECOM) in August 2013 to undertake a peer review of GTA Consultants' Preliminary Transport Assessment.

- 4.9 Both HBO+EMTB and AECOM were previously engaged by Council and the Department of Planning & Infrastructure to inform the Warriewood Valley Strategic Review. HBO+EMTB authored the *Warriewood Valley Urban Design Study 2011* and AECOM authored the *Warriewood Valley Strategic Transport Study 2011*.
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5.0 STRATEGIC PLANNING CONTEXT

5.1 Warriewood Valley Strategic Review

5.1.1 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 Department) 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 (defined as between 25 and 60 dwellings per developable hectare).

5.1.2 The key outcomes of the Strategic Review were:

- That residential development up to a density of 32 dwellings per developable hectare can be accommodated in Warriewood Valley
- That residential developments 2 storeys at the primary street front and up to 3 storeys behind the street front are suitable for Warriewood Valley
- That 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.

5.1.3 The sites subject to this Planning Proposal were investigated as part of the Strategic Review. For these sites the Strategic Review determined that:

- Sector 302 has capacity for residential development up to 32 dwellings per developable hectare, equating to a maximum yield of 84 dwellings
- Buffer 1L has capacity for residential development up to 32 dwellings per hectare, equating to a maximum yield of 67 dwellings
- Buffer 1M has no capacity for development due to significant flooding constraints.

5.1.4. The *Warriewood Valley Strategic Review Report 2012* was endorsed by the Director-General of the DP&I on 1 May 2013 (**Attachment 2**). While endorsing the Strategic Review's recommendations for an increase in density to generally 32 dwellings per developable hectare, the Director-General's letter stated that, in his opinion, there may be opportunities for higher density residential development subject to a separate Planning Proposal application:

"While the report proposes specific densities, I consider that there may be future opportunities for a greater mix of housing types and higher densities, particularly on larger sites or if sites can be amalgamated."

5.1.4 In response, Council's General Manager wrote to the Director-General on 11 June 2013 requesting that his comments regarding the possibility for higher density development beyond the Strategic Review's findings be withdrawn (**Attachment 3**).

5.1.5 A response to the General Manager's letter from the Director-General (**Attachment 4**) was received in 1 July 2013. In his letter, the Director-General outlined the basis for his comments:

"Ultimately, the density recommended in the Strategic Review was based on current and known constraints, opportunities and economic conditions. Having regard to the potential for these to change or be managed and given the Government's housing targets in the draft Metropolitan Strategy, my comments were made in the context of potential future opportunities for higher densities should these be properly justified."

5.2 Council decision regarding the Warriewood Valley Strategic Review

5.2.1 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 (**Attachment 5**). In adopting the Report, the Council resolved, inter alia, to reject the Director-General's comments regarding the opportunities for higher density developments:

*"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."*

5.2.3 The *Warriewood Valley Strategic Review Report 2012* is now the planning strategy document for all undeveloped residential sectors in Warriewood Valley.

5.2.4 In resolving to adopt the endorsed *Warriewood Valley Strategic Review Report 2012*, Council resolved to progress three Planning Proposals to the DP&I for Gateway Determination (**Attachment 5**). The Planning Proposals seek to amend the provisions in the current *Pittwater Local Environmental Plan 1993* (LEP 1993) relating to Warriewood Valley, consistent with the outcomes of the Strategic Review.

5.2.5 In regard to the subject sites, Council has submitted Planning Proposals to the DP&I seeking to amend Clause 30D of the LEP 1993 by inserting the following provisions:

- Buffer 1L – not more than 67 dwellings or less than 43
- Buffer 1M – not more than 0 dwellings
- Sector 302 – not more than 84 dwellings or less than 66

5.2.6 On 7 August 2014 a Gateway Determination was issued by the DP&I for the above Planning Proposals. Council placed these on public exhibition between 17 August and 31 August 2013. It is intended that a report will be presented to Council in the coming months advising of the outcomes of the exhibition. It is anticipated that the proposed amendments will be gazetted by the end of the year.

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

5.3 Proposed changes to Pittwater 21 DCP

- 5.3.1 A review of *Pittwater 21 Development Control Plan* (DCP) applicable to land within the Strategic Review study area has commenced with the view to amend the DCP provisions consistent with the outcomes of the *Warriewood Valley Strategic Review Report 2012*.
- 5.3.2 A number of provisions of the DCP are proposed to be amended consistent with the Strategic Review Report's recommendations, to facilitate:
- 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.
- 5.3.3 It is anticipated that a report will be presented to Council shortly outlining the proposed DCP amendments and recommending public exhibition.

6.0 RESPONSES RECEIVED DURING NON-STATUTORY NOTIFICATION PERIOD

6.1 Notification Process

- 6.1.1 The draft Planning Proposal was placed on non-statutory notification from 12 June to 3 July 2013 in accordance with Council's notification procedures. An advertisement also appeared in the *Manly Daily* on 13 June 2013.
- 6.1.2 297 neighbouring landowners, including the Warriewood Valley Rezoning Association and Warriewood Residents Association Incorporated, were notified of the proposal and invited to make comment during the notification period. The main issues raised by the community are outlined at Section 4.2 below have been individually summarised and responded to (see **Attachment 6**).
- 6.1.3 In response to the concerns raised by local residents, the Pittwater Local Member of Parliament also provided comments on the proposal. This response is outlined at Section 6.3 below and contained in **Attachment 7**.
- 6.1.4 State agencies and servicing authorities were also notified of the application and asked to make comment. These responses are outlined at Section 6.4 below.
- 6.1.5 All submissions and responses from State and servicing authorities were available to view on the Council's website. The applicant was made aware of the availability of these responses.

6.2 Responses from the Community

- 6.2.1 A total of 31 submissions were received from the community. All submissions received from the community during the notification period have been summarised and individually responded to (see **Attachment 6**).
- 6.2.2 The key issues raised by the community were:
- At odds with the recently adopted Warriewood Valley Strategic Review and the orderly planning process

- Scale of the proposal is out of character with the local area and streetscape
- Adverse impacts on local amenity
- Inequity
- Increased traffic congestion from development of this size
- Impact of a development of this size on local infrastructure
- Risk to life due to flooding

6.3 Response from the Pittwater Member of Parliament

6.3.1 In response to concerns of a number of Pittwater residents, the Local Member of Parliament wrote to Council's General Manager expressing his concerns over the Planning Proposal (**Attachment 7**):

"The PAC recommendation [for a strategic review of Council's development standards and controls for Warriewood Valley] has been accepted, and Council and the Department have jointly funded and developed the Warriewood Valley Strategic Review... The Review has recently been approved by the Department and adopted by Council following thorough scrutiny and community consultation... It would send a very confusing message to the community to undermine strategic planning by supporting a site specific rezoning proposal contradicting the findings of a very recent, detailed and well-resourced strategic review."

6.3.2 In addition the Local Member, noting the Director-General's conditional endorsement of the Warriewood Valley Strategic Review Report 2012 quoted above at Section 3.1.4, made the following comments:

"I finally note comments by officers of the Department indicating that "opportunities for higher density residential development within Warriewood Valley may exist and it is appropriate that they are explored through site specific planning proposals based on a merit assessment". I respectfully urge you to attach very little weight to these comments... the officers' comments undermine the strategic planning framework provided by the 2013 Review, which was endorsed by the Department. As a consequence, the Department itself appears not to support the comments by its own officers."

6.4 Responses from State Agencies and Service Authorities

6.4.1 Comments were received from the following state agencies:

- Department of Education & Communities (DEC)
 - Based on a total of approximately 620 dwellings, primary and high schools located near the sites will have capacity to cater for enrolment demand by building additional classrooms
 - With a development of this size, the Department requests that provision be made to seek contributions from the developer to contribute to the cost of providing additional permanent classrooms in nearby schools
- Department of Planning & Infrastructure
 - No comments received

- NSW Fire and Rescue
 - To facilitate efficient fire fighting operations, FRNSW recommends that minimum carriageway widths, turning areas, gradients, kerb dimensions and minimum allowable bearing pressures for the carriageways and hardstand areas be provided in accordance with FRNSW Guidelines for Emergency Vehicles Access, Policy No. 4.
 - Recommends that the site's reticulated water authority incorporates the comprehensive installation of fire hydrants throughout the entire site and minimum hydraulic requirements to meet the performance provisions specified in Clause 2.3 of Australian Standards 2418.1-2005.
- NSW Health Northern Sydney Local Health District
 - Public transport must be a central consideration when assessing the suitability of land for intensification of development. It is recommended that :
 - There be sufficient public transport frequency and capacity to and from the subject area to accommodate the proposed increase in density.
 - Adequate park and ride facilities be located close by to encourage public transport use by the increased number of residents
 - Ensure road capacity is adequate to carry greater public transport frequency
 - Ensure bus stops will be within 400m of the subject lots to encourage the use of public transport
 - The Planning Proposal's Urban Design Study shows an 800m radius from the 'potential future town centre' to show walking distances and times between the subject sites. This indicates that a ten minute walk would encompass Sites B and C. However, this would necessitate walking in a straight line between the 'Potential Future Town Centre' and Sites B and C which is not realistic. The distance, by road, from Sites A, B and C to the nearest shopping centre, Centro Warriewood, is approximately 1.7km, equating to a walking time of 24 minutes. A distance of 400-500m (or approximately 5 minutes) between destinations is a generally accepted measure for 'comfortable walking distance' for most people. It is recommended that:
 - Footpaths be provided along the northern site of Macpherson Street, western side of Warriewood Road and along Boondah Road to Centro Warriewood to encourage walking and cycling
 - It is recommended that more playgrounds are built or existing ones are made larger, within 400m of the subject sites, to cater for the increased number of residents.

- NSW State Emergency Service (SES)
 - Notwithstanding the endorsement of the Warriewood Valley Strategic Review Report, issues raised by the SES during the exhibition of the draft report are still of concern.
 - Council has not yet completed a Floodplain Risk Management Plan in accordance with the NSW Floodplain Development Manual, as a result a comprehensive assessment of flood risk, including consideration of the emergency management issues for the area, cannot be reasonably undertaken
 - Council would be aware that the area under consideration is subject to localised flash flooding which regularly closes Macpherson Street in a number of locations, even in small and frequent rainfall events. With the proximity to Narrabeen Creek and the fact that flood rescues by the NSW SES have occurred at the specific section of Macpherson Street adjacent to the subject lots on more than one occasion the risk to life from flooding cannot be easily overlooked.
 - SES considers that the following principles, inter alia, to be of particular importance:
 - Development should not result in intolerable risk to life, health or property
 - Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation
 - The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.
- NSW Transport - Roads and Maritime Services (RMS)
 - Given that the proposed increase in density is 98 dwellings per hectare, the traffic generation would be higher than previously assessed under the *Warriewood Valley Strategic Transport Study* (AECOM 2011)
 - As a result, further analysis is required to determine the impacts on local and state road networks and expected time frame of this development
 - Council shall request the applicant to undertake a detailed study of the transport impacts of the proposal on local and state road networks prior to a Gateway Determination, which must be submitted to the RMS for review and comment
- Office of Environment and Heritage (OEH)
 - No comments to be provided at this stage, however if Council decides to support the Planning Proposal and if Council consults with OEH under the Gateway process, OEH will review the proposal at that stage.

6.4.2 Comments were also received from the following servicing authorities:

- Ausgrid
 - It is envisaged that supply to the development would be provided from the Mona Vale zone substation and the Narrabeen zone substation.
 - It is advised that additional work may be required at the existing zone substations to augment capacity in order to cater for increased electricity demand.
 - It is also envisaged that most of the loads will be supplied via 11kV/415V substations. 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.
- Jamena Pty Ltd
 - No comments received
- Sydney Water
 - The drinking water main available for connection is the 200mm main on the southern side of Macpherson Street
 - The developer is to design and construct a wastewater main connecting to the 400mm main traversing the site, which will provide a point of connection at least 1m inside all the property boundaries
 - Any development within 400 metres of the Warriewood Wastewater Treatment Plant is required to pay a contribution of \$492,800 per net developable hectare for odour mitigation works completed by Sydney Water. The developer is to enter into a Developer Contribution agreement with Sydney Water prior to any development consent being granted.
 - At the time of development Sydney Water through the issuance of a Section 73 Certificate will determine whether any works are required as a result of the development and if amplification and/or changes to the system are necessary. The developer must fund any adjustments needed as a result of the development.
- Telstra
 - No comments received

7.0 PLANNING ASSESSMENT

7.1 Does the proposal have strategic merit?

7.1.1 Is the proposal consistent with a relevant local strategy endorsed by the Director General?

Council's recently adopted *Warriewood Valley Strategic Review Report 2012* (the Strategic Review Report), prepared in partnership with the DP&I, is now the strategic planning framework for the majority of the land in Warriewood Valley. The findings of the Strategic Review Report were endorsed by the Director-General of the DP&I on 1 May 2013.

The applicant's claim that the Planning Proposal responds to the Warriewood Valley Strategic Review Report's aim to identify land capable of more intensive development is totally unfounded.

The Strategic Review aimed to identify undeveloped land within the Warriewood Valley Release Area capable of higher density residential development, doing so through an orderly planning process based on sound evidence.

Based on a land capability assessment, informed by technical analysis of hydrological, traffic and transport, urban design and economic feasibility issues, the Strategic Review identified a number of sites in Warriewood Valley with capacity for intensified development. For those sites, the Council and DP&I team undertaking the Strategic Review recommended that a density of 32 dwellings per developable hectare would facilitate a financially viable and sustainable development.

The adopted Strategic Review Report identified, insofar as it relates to the properties the subject of this Planning Proposal application, that:

- Sector 302 (18 Macpherson Street, Warriewood) and Buffer 1L (23, 25 and 27 Warriewood Road, Warriewood) are capable of medium density development, up to maximum 32 dwellings per hectare
- Buffer 1M (2 Macpherson Street, Warriewood) has no capacity for residential development as a result of significant flood affectation.

Development of 4 and 5 storey apartment buildings at a density of 98 dwellings per developable hectare as proposed by this application is totally inconsistent with the findings of the Strategic Review Report, technical studies that informed the review process and the recommendations of the joint Council and DP&I team who undertook the review.

7.1.2 Is the proposal consistent with the relevant regional strategic or Metropolitan Plan?

The primary premise of the applicant's justification for the Planning Proposal is based on the key housing directions contained in the current *Metropolitan Plan for Sydney 2036* (Metro Plan) and *Draft Metropolitan Strategy for Sydney* (Draft Metro Strategy) which encourage the delivery of more housing in more diverse forms in close proximity to major centres, towns and villages and in areas with good access to public transport and services. The applicant also justifies its proposal based on Council's housing targets established by the *Draft North-East Subregional Strategy*.

This proposal, while consistent with the Metro Plan and Draft Metro Strategy's aim to deliver more housing, would ultimately result in a development that undermines a number of other key directions.

The proposal purports to capitalise on the sites' strategic location and close proximity to existing public transport infrastructure, existing services and a future town centre adjacent to Centro Warriewood.

NSW Health have stated in their response to the proposal that a distance of 400-500m (or approximately 5 minutes) between destinations is a generally accepted measure for 'comfortable walking distance' for most people. In reality the subject sites are located:

- 750m-1.5km from the region's major bus corridor, equating to a walking time of between 10-21 minutes, and
- 1.5-1.9km from the nearest shopping centre, Centro Warriewood, equating to a walking time of 21-27 minutes.

The future town centre described in the Planning Proposal refers to undeveloped land in the area known as the Southern Buffer adjacent to Centro Warriewood which was investigated as part of the Warriewood Valley Strategic Review. The Strategic Review looked at opportunities to develop the Southern Buffer as a new mixed-use centre. The adopted Warriewood Valley Strategic Review report did not recommend proceeding with a mixed use centre in the Southern Buffer due to divergent landowner expectations and significant environmental constraints. Any development in the Southern Buffer will require rezoning and will be subject to the resolution of a number of significant environmental constraints.

Council's adopted *Pittwater Local Planning Strategy – Planning for Pittwater towards 2031* (the Local Planning Strategy) has translated the aims and objectives of the Metro Plan and *Draft North-East Subregional Strategy* into a range of local actions and targets relevant to Pittwater. The Local Planning Strategy confirms that housing targets designated for Pittwater under the *Draft North-East Subregional Strategy* can be accommodated primarily within Pittwater's already established residential areas.

This development is not necessary in order for Pittwater to meet its housing targets and cannot be used as a justification to support this excessive and unplanned development.

The Local Planning Strategy, consistent with the objectives of the Metro Plan, also recommends the provision of medium density housing in appropriately zoned locations, in close proximity to centres, transport options and services. This unplanned and unnecessary increase in dwelling yields would result in an excessively dense development, located in an area that is neither within walking distance to a key centre and key services or in an area well serviced by public transport.

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

7.1.3.1 Local Planning Direction 4.3 – Flood Prone Land

The objectives of this direction are:

- a. To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- b. To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

This Planning Proposal is inconsistent with Local Planning Direction 4.3, insofar as:

- It will significantly increase development in a floodplain
- It will increase the number of future flood-affected occupants of the floodplain, putting more people and assets at flood risk, as well as additionally burdening the response efforts of emergency services
- It fails to recognise the cumulative flood impact posed by intensified developments, as set out in Section G9.1 of the Floodplain Development Manual
- Likely to cause adverse impacts on flow conveyance and result in loss of flood storage due to the development of 2 Macpherson Street, Warriewood

7.1.3.1 Local Planning Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- a. To protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bush fire prone area, and*
- b. To encourage sound management of bush fire prone areas.*

This Planning Proposal is inconsistent with Local Planning Direction 4.4, insofar as:

- It does not consider bushfire risk given 2 Macpherson Street, Warriewood has been mapped as bushfire prone.

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

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

7.2.1.1 Flooding and Flood Risk

Inadequacy of supporting information

The applicant's Planning Proposal application is supported by information adapted from flood modelling undertaken in 2005. The Flood Management Statement by Brown Consulting has failed to take into account the most up-to-date flood modelling available and as a result the accuracy of this information is unknown. The flooding assessment should be based on the *Draft Narrabeen Lagoon Flood Study 2013* (BMT WBM) which now supersedes both the *Warriewood Valley Flood Study Addendum 1 2005* (Cardno Lawson & Treloar) and the *Warriewood Valley Strategic Review Hydrology Study 2011* (Cardno). It is expected that flood depths and velocities at the subject sites and roadways have been underestimated as a result of the use of the older flood modelling.

The proponent's Flood Management Statement is dependent on the assumption that "cut and fill" can ensure that there is no net loss of floodplain storage, and is applied for sites at 2 Macpherson Street and 23, 25 & 27 Warriewood Road. This assumption is flawed at these sites as it is reliant on the sites forming a level pool, which can only be achieved if there is sufficient backwater from Narrabeen Lagoon. In reality, the sites will be affected by catchment dominated flood events which require an associated hydraulic gradient. "Cut" areas that are below the "fill" area do not then provide a direct offset (and it would only do so if the cut and fill occurred at the same elevation).

As a result there is considerable concern that the Planning Proposal could cause potential flood impacts to surrounding properties. In particular, the site at 2 Macpherson Street, Warriewood occupies flood storage as well as being a floodway in the 1%AEP event and any redevelopment is likely to cause adverse impacts on flow conveyance and result in loss of flood storage.

Flood affectation and suitability for development of 2 Macpherson Street (Buffer 1M)

The site at 2 Macpherson Street is particularly unsuitable for development due to flood risk. It is impacted by flooding even at the 20%AEP flood event (1 in 5 year flood). The site becomes surrounded by high hazard floodways in the 1%AEP flood event, forming a low flood island, and is also impacted by high hazard floodways across the site in the PMF event.

Despite proposing to fill the site at 2 Macpherson Street to the flood planning level, there is still a significant residual risk to life. With flash flooding, flow depths about 0.8 metres, and velocities of over 2 metres per second, the ability to individually respond and safely evacuate in a flood emergency is limited. Development of the site relying on deliberate vertical refuge when the site is surrounded by high hazard floodwaters is also not considered acceptable and is not a safe planning outcome in terms of risk management.

It is stated that an intended outcome of the Planning Proposal is to enable communities to 'age in place'. Given the flood risk at 2 Macpherson Street, Warriewood and the expectation of placing vulnerable portions of the community at the site, it is difficult to understand how this risk could be adequately managed.

Flood emergency response issues

The Planning Proposal for 2 and 18 Macpherson Street also appears to be contingent upon the provision of Council road infrastructure works to achieve flood evacuation. Flood emergency response measures to manage risk to life should not be reliant on whether or not road infrastructure projects are currently in progress or planned in the future. In accordance with the Floodplain Risk Management Guideline, "*SES Requirements from the FRM Process*" *"the assessment of flood risk for emergency response planning should be based on a full range of flooding events up to the PMF"*. Future development strategies should ensure that self-evacuation of the community is achievable in a manner which is consistent with the NSW SES's principles for evacuation.

This Planning Proposal would result in a development that will intensify the floodplain and increase the number of future flood-affected occupants of the floodplain, putting more people and assets at flood risk, as well as additionally burdening the response efforts of emergency services and therefore cannot be supported.

7.2.1.2 Water Management

The Planning Proposal fails to acknowledge any objectives and planning design principles based on water management and environmental purposes. Beyond the local context, this Planning Proposal should acknowledge regional catchment targets set out in the *Sydney Metropolitan Catchment Action Plan* and promote the health of waterways and riparian corridors and water sensitive urban designs.

Consideration of the creek line corridor and its multi functionality for flood conveyance, habitat, open space and recreational amenity is also absent from the Planning Proposal. The objectives of the Council's *Warriewood Valley Water Management Specification 2001* have been fundamental in the planning and development of the Warriewood Valley Urban release area and must be able to be achieved by the proposal.

Consistent with the objectives of the *Warriewood Valley Water Management Specification 2001*, Council's DCP (Control C6.7) requires that where a creek passes through a sector, a remediated creek line corridor comprising a total width of 100 metres (50 metres either side of creek centre line) is to be provided as part of the development. An inner 50 metre inner corridor (25 metres either side of the centre line) is required to be designed and constructed to provide effective flood conveyance of the 1%AEP flow and contain the pedestrian path/cycleway linking the entire Valley. An outer vegetated corridor, 25 metres either side of the inner corridor, is required to be provided to contain flora and fauna habitat. The objective of this outer corridor is to reduce surface runoff, protect against bank erosion and provide aesthetic value and a common open space link.

The Planning Proposal, in seeking to reduce the creek line corridor from 50 metres to 30 metres in width, appears to dismiss the original concepts behind the establishment of the creek corridors and their network of connectivity within the release area. No justification has been provided as part of this application to support the reduction in the width of the creek line corridor.

The Planning Proposal also fails to address the requirements of the *Warriewood Valley Water Management Specification 2001*, in regard to:

- Water cycle management
- Water quality management
- Watercourse and corridor management.

This information would be required after a Gateway Determination has been issued and prior to public exhibition. It would also necessary that investigations would be undertaken at the same stage to investigate geotechnical constraints, groundwater impacts, and potential for contaminated lands and acid sulphate soils.

7.2.1.3 Biodiversity Issues

Each of the subject sites contains a selection of exotic and native vegetation species, some of which have been identified as endangered.

The Vegetation Mapping Report submitted with the application is adequate in terms of identifying the existing vegetation types and providing generic protection measures and advisory details.

All five sites contain remnant Swamp Sclerophyll Forest vegetation, which is listed in Schedule 1 of the *Threatened Species Conservation Act 1995* (NSW) as an endangered ecological community. 18 Macpherson Street also contains Freshwater Wetland vegetation, which is also listed in Schedule 1 of the *Threatened Species Conservation Act 1995* (NSW) as an endangered ecological community. Under section 5A of the *Environmental Planning and Assessment Act 1979* (NSW) an Assessment of Significance (7 part test) addressing the potential impact of the proposal on the threatened species, would be required to be undertaken at the Development Application stage.

In addition, an Ecological Impact Statement and Arborist Assessment would be required to be submitted at Development Application stage.

In the event that a Gateway Determination is issued, further consultation with OEH who may seek a 7 part test undertaken prior to public exhibition.

7.2.1.4 Bushfire Risk

The property 2 Macpherson Street (Buffer 1M) is newly identified as bushfire prone on Council's Bushfire Prone Lands Map. The north-west corner of the site is a Buffer Zone for the vegetation at the rear the 31 Warriewood Road.

No Bushfire Assessment Report has been prepared as part of this application and would be required prior to a Gateway Determination being issued.

Any future Development Application for residential subdivision would need to comply with the bushfire requirements under section 100B of the *Rural Fires Act 1997* and the Planning for Bushfire Protection Guidelines.

7.2.1.5 Potential Land Contamination

Having regard to the previous use of 2 Macpherson Street, Warriewood it is likely that the site has been filled with material of unknown quality and quantity.

SEPP 55 requires the any actual or potential land contamination to be taken into account during the assessment of a Planning Proposal application. It is therefore necessary that, if this application is progressed to a Gateway Determination, a preliminary investigation into possible land contamination of 2 Macpherson Street, Warriewood is undertaken.

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

7.2.2.1 Building Layout and Scale

Sector 302 – 18 Macpherson Street:

In regard to Sector 302, HBO+EMTB in their Peer Review Report have considered the form of housing proposed, layout and scale and provided the following analysis:

“The proposal comprises only residential apartment buildings which does not reflect the surrounding diversity of residential building types in the area or provide a range of housing choices to suit the demographic.

The layout of buildings in the central block comprising Buildings A3, A4 and A5 is not ideal in terms of providing a legible street address and well defined communal open space.

In terms of bulk and scale we do not believe the current proposal provides an appropriate transition in scale to Macpherson Street. Buildings along this edge should be a maximum of two storeys - accordingly Building A3 and the Macpherson Street edging portions of Buildings A1 and A7 would need to be two storeys.

For Buildings A1, A2, A4, A6, A7, A8 and A9, based on Council controls and the HBO+EMTB preferred urban design outcome, it is agreed that three storeys is acceptable given that Site 303 can provide the two storey transition to the Anglican Retirement Village and Site 301 can provide the two storey transitions to the two storey townhouses to the north-west.”

Buffer 1M – 2 Macpherson Street:

In regard to Buffer 1M, HBO+EMTB in their Peer Review Report have considered the layout and scale of housing proposed and provided the following analysis:

“From a site visit it is clear that Site B is not visible from lower scale dwellings on Warriewood Road or even from Site C (known as Buffer Site 1L) due to the extensive vegetation screening along Narrabeen Creek. Further provision of the 25 metre creek setback and 25 metre private setback as per Council controls with appropriate landscaping would further screen views to Site B. Therefore two storeys on Macpherson Street with three storeys or four storeys to the rear of the site with appropriate upper level setbacks to new streets for the fourth floor would be an acceptable visual outcome for this site.

The single access street provides a good legible street address for all buildings although there is no direct access to the surrounding Creek parkland or casual surveillance opportunities.”

Buffer 1L – 23, 25 and 27 Warriewood Road:

In regard to Buffer 1L, HBO+EMTB in their Peer Review Report have considered the form of housing proposed, layout and scale and provided the following analysis:

“Whilst it is understood that the sewer easement prevents Building C2 aligning with Warriewood Road, in general the proposed long slabs of building and apartment typology along Warriewood Road are not sympathetic in scale and character with the existing built form opposite which is not currently zoned to change in density or scale. The proposed setbacks from Warriewood Road do not overcome this scale discrepancy.

Buildings along the Warriewood Road edge should be two storeys to provide a transition from the lower scale houses opposite. Taller buildings can be located to the rear of the site along the Creek but given that residents overlook this area these buildings should be contained to three storeys to allow views over the top of the buildings to the Creek parkland to the west. Sites further up Warriewood Road which have a greater depth provide better opportunities for increased height as shown in the original HBO+EMTB Study.”

7.2.2.2 Internal Road Layout

Sector 302 - 18 Macpherson Street

A number of amendments to the proposed internal road system would be necessary to ensure safety and compliance with the *Warriewood Valley Roads Masterplan 2006*.

The Preliminary Urban Design Study shows two access roads onto Macpherson Street. The two access roads are proposed as ‘T’ intersections which are not acceptable. Only one access road onto Macpherson Street is permitted and to provide safe access it is necessary that this intersection be constructed as a roundabout.

This roundabout would need to be constructed at full cost to the developer. It must comply with all the *Warriewood Valley Roads Masterplan 2006* and all relevant DCP controls. The position of this roundabout must be such that:

- It does not eliminate the existing partially constructed pedestrian refuge in Macpherson Street, or
- It incorporates provision for a safe pedestrian crossing point in Macpherson Street at the current position of the refuge.

The access road to the site must also be a sector entry road as required by the *Warriewood Valley Roads Masterplan 2006*.

In regard to the internal road system, the layout currently proposed is not acceptable as it does not adequately demonstrate how future development of the two adjoining properties (Sector 301 and 303) can be achieved.

The proposed road layout does not provide an internal connection to Sector 301. An internal connection would allow traffic from the subject site to have direct access to the planned roundabout at the Garden Street/Macpherson Street intersection whilst allowing Sector 301 to utilise the access road from the subject site as secondary access point

The proposed internal road layout must also facilitate access to Sector 303 given that this property cannot have direct access from Macpherson Street due its proximity to the planned roundabout at Brands Lane/Macpherson Street and cannot have access from Brands Lane due to its width.

In addition, HBO+EMTB's Peer Review Report recommends that street widths be increased consistent with street widths of the neighbouring developments in Warriewood Valley:

"Street widths are quite narrow at only 9 metres and would not provide either on-street parking or footpaths. This is less than comparable developments which have a minimum 13.5 metres width which provides a two way street, parking on two sides, and footpaths with room for tree planting on each side. It is desirable for this development to have similar street widths to provide these facilities."

Buffer 1M – 2 Macpherson Street

Amendments to the proposed access road onto Macpherson Street would be necessary to ensure safety.

The Preliminary Urban Design Study shows an access road onto Macpherson Street, proposed as a 'T' intersection which is not acceptable. It is necessary that this intersection be constructed as a roundabout. This roundabout would need to be constructed at full cost to the developer. It must comply with all the *Warriewood Valley Roads Masterplan 2006* and all relevant DCP controls.

It should be noted that a roundabout at this location would be on the raised approach to the bridge on Macpherson Street east over Narrabeen Creek planned to be constructed in 2014. As such, the roundabout would need to be designed to accommodate the difference in levels at this point.

The access road to the site must also be a sector entry road as required by the *Warriewood Valley Roads Masterplan 2006*.

In addition, HBO+EMTB's Peer Review Report recommends that a turning circle be at the end of the internal road and the street widths be increased consistent with the neighbouring developments in Warriewood Valley:

"A turning circle should be provided at the end of the street. The width of the street is not appropriate for developments of this scale and should be closer to a 13.5 metre width which provides a two way street, parking on two sides, and footpaths with room for tree planting on each side."

Buffer 1L – 23, 25 and 27 Warriewood Road

Amendments to the proposed access roads would be necessary to ensure safety.

The Preliminary Urban Design Study shows an access road onto Warriewood Road, proposed as a 'T' intersection which is not acceptable. It is necessary that this intersection be constructed as a roundabout.

The Preliminary Urban Design Study shows an access road onto Macpherson Street, proposed as a 'T' intersection which is not permitted as it would be too close to the roundabout planned to be built at the Warriewood Road/Macpherson Street intersection.

The proposed internal road layout is also not acceptable as it does not comply with the DCP's requirement that it be constructed such that a continuous access road can be provided as adjacent developments occur to link with Lorikeet Grove (DCP Control C6.25).

The access road to the site must also be a sector entry road as required by the *Warriewood Valley Roads Masterplan 2006*.

In addition, HBO+EMTB in their Peer Review Report have recommended that street widths be increased consistent with street widths of the neighbouring developments in Warriewood Valley:

"The width of the street is not appropriate for developments of this scale and should be closer to a 13.5 metre width which provides a two way street, parking on two sides, and footpaths with room for tree planting on each side."

7.2.2.3 Proposed Parking Rates

With the exception of the parking rate for 2 bedroom units, the parking rates proposed in the GTA Consultant's Preliminary Traffic Assessment are consistent with the Pittwater 21 DCP requirements. The DCP requires 2 parking spaces to be provided per 2 bedroom unit. The proposed rate of 1.5 spaces per two bedroom unit is unacceptable and will result in a shortfall of parking spaces and overspill parking on the adjoining streets. No justification has been provided in support of this proposed reduction.

The PAC in determining the similar, adjacent development at 14-18 Boondah Road, Warriewood, recognised Pittwater's access challenges and limited public transport, and required compliance with Council's parking rates.

AECOM's Peer Review Report recommended that if a lower parking rate is sought, adequate case study evidence and reasoning should be provided to justify the lower rate of parking provision. This should consider the potential impacts of overspill parking on the surrounding road network, especially in locations where it is likely that existing on-street parking will be removed in order to create additional capacity on the approach to intersections.

7.2.2.4 Creek line Corridor Buffer

Urbis' Preliminary Urban Design Study indicates that for each proposed development site a 30m wide buffer area is to be provided adjacent to the creek line. This is inconsistent with the planning and development of Warriewood Valley which has required a 50 metre wide vegetated buffer to be provided either side of the creek line. This buffer comprises an inner 25 metre buffer area to be dedicated to Council and remain in public ownership and an outer 25 meter vegetated buffer to remain in private ownership but free from vertical built structures.

This outer vegetated buffer is an important aspect of the development of Warriewood Valley, providing aesthetic value for the residents of developments facing onto the creek and a lineal open space link within the release area.

In this regard, HBO+EMTB have provided the following analysis:

"We note that the proposed FSR and dwelling density is in part due to the fact that the proposal does not provide the required 25 metre private property setback/buffer along the site boundary to the Creek as Meriton and other previous developments have provided. This setback would reduce the building floorplates along this area and reduce the FSR and yield from what the proponent proposes. The private property setback is an important element that provides both a transition from the residential development to the Narrabeen Creek corridor and a "green" parkland linking the whole of Warriewood Valley. The additional private property setback should be provided as it also lessens the visual impact of the multi-storey developments on the lower scale development to the north-east across Narrabeen Creek. The private property setback provides substantial passive recreation space incorporating pedestrian/cycleway access for the increased population from the higher density development in the area. This buffer is in addition to the 25 metre width creek line corridor where creek line rehabilitation, bank stabilisation, weed removal and native revegetation takes place."

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

This proposal raises issues in regard to the adequacy of the existing infrastructure, in particular local roads and public transport. The applicant has proposed that a Voluntary Planning Agreement be entered into between the developer and Council to address the provision of infrastructure. The ability of Council to provide any additional infrastructure, in particular open space is also an important consideration in the assessment of this proposal.

7.2.3.1 Impact of proposal on local roads and traffic conditions

The applicant's Preliminary Traffic Assessment in assessing the traffic likely to be generated from this development utilises a traffic generation rate of 0.5 peak hour vehicle trips per dwelling. This figure is not an acceptable rate as it does not recognise the remoteness of the region and resultant high rates of car ownership.

The Planning Assessment Commission (PAC) in considering the similar, adjacent development at 14-18 Boondah Road, Warriewood accepted a figure of 0.65 peak hour vehicle trips per dwelling in calculating traffic generation. The figure accepted by the PAC recognised the remoteness and inaccessibility of the region and poor standard of the existing (and future) bus services in the Valley, and resultant high rates of car ownership for future residents that will then generate higher traffic volumes/vehicular trips.

AECOM's Peer Review Report recommends that the higher traffic generation rate of 0.65 trips per dwelling should be used to determine traffic impacts. This is the rate used by AECOM in the *Warriewood Valley Strategic Transport Study 2011*. It is recommended that this rate be used to in any future detailed traffic assessment for this development for consistency. Should the applicant seek to use an alternative trip generation rate, this should be appropriately justified, as using lower rates could potentially underestimate the expected impact on the surrounding road network.

The Preliminary Transport Study also does not consider how the increased traffic volumes will affect the residents of Hill Street and Elimatta Road due to 'rat run' traffic using this street as a short cut between Warriewood Road (at entrance to site at 23, 25 and 27 Warriewood Road) and Pittwater Road.

7.2.3.2 Adequacy of public transport

The applicant's proposal is reliant on the subject sites' 'close proximity' to transport infrastructure in the area. The applicant also relies on an assumption that the increase in demand created as a result of this development will result in increase in services to the area. This is an unsustainable assertion which ignores the region's transport challenges.

The existing bus routes servicing Warriewood Valley, stopping in Macpherson Street, are mostly limited to a north-south movement and do not provide access to many areas of Pittwater, Warringah and other areas within the region, including Chatswood and Macquarie Park. These services are irregular out of peak hours, particularly at night and during weekends.

The Strategic Bus Corridor operating in Pittwater Road is located some distance from the subject sites and future residents would need to travel to access these bus services:

- 18 Macpherson Street - approximately 1.5km from the Pittwater Road bus stop

- 2 Macpherson Street - more than 800m from the Pittwater Road bus stop
- 23, 25 and 27 Warriewood Road - more than 750m from the Pittwater Road bus stop

Over the length of this route, only limited sections of footpath have been constructed and with sections of the route prone to continual flooding. This portion of Macpherson Street is due to be upgraded which is likely to limit pedestrian access from the subject sites east to Pittwater Road.

This existing bus service is limited, with no direct, convenient services to either Manly or regions to the west of Pittwater (e.g. Chatswood) from the Valley. The applicant's claim that this development has the potential to increase public transport usage and increase bus services due to increased demand generated by the development is not valid. Sydney Buses has given no commitment to substantially increasing services or providing new cross regional services from Warriewood Valley and is restricted in doing so by the existing congestion on the main roads servicing the Valley/Pittwater. The RMS has also given no commitment to substantially upgrade any main road servicing Pittwater to allow expanded public transport services.

The lack of direct cross-regional public transport services for which comfortable bus interchanges are available associated with the crowding and extended travel times, make the few existing services unattractive to Pittwater residents, resulting in private cars being the preferred choice of travel mode.

The assumption of the Preliminary Traffic Study that public transport will somehow be improved in the future due to this development is not sustainable and cannot be used to approve a development that would be built now.

7.2.3.3 Proposed Voluntary Planning Agreement

The application proposes that Council and the Developer enter into a Voluntary Planning Agreement (VPA) to address the provision/funding of the public infrastructure works and developer contributions.

VPAs are legislated under Section 93F of the Environmental Planning and Assessment Act (the Act) which was introduced into the Act in 2005. Section 93F establishes a statutory framework for planning agreements as a means for planning authorities to obtain contributions for a public purpose:

93F Planning agreements

- (1) *A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the **developer**):*
 - (a) *who has sought a change to an environmental planning instrument, or*
 - (b) *who has made, or proposes to make, a development application, or*

(c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies, under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose

Under a planning agreement a developer may be required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them. The terms of a planning agreement are a matter for commercial negotiation, and therefore there does not need to be a nexus between the development to which a planning agreement relates and the object of expenditure.

Planning agreements can be entered into at either the rezoning or development application stage and must be publicly exhibited for a minimum of 28 days before it is entered into.

Once entered into, a planning agreement becomes a statutory obligation. A breach of a planning agreement will be a breach of the Act.

The applicant as part of this application proposes a VPA with Council, which would encompass public domain improvements and a monetary contribution, fixed at a rate of 3% of the value of the project (project value is not disclosed).

This approach is not consistent with past or proposed methodologies used for the calculation of developer contributions associated with the development in the Warriewood Valley Release Area. As such, it is not recommended that Council enter into any negotiations to progress a VPA with the proponent, as a clear indication of the needs of the future residents is articulated in the Section 94 Contributions Plan for the Valley and there is no community benefit derived from deviating from the Plan's expectations.

7.2.3.4 Warriewood Valley Section 94 Contributions Plan

The provision of infrastructure, which ensures public safety, reasonable amenity and adequate provision of services for development, is a fundamental component of the land release process. In the case of the Warriewood Valley, a strategy and plan to provide appropriate infrastructure and services has been an integral component of the land release process since its commencement in 1993.

The sites proposed to be rezoned under this Planning Proposal fall within land to which the *Warriewood Valley Section 94 Contribution Plan (No. 15 Amendment No. 16)* (the Section 94 Contributions Plan) applies.

The Plan provides the funding mechanism for infrastructure and services for the general use of the new residents and occupants in the release area, where they cannot be directly and equitably provided through the development process.

On the 13 May 2011, the then Minister for Planning gave a direction pursuant to Section 94E of the *Environmental Planning and Assessment Act 1979* that Council cap its contribution rate at \$62,100 per dwelling, subject to the outcomes of the Warriewood Valley Strategic Review.

The recently adopted Strategic Report recommends a maximum density of 32 dwellings per hectare, resulting in an additional 193 dwellings above the 2010 Planning Framework's dwelling yield allocation. The Strategic Review forecast the need for a review of infrastructure and community services / facilities already in the Section 94 Contributions Plan, based on the additional population resulting from the recommended increase in density.

The Economic Feasibility Study commissioned to inform the Strategic Review considered the economic viability of a range of residential densities and Section 94 contribution rates for development in Warriewood Valley.

The consultant in modelling contribution rates recommended that, at a contribution rate of \$50,000 per lot/dwelling the density for townhouse and small lot housing developments needs to be a minimum of 30 dwellings per hectare to ensure financial viability.

Council's Internal Section 94 Committee, having regard to the maximum density of 32 dwellings per hectare now adopted for the Valley and the additional infrastructure demands resulting from increased population, has found through a preliminary draft Section 94 Contributions Plan that a monetary contribution rate commencing at \$50,000 (2012/13 dollars), indexed annually thereafter, could deliver the remaining infrastructure for Warriewood Valley.

With respect to this Planning Proposal, a preliminary assessment of additional infrastructure required to meet the needs of the population expected as a result of this application has been undertaken. The increased population, above what is currently anticipated, would require an increase in infrastructure associated with traffic and transport and open space. The additional dwellings and population would require:

- Additional traffic lights and intersection upgrades
- Additional public recreation and open space facilities (land acquisition and embellishment)
- Additional community facilities

Council's preliminary assessment of the additional dwellings and resultant additional infrastructure requirements required by this Planning Proposal, indicates that a contribution rate commencing at \$50,000 (2012/13 dollars), indexed annually thereafter (based on payment at Construction Certificate stage) could be maintained.

7.2.3.5 Ability to deliver additional infrastructure required

While it may be possible to deduce a contribution rate which takes into account this proposal, there is grave concern that the infrastructure and services originally planned for Warriewood Valley may not be able to be expanded, sufficient to provide for the increased development. Development of Warriewood Valley is now over half completed and it is unclear as to whether additional infrastructure can actually be provided without significant impact on amenity and safety and/or additional costs.

Of particular concern is the ability of Council to acquire additional active open space to meet the demand created by a development of this scale. The additional demand created as a result of significantly denser than anticipated development will require additional land suitable for active open space, reasonably near to, and available for the use of, future residents.

In recent years there has been difficulty in providing land suitable for active open space in the Warriewood Valley area to meet the needs of the current planned dwelling yields. It is widely known that there is a shortage of available land suitable for active open space in the vicinity of the release area, without moving into areas of existing residential development (where the cost of acquisition would be prohibitive) or forfeiting the development opportunity for land otherwise assigned for residential development.

In order to address this issue, Council has already had to adopt a range of innovative measures, including alliances with local schools and surface treatments to increase usability of the assets, to provide increased recreation opportunities in an attempt to meet contemporary standards of provision. While these strategies have offset some of the land needed to meet the requirements under the Section 94 Contributions Plan, additional land still need to be acquired to meet the demands of the current planned population.

The applicant has provided no insight in to how the reasonable expectations to open space and sporting activities of the future residents of this development will be accommodated.

8.0 OTHER ASSESSMENT CONSIDERATIONS

8.1 Equity

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

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

A key element of the planning framework for Warriewood Valley is the maximum dwelling density applying to various sectors, based on numerous environmental studies and land capability mapping.

Council has closely monitored the development Warriewood Valley over the years which, over time, has resulted in increasing the total dwellings anticipated in the Valley through its review of the planning strategy for Warriewood Valley. On each occasion, the increase in dwelling numbers was extensively communicated to the wider community and likely impacts from such increases thoroughly investigated and considered. The most recent revisions to the planning framework, under the Warriewood Valley Strategic Review, were subject to extensive community consultation, involving meetings with the wider community and stakeholders. At present, the total number of dwellings anticipated in Warriewood Valley is 2,504, based on a maximum density of 32 dwellings per hectare, presented in mainly two and some three storey forms.

The applicant's argument that there is a clear case for high density residential development in Warriewood Valley is unfounded. The comparisons drawn between this proposal and the PAC approved development at the site formally known as 14-18 Boondah Road, Warriewood and the SEPP Seniors Living development in Macpherson Street known as Warriewood Brook are misleading and flawed.

The 4 and 5 storey development at 14-18 Boondah Road, Warriewood was approved in 2011 by the PAC under the now repealed Part 3A legislation. Council in several submissions to the then Department of Planning objected to the proposal based on its excessive bulk and scale.

The development currently under construction exceeds the dwelling yield allocation for the site under the *Warriewood Valley Planning Framework 2010* and is non-compliant with Council's DCP controls for building height, building setbacks, creek line corridor width and landscaping. This development, approved under a now abolished and highly contentious legislative framework cannot be considered a precedent for a similar form of development elsewhere in Warriewood Valley.

The Warriewood Grove development was approved in 2005 under SEPP Seniors Living. The SEPP stipulates a number of development standards that cannot be used to refuse development consent, including development standards related to density and scale. In this circumstance Council's dwelling yield provision for the site could not be used to as a reason for refusal. SEPP Seniors Living also specifically provides controls regarding height which override Council's height controls. The layout of the buildings within this development gives appearance of 8.5 metres or below at the street frontage with the highest buildings located at the centre and rear of the site. This development whilst exceeding Council's height and density controls is sympathetic to the street character and pattern of existing residential development and is in no way comparable to the applicant's proposal.

This application to increase the permitted density from a maximum of 32 dwellings per developable hectare to 98 dwellings per developable hectare and increase building heights from a maximum of three storeys to up to five storeys on 5 specific sites within the Valley raises significant inequities. The end result will be a specific landowner having undue development advantage over landowners of other sites of similar land capability in the release area.

8.2 Net Community Benefit

A key question that should be asked regarding this proposal is what net community benefit is being provided by this development that warrants such a significant departure from the NSW Government's planning strategy for Metropolitan Sydney, the endorsed planning strategy for the release area, Council's DCP, Council's Section 94 Contributions Plan, and the community's expectations for the area?

As outlined in earlier sections of this report, this unplanned and unnecessary increase in dwelling yield and building height would result in an excessively dense development, located in an area that is neither within walking distance to a key centre and key services or well serviced by public transport. The proposal would result in a development that is out of character with the existing and planned future development of the area. The proposal will put pressure on existing and planned infrastructure and require additional infrastructure to be provided. The ability to deliver on any additional infrastructure, in particular open space is unknown.

This application while purporting to help achieve the NSW Government's key housing directions, would ultimately result in a development that undermines a number of these directions.

This proposal does not provide the community with any public benefit that warrants approval of a development that so dramatically departs from what has been planned for Warriewood Valley.

8.3 Community Expectation and Participation

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

“Warriewood Valley Land Release Area will be developed into a desirable urban community in accordance with the Warriewood Valley Land Release Planning Framework, and will include a mix of low to medium density housing with dwelling houses a maximum of two storeys in any one place, attached and detached dual occupancy dwellings, multi-unit housing, a neighbourhood focal centre, industrial/commercial development and open space and community services...”

Future development will maintain a height limit below the tree canopy and minimise bulk and scale.”

The community has been comprehensively consulted during the planning and preparation of all the strategic documents relevant to the development of the Valley. Residents who already live in and near to Warriewood Valley should be able to rely on what has been planned for the release area, and be confident that they will be made aware of and able to meaningfully participate in proposals to change the established development framework for the Valley. The community should also be confident that any revision to the planning framework has been the outcome of an orderly planning process, informed by expert opinion and technical knowledge.

A clear example of the relevance of community expectation, as a valued component of the planning process, is the determination by the JRPP (Sydney East) of a proposed Focal Neighbourhood Shop complex in Warriewood Valley. The Panel in rejecting the shopping centre that was inconsistent with the pre-planning of the Valley stated:

“The Panel notes that DCP 21 has a range of 800 to 2,222 m2 GFA, and the Panel puts major weight on this size range. This is because buyers into the area are likely to have consulted the DCP and made their decision on the basis that the maximum size of the shopping centre on the site will be 2,222m2. To allow a shopping centre that is 75% larger than that the maximum size indicated in the DCP, seems to us to breach the faith of those who relied on the DCP being upheld”

With the exception of the PAC approved Part 3A development at 79-91 Macpherson Street (formally 14-18 Boonah Road), Warriewood Valley has been developed as a mix of low to medium density housing. The PAC's recommendation to undertake a strategic review of the planning framework for Warriewood Valley was intended to provide a clear future path for the development of the remaining undeveloped lands in Warriewood Valley. The outcome of the Strategic Review, the *Warriewood Valley Strategic Review Report 2012*, while identifying some capacity for increased dwelling density, has reinforced the original vision for a low to medium density urban community.

This Planning Proposal application seeks an urban form, residential density and character rejected by Strategic Review team including DP&I staff, and comprehensively rejected through the recently adopted Warriewood Valley Strategic Review and by the broader community.

9.0 CONCLUSION

- 9.1 This application does not reasonably meet the DP&I's assessment criteria as it is unable to demonstrate that it has strategic merit or site specific merit.
- 9.2 The application is grossly inconsistent with the recently adopted Warriewood Valley Strategic Review through which a comprehensive and orderly investigation established the appropriate density for the release area. Development of 4 and 5 storey apartment buildings at a density of 98 dwellings per developable hectare as proposed by this application is totally inconsistent with the findings of the Strategic Review and the technical studies that informed the review process.
- 9.3 The primary premise of the applicant's proposal is that the development takes advantage of the sites' strategic location and would result in a number of strategic benefits, consistent with the NSW government's key housing directions. This argument is flawed and misleading. In reality this proposal would result in a development that undermines a number of the government's planning directions.
- 9.4 The assessment of the proposal has also identified significant deficiencies with the application, including unacceptable flooding and water management arrangements, access arrangements, impacts on character and amenity and infrastructure provisioning and funding arrangements.
- 9.5 It is therefore recommended that the Planning Proposal application PP0002/13 be refused for the reasons outlined in the Recommendation section of this report.

10.0 SUSTAINABILITY ASSESSMENT

10.1 Supporting & Connecting our Community (Social)

The application proposes a development that will unacceptably increase flood risk to life and property. The application also proposed unacceptable and unsafe access arrangements. The application also has not considered bushfire risk. The applicant's premise that public transport will provide adequate connection to centres and services is unacceptable as no commitment has been given to substantially increase bus services in region.

10.2 Valuing & Caring for our Natural Environment (Environmental)

The application seeks to narrow the creek line corridor on the subject sites which is likely to have a number of detrimental impacts on the environment. Further studies would be required to assess the impact of the proposed development on the existing vegetation.

10.3 Enhancing our Working & Learning (Economic)

The application does not provided any economic justification to support the inordinate increase in density sought under this application.

10.4 Leading an Effective & Collaborative Council (Governance)

This application has been notified in accordance with Council's notification policy. The assessment of this application has been transparent.

10.5 Integrating our Built Environment (Infrastructure)

The application will create additional infrastructure demands above what Council has already planned to provide within the release area. It is uncertain whether this any additional infrastructure can be accommodated within the release area.

11.0 EXECUTIVE SUMMARY

- 11.1 A Planning Proposal Application has been submitted for five properties in Warriewood Valley – 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road. The application seeks to amend the provisions of *Pittwater Local Environmental Plan 1993* (LEP 1993) to allow high density residential development up to 98 dwellings per developable hectare. The application also seeks to amend the DCP to allow building heights up to 4 storeys (although the concept drawings indicate building heights up to 5 storeys). The application also proposed that Council and the proponent enter into a Voluntary Planning Agreement for the funding and provision of infrastructure.
- 11.2 The subject sites were recently investigated as part of the Warriewood Valley Strategic Review. It was determined as part of the Strategic Review process that four of the sites have capacity for residential development up to a maximum density of 32 dwellings per hectare and building heights up to 3 storeys. One site was determined to have no capacity for development.
- 11.3 The *Warriewood Valley Strategic Review Report 2012* was endorsed by the Director-General in May 2013 and adopted by the Council on 12 June 2013.
- 11.4 Council has initiated a number of Planning Proposals consistent with the recommendations of the *Warriewood Valley Strategic Review Report 2012*, two of which apply to the lands the subject of this Planning Proposal application. A Gateway Determination has been issued for these Council-initiated Planning Proposals.
- 11.5 The assessment of the application indicates that the Planning Proposal does not meet the DP&I's assessment criteria as the proposal is unable to demonstrate that it has strategic merit or site specific merit. The Planning Proposal application is therefore recommended for refusal.

RECOMMENDATION

- a. That Council refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road, Warriewood to initiate the process to amend *Pittwater Local Environmental Plan 1993* for the reasons outlined below:
 - 1. The proposal fails to meet the objects of the *Environmental Planning and Assessment Act 1979*, particularly as it substantially deviates from s5(a)(ii) to encourage the promotion and co-ordination of the orderly and economic use and development of land.
 - 2. The proposal departs significantly from the outcomes and standards recommended in the *Warriewood Valley Strategic Review Report 2012* recently adopted by the Director General of Planning and Infrastructure and Council.

3. The proposal disregards the community engagement process conducted by Council and the Department of Planning and Infrastructure leading to the adoption of the *Warriewood Valley Strategic Review Report 2012* and would result in a development that severely undermines community expectations and public confidence.
4. The proposal has not demonstrated changes to current and known constraints, opportunities and economic conditions to justify a departure from the outcomes and standards of the adopted *Warriewood Valley Strategic Review Report 2012*.
5. No 2 Macpherson Street (also known as Buffer 1M) is an identified floodway and any residential development on this land would unnecessarily and unreasonably put property and life at risk and is likely to cause adverse impacts on flow conveyance and result in a loss of flood storage.
6. The proposal will result in a development of a density and scale that is not in keeping with the desired future character of the area as expressed in A4.16 of *Pittwater 21 Development Control Plan* and envisaged by the *Warriewood Valley Strategic Review Report 2012*, as adopted by the Director General of Planning and Infrastructure and Council.
7. The Planning Proposal is inconsistent with Local Planning Direction 4.3 – Flood Prone Land, issued under s117 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
 - i. The proposal would significantly increase residential development on flood prone land, in a known floodway and is likely to result in significant flood impacts to other properties.
 - ii. The proposal will result in development that increases the number of future flood affected occupants of the floodplain, thereby putting more people and assets at flood risk as well as burdening the response efforts of emergency services.
 - iii. The Planning Proposal has not relied on the latest available flood information contained within the Draft Narrabeen Lagoon Flood Study 2013. The findings of the Brown Consulting Flood Management Statement are based on superseded data which is likely to have resulted in an underestimation of flood depths and velocities across the subject sites.
 - iv. The recommendations of the Brown Consulting Flood Management Statement in relation engineering solutions to enable development of 2 Macpherson Street and 23, 25 & 27 Warriewood Road are flawed and cannot be relied upon.
 - v. The proposal relies on deliberate isolation or sheltering in buildings during times of flood which is not considered an acceptable solution and is inconsistent with the requirements of the NSW State Emergency Service and the NSW Floodplain Development Manual.
 - vi. The proposal is inconsistent with the requirements of B3.22 of *Pittwater 21 Development Control Plan*.
8. The Planning Proposal is inconsistent with Local Planning Direction 4.4 – Planning for Bushfire Protection, issued under s117 of the *Environmental Planning and Assessment Act 1979*, as it has not had regard for Planning for Bushfire Protection 2006 and will place inappropriate development in a hazardous area.

9. The Planning Proposal does not achieve the requirements of C6.7 of *Pittwater 21 Development Control* as it does not adequately address issues related to water cycle management issues, including water quality management, watercourse and corridor management.
10. No investigation has been undertaken in regard to potential land contamination of the sites (in particular 2 Macpherson Street), as required by *State Environmental Planning Policy No 55 – Remediation of Land*.
11. The proposal fails to demonstrate the traffic and transport implications resulting from this proposal are satisfactory, as confirmed by the Roads and Maritime Services' request that a detailed traffic assessment of the impacts of the proposal on local and state roads be undertaken prior to a Gateway Determination.
12. The proposal fails to demonstrate that the increase in density proposed with resultant population increase substantially greater than planned for, will be able to be provided with additional infrastructure, particularly open space in reasonable vicinity to the release area.
13. The Department of Education & Communities have identified that in order to address the additional demand created by the Planning Proposal, additional classrooms will be required at local schools. The Department requests that provision be made to seek contribution from the developer. As no mechanism exists to address this issue the proposal is not supported.
14. It is recognised that the application is a Planning Proposal however the cumulative impacts resulting from this density has not been accounted for, namely:
 - i. The proposed building heights of up to 5 storeys within an area characterised by low-rise, low to medium density housing.
 - ii. The proposed building layout is not sympathetic with the surrounding area.
 - iii. The proposed car parking rate of 1.5 spaces per 2 bedroom unit which is inconsistent with the requirements of B6.6 of *Pittwater 21 Development Control Plan* and the rate accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. The reduced parking rate proposed will result in an undersupply of car parking.
 - iv. A traffic generation rate lower than the rate utilised in the *Warriewood Valley Strategic Transport Study* (AECOM 2011) and accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. This is likely to have underestimated the traffic impacts of the development.
 - v. The unsafe access arrangements proposed from the subject sites onto Macpherson Street and Warriewood Road.
 - vi. The internal road layout which is inconsistent with the requirements of the *Warriewood Valley Roads Masterplan 2006* and C6.24 of *Pittwater 21 Development Control Plan*.
15. The proposal is not in the public interest, provides no net community benefit, is inconsistent with the principals of orderly planning and, if approved, would undermine confidence in evidence based planning, the community engagement process and decision making.

- b. That Council not support the proposed Voluntary Planning Agreement, as it would be inconsistent with the methodologies used for the calculation of developer contributions in the Warriewood Valley Release Area and will not deliver the essential infrastructure as planned by the Warriewood Valley Section 94 Contributions Plan.
- c. That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application, advising them of Council's decision.

Report prepared by,
Tija Stagni, Strategic Planner – Land Release

Andrew Pigott
ACTING MANAGER, PLANNING & ASSESSMENT



Aerial Photography - Mar 2012
 Licensed from NearMap.
 This plan is not survey accurate,
 & aerial photography is indicative only.

Planning Proposal PP0002/13
2 & 18 Macpherson St & 23, 25 & 27 Warriewood Rd

NORTH
 A4 Scale 1:5000



Planning & Infrastructure

Office of the Director General

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

qA224770

Dear Mr Ferguson

I am writing concerning the public release of the *Warriewood Valley Strategic Review*. As you know the Department and Council staff have been working in partnership to prepare a Strategic Review Report that will establish a framework to guide future development in the Warriewood Valley.

I appreciate that this has been a complex process that has included an analysis of a wide range of constraints including economic feasibility, hydrology, traffic and transport and urban design. An important part of the overall process has been consultation with the community.

The final Report recommends that some parts of the study area be progressed immediately as planning proposals, with densities to rise from 25 dwellings per hectare (d/ha) to 32 d/ha. It is important that Council progress this as a priority.

While the Report proposes specific residential densities, I consider that there may be future opportunities for a greater mix of housing types and higher densities, particularly on larger sites or if sites can be amalgamated. The content of the report and economic feasibility analysis support this position. Opportunities for higher density development beyond that recommended in the Strategic Review could be explored through planning proposals subject to appropriate merit assessment. The Department will assess any such proposals it receives on that basis.

I am pleased to advise that I have endorsed the *Warriewood Valley Strategic Review* subject to the above. I appreciate Council's ongoing cooperation in achieving this milestone.

If you have any further enquiries about this matter, I have arranged for Ms Juliet Grant Regional Director of the Department's Sydney Region East Team to assist you. Ms Grant can be contacted on (02) 9228 6113.

Yours sincerely


Sam Haddad
Director General

11/5/2013



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Mark Ferguson, General Manager
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11 June 2013

Mr Sam Haddad
 Director-General
 Department of Planning and Infrastructure
 GPO Box 39
 SYDNEY NSW 2001

Your Ref: qA224770

Dear Mr Haddad

Re: Warriewood Valley Strategic Review

Thank you for accepting my invitation to visit and see the Warriewood Valley release area and hope you found the drive-around beneficial to understanding the development and built form that has occurred in Warriewood Valley.

At our meeting, I requested clarification on the statement in your letter of 1 May 2013 namely:

"While the Report proposes specific residential densities, I consider that there may be future opportunities for a greater mix of housing types and higher densities, particularly on larger sites or if sites can be amalgamated. The content of the report and economic feasibility analysis support this position. Opportunities for higher density development beyond that recommended in the Strategic Review could be explored through planning proposals subject to appropriate merit assessment. The Department will assess any such proposals it receives on that basis."

After the extensive work undertaken by Departmental staff, Council staff, various consultants and contributions from the community, it was disappointing to receive your letter with the above comments. I disagree that the report supports opportunities for higher densities and the Economic Feasibility Study needs to be read in conjunction with all the other studies and analysis of the Valley, including the Strategic Transport Study, Hydrology Study and the Urban Design Study.

As you would be aware, since Departmental and Council staff finalised the Review last November, I was approached a number of times to amend the Review findings to include a similar clause within the Review itself. I could not agree to such a change to the Review as neither the professional view of our collective staff and consultants, nor the views of the overwhelming majority of the community supported higher densities.

In fact, during the Public Exhibition of the Draft Review, over 450 submissions were received and only three of these submissions from the following requested higher densities:-

- Meriton Apartments Pty. Ltd.
- Urban Taskforce.
- One of the Buffer 3B landowners.

.../2

Email pittwater_council@pittwater.nsw.gov.au Web pittwater.nsw.gov.au

Mona Vale Customer Service Centre
 Village Park 1 Park Street, Mona Vale

Avalon Customer Service Centre
 59A Old Barrenjoey Road, Avalon

Support Services
 Units 11, 12, 13 + 16/5 Yuko Place, Warriewood

Boondah Depot
 1 Boondah Road, Warriewood

- 2 -

Given that one of the key aims of the Warriewood Valley Review was to provide greater certainty, and through a transparent process with the community establish the future vision for the area, I respectfully request that you withdraw your comments regarding the possibility of higher densities beyond those recommended in the Review. This would more effectively convey a level of trust and consistency in the planning process which is a key theme in the White Paper.

Yours faithfully



Mark Ferguson
GENERAL MANAGER



Planning & Infrastructure

Office of the Director General

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

13/09992

Dear Mr Ferguson

I refer to your recent letter regarding the Warriewood Valley Strategic Review the opportunities for higher density development in the Warriewood Valley. I have carefully noted the contents of your letter and your request for me to withdraw my comments about higher density development.

I endorsed the Strategic Review after carefully considering the following matters:

- the extensive work undertaken by staff from Council and the Department in the preparation of the Review;
- the Economic Feasibility Study, the Strategic Transport Study, the Hydrology Study and the Urban Design Study which were commissioned to inform the Review; and,
- the outcomes of the community consultation.

In endorsing the Review, I was also cognisant of elements of the Review pointing to opportunities for higher densities that have not, as yet, been fully explored. This includes the view in Chapter 8 of the Strategic Review that "...there may be opportunities for other sectors within the release area to amalgamate to maximise development opportunities."

I note also the Urban Design study recommended higher densities for certain sites. This includes, for example, 51 dwellings per hectare for 23B Macpherson Road and 55 dwellings per hectare for 43, 45 and 49 Warriewood Road. Although these higher densities were not recommended in the Strategic Review when other factors were taken into account, they did represent the preferred outcome from an urban design perspective and indicate that some additional potential for higher densities may exist.

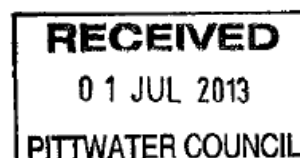
Ultimately, the density recommended in the Strategic Review was based on current and known constraints, opportunities and economic conditions. Having regard to the potential for these to change or be managed, and given the Government's housing targets contained in the draft Metropolitan Strategy, my comments were made in the context of potential future opportunities for higher densities should these be properly justified.

I look forward to continuing to work closely with Council to ensure appropriate land use outcomes in Warriewood Valley.

Yours sincerely


Sam Haddad
Director General

26/6/2013.



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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.

Submission Number	Comment	Response
1	Opposed to any high density residential development.	Objection to proposed high density is noted
	Two main roads out (Mona Vale Road and Wakehurst Parkway) are only one lane each way and will be unable to handle increase in traffic	<p>Concern is noted.</p> <p>The Roads and Maritime Services (RMS) is the authority responsible for the maintenance and upgrade of Mona Vale Road and the Wakehurst Parkway. The RMS have provided comments on the proposal and requested that detailed traffic analysis of the arterial roads be undertaken by the Applicant prior to a Gateway Determination being issued for the proposal.</p>
	Parking around local shopping centres is already now limited.	<p>Existing retail developments have been approved with their current number of parking spaces based on floor space.</p> <p>Any requirement to review the parking provisions in individual retail developments can only be undertaken if and when changes to the approved floor area and building are proposed, through the Development Application process.</p> <p>A development application for the expansion of Centro Warriewood, which includes a multi storey car park facility, has been lodged and is currently being assessed by Council officers.</p>
2	Strongly opposed to the proposal.	Objection to the proposal is noted.
	Area does not have the infrastructure to support a development of this scale	A preliminary investigation of the additional infrastructure that would be required to meet the needs of the additional population has been undertaken and factored into a preliminary draft Warriewood Valley Section 94 Contributions Plan.
	Roads in the area do not have adequate or safe footpaths, crossings or additional lanes to facilitate such an increase in traffic.	Concerns regarding lack of footpaths and pedestrian crossing in Warriewood Valley relate primarily to sections of existing roads still to be reconstructed/upgraded as Warriewood Valley is developed. Road reconstruction and upgrades, including the provision of footpaths, are generally undertaken by the developer at the same time as development immediately adjoining the road occurs. The current Section 94 Contributions Plan identifies the location of a number of pedestrian crossings that will be delivered once adequate funds are collected through developer contributions.

Submission Number	Comment	Response
	Roads are dangerous now, especially with the blind corner on Warriewood Road just before Macpherson Street	A roundabout is planned to be constructed as part of the upgrade to Macpherson Street east. The roundabout to be constructed is to be designed in accordance with RMS standards so as to maximise safety for traffic entering/leaving Lakeview Parade to Warriewood Road at the intersection immediately south of the roundabout
	There is already traffic congestion now at intersection of Pittwater Road and Warriewood Road	<p>The capacity of this intersection was assessed by AECOM during the undertaking of the Warriewood Valley Strategic Review. It was found that this intersection would operate at an acceptable level based on the current expected level of development in the Valley.</p> <p>A preliminary traffic assessment based on the level of development proposed by this application indicates that this intersection will continue to operate at an acceptable level. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.</p> <p>It should also be noted that at present traffic congestion at this intersection is exacerbated by the large development at the corner of Macpherson Street and Boondah Road and the temporary closure of Boondah Road at Macpherson Street</p>
	There will be a loss of natural sunlight to eastern side of street (opposite 23, 25 & 27 Warriewood Road). Views of the Valley from the high side of Warriewood Road (opposite 23, 25 & 27 Warriewood Road) will be also lost.	Solar access and view loss issues are generally considered at the development application stage. HBO+EMBT's peer review of the Urbis Urban Design study recommends that building heights at 23-27 Warriewood Road be limited to 3 storeys and be located at the toward the rear of the site to allow views over the buildings.
3	Strongly object to this proposal as it is in contravention of the recommendations and guidelines of the Warriewood Valley Strategic Review Report. The density proposed far exceeds the recently endorsed density of 32 dwellings per hectare.	Objection to the proposal is noted including statement regarding inconsistency with recently adopted Strategic Review Report.
	18 Macpherson Street is opposite Australand's development at 25 dwellings per hectare. The development at 98 dwellings per hectare would not be in keeping with the existing streetscape.	HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.

Submission Number	Comment	Response
4	Totally object to the proposal.	Objection to the proposal is noted.
	Over development of the sites. Already enough medium density apartment buildings in the vicinity.	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the character of the area.
	Roads in Warriewood Valley are in poor condition and need upgrading. Large amounts of money would be needed to provide this infrastructure.	Warriewood Valley is a half-completed land release project. Road reconstruction and upgrades are generally funded by the developer and undertaken at the same time as development of the sector immediately adjoining the road occurs. A number of other road improvements are planned to be delivered under the Warriewood Valley Section 94 Contributions Plan once adequate funds are collected through developer contributions.
	There would need to be a commensurate increase in beds at Mona Vale hospital to support a development of this scale.	The funding and provision of additional hospital beds is a matter for the State Government. NSW Health was consulted during the non-statutory exhibition of this application and will be consulted again during the statutory exhibition if a Gateway Determination is issued for the proposal.
	There are many roads in Warriewood Valley now without footpaths forcing pedestrians to walk on the road. The increase in traffic will place pedestrians at risk.	The construction of missing sections of the pedestrian network coincides with the upgrade of the adjoining section of road. This work is undertaken at the same time as development of the sector immediately adjoining the road occurs.
	Warriewood Road is already a very busy road. There is likely to be frequent accidents and increased risk to pedestrians as a result of the traffic generated from this development.	A number of pedestrian refuges are planned to be constructed and will be paid through developer contributions under the <i>Warriewood Valley Section 94 Contributions Plan</i> . Traffic calming measures in Warriewood Road will also be required as per the <i>Warriewood Valley Roads Masterplan 2006</i> .
	The increased runoff cause by this development will damage the Warriewood wetlands.	The <i>Warriewood Valley Water Management Specification 2001</i> stipulates requirements for water management systems intended to reduce runoff and improve water quality. Detailed assessment of water cycle management, water quality management and watercourse and corridor management will be required if a Gateway Determination is issued for the proposal.
5	The developer who purchased this property did so with knowledge of the existing zoning. To seek to rezone the property now shows a total disregard for local residents and the Council.	Note the objection, however a proponent may seek to lodge an application and council is obliged to assess the application in the context of the Environmental Planning and Assessment Act.

Submission Number	Comment	Response
	Macpherson Street cannot cope with high rise buildings. The road is at capacity during the day now	<p>As part of the Warriewood Valley Strategic Review process, a transport study was completed which modelled traffic in the Valley based on the assumption of the level of development currently adopted under the Warriewood Valley Strategic Review Report. This study confirms that the intersections on Macpherson Street will operate at acceptable levels.</p> <p>It is recognised that this application is proposing densities above what the densities contained in the Warriewood Valley Strategic Review Report. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.</p>
	Local residents are frustrated and feel they have no power over decision making any more.	This sentiment is noted.
	High rise development in Macpherson Street will destroy the character of the street.	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the character of the area.
6	Opposed to this proposal.	Objection to the proposal is noted.
	Development is way too big	Objection to the scale of the development is noted.
	There should be no unit blocks in Warriewood Road	<p>The density adopted under the Warriewood Valley Strategic review is 32 dwellings per hectare, which will facilitate low-rise apartment buildings up to 3 storeys.</p> <p>It is noted that this application is not consistent with the Warriewood Valley Strategic Review.</p>
	The proposal is out of character for the area	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the character of the area and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report recommendations.
	The roads are already very congested as are the local car parks and shopping centres.	As part of the Warriewood Valley Strategic Review process, a transport study was completed which modelled traffic in the Valley based on the assumption of the level of development currently adopted under the Strategic Review. This study determined that roads in Warriewood Valley will be able to support future development at the level recommended by the Strategic Review with minor upgrades to the Powderworks Road and Garden Street intersection required.

Submission Number	Comment	Response
		<p>It is recognised that this application is proposing densities above the densities recommended in the Warriewood Valley Strategic Review Report. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.</p> <p>Existing retail developments have been approved with their current number of parking spaces based on floor space.</p> <p>Any requirement to review the parking provisions in individual retail developments can only be undertaken if and when changes to the approved floor area and building are proposed, through the Development Application process.</p> <p>A development application for the expansion of Centro Warriewood, which includes a multi storey car park facility, has been lodged and is currently being assessed by Council officers.</p>
	The parking for this development is very inadequate.	The parking rates proposed are below those required by Pittwater 21 DCP. The objection is noted and has been raised as an issue in the assessment of the application.
7	This development it is not in keeping with the rest of the development along Warriewood Road which are all freestanding houses.	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.
	The roads and other infrastructure (car parks etc.) cannot manage this huge influx of residents	<p>As part of the Warriewood Valley Strategic Review process, a transport study was completed which modelled traffic in the Valley based on the assumption of the level of development currently adopted under the Strategic Review. This study determined that roads in Warriewood Valley will be able to support future development at the level recommended by the Strategic Review with minor upgrades to the Powderworks Road and Garden Street intersection required.</p> <p>It is recognised that this application is proposing densities above the densities recommended in the Warriewood Valley Strategic Review Report. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.</p>

Submission Number	Comment	Response
	Mona Vale Road and Wakehurst Parkway are already a bottleneck.	The Roads and Maritime Services (RMS) is the authority responsible for the maintenance and upgrade of Mona Vale Road and the Wakehurst Parkway. The RMS have provided comments on the proposal and requested that detailed traffic analysis of the arterial roads be undertaken by the Applicant prior to a Gateway Determination being issued for the proposal.
	The parking on this plan is nowhere near adequate for the amount of people. Residents will park their vehicles in all the streets.	The parking rates proposed are below those required by Pittwater 21 DCP. The objection is noted and has been raised as an issue in the assessment of the application.
8	Strongly object to the proposal to increase the housing densities.	Objection to the proposal is noted.
	Proposal is totally out of character with the surrounding residential estates	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape of Warriewood Valley.
	The development will lead to further congestion on the Wakehurst Parkway and Mona Vale Road	The Roads and Maritime Services (RMS) is the authority responsible for the maintenance and upgrade of Mona Vale Road and the Wakehurst Parkway. The RMS have provided comments on the proposal and requested that detailed traffic analysis of the arterial roads be undertaken by the Applicant prior to a Gateway Determination being issued.
	The traffic study only addresses issues associated with surrounding intersections and does not address the flow on affects to arterial roads	The RMS have provided comments on the proposal and requested that detailed traffic analysis of the arterial roads be undertaken by the Applicant prior to a Gateway Determination being issued.
9	Units are out of place in Pittwater.	Warriewood Valley has been developed as a medium density urban area. A number of low-rise multi-unit developments, integrated with townhouses and detached housing have already been built in Warriewood Valley. The HBO+EMBT Peer Review however has confirmed that the density proposed under this application is inconsistent with the existing streetscape of Warriewood Valley.
	Insufficient parking is provided	The parking rates proposed are below those required by Pittwater 21 DCP. The objection is noted and has been raised as an issue in the assessment of the application.

Submission Number	Comment	Response
	The roads are inadequate to handle the current amount of traffic.	<p>As part of the Warriewood Valley Strategic Review process, a transport study was completed which modelled traffic in the Valley based on the assumption of the level of development currently adopted under the Strategic Review. This study determined that roads in Warriewood Valley will be able to support future development at the level recommended by the Strategic Review with minor upgrades to the Powderworks Road and Garden Street intersection required.</p> <p>It is recognised that this application is proposing densities above what the densities recommended in the Warriewood Valley Strategic Review Report. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.</p>
10	This application should not even be considered in light of the recently adopted Warriewood Valley Strategic Review which has set specific height limits.	<p>This application has been lodged with Council seeking an amendment to the LEP. Council is required to assess every application it receives.</p> <p>This application's inconsistency with the recently adopted Warriewood Valley Strategic Review Report is an issue which has been raised in the assessment of the proposal.</p>
	The existing Meriton development is evidence of the consequences of departing from the established density controls	The existing development at the corner of Macpherson Street and Boondah Road was approved under the now repealed Part 3A legislation. The Planning Assessment Commission (PAC) in approving the development recommended that Council with Department of Planning and Infrastructure undertake a strategic review of the height and density controls for Warriewood Valley. The Strategic Review was recently adopted by Council and endorsed by the Director-General of the Department of Planning and Infrastructure. The Strategic Review establishes the maximum density and height for residential development in Warriewood Valley.
	When the properties were purchased by the developer they would have been aware of the density controls applicable	This is correct. A proponent may however seek to amend the LEP through a planning proposal application to Council.
	This development will further diminish the amenity of Warriewood Valley	This objection is noted.

Submission Number	Comment	Response
11	I am strongly against any rezoning to allow the increase of dwelling density on these properties.	Objection to the proposal is noted.
	The current zoning of 32 dwellings per hectare is more than adequate and will not change the ambience of the Warriewood Valley dramatically. The proposed increase to 98 dwellings per hectare is a dramatic increase	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.
	The increase of traffic is not something that local residents should be subjected to.	This objection is noted. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.
12	This development would be out of character.	The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape.
	Traffic on Warriewood Road is already an issue. The road is too narrow to accommodate increased traffic. There are no footpaths along Warriewood Road now.	As part of the Warriewood Valley Strategic Review, a transport study was completed which modelled traffic in the Valley based on the assumption of the level of development currently adopted under the Strategic Review. This study determined that roads in Warriewood Valley will be able to support future development at the level recommended by the Strategic Review with minor upgrades to the Powderworks Road and Garden Street intersection required. It is recognised that this application is proposing densities above what the densities recommended in the Warriewood Valley Strategic Review Report. A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued. Concerns regarding lack of footpaths and pedestrian crossing in Warriewood Valley relate primarily to sections of existing roads still to be reconstructed/upgraded as Warriewood Valley is developed. Road reconstruction and upgrades, including the provision of footpaths, are generally undertaken by the developer at the same time as development immediately adjoining the road occurs.

Submission Number	Comment	Response
	Flooding is a significant issue for the properties in Warriewood Valley	The Warriewood Valley Release Area is affected by flooding. Detailed flood modelling is required to be undertaken at the development assessment stage and in the context of the overall catchment. Engineering solutions would need to be incorporated into any future development on the subject sites to ensure development does not result in a loss of floodplain storage upstream or downstream.
	There is only one bus into the city now from Warriewood Valley.	This issue has been raised in the assessment of the application.
13	The Warriewood Valley Strategic Review, in reaching the conclusion that the maximum density should be 32 dwellings per hectare, relied on numerous studies, including those on the capability of existing infrastructure and concluded that based on the recommended density infrastructure upgrades within and adjacent to the Warriewood area would be required. This application has totally disregarded the Strategic Review's findings.	This issue has been raised in the assessment of the application.
	It is acknowledged that a refusal by Council may lead to the Applicant seeking to refer the rezoning to the Department of Planning & Infrastructure for consideration. The Department would need to carefully consider the damage a failure to uphold the Council's determination would mean for the credibility of the State's current initiative to restore faith and credibility in the planning system.	Noted.
	<p>Concern raised in relation to the use of out of date information. The 2005 Cardno study is now superseded by the WBM study and should have been taken into consideration.</p> <p>Concern also raised in relation to the proposed cut and fill solution for 2 Macpherson Street. The approach suggested is flawed and can be expected to increase flooding at other sites in the Valley.</p>	<p>These issues have been raised as an issue in the assessment of the application.</p> <p>The flooding assessment should be based on the <i>Draft Narrabeen Lagoon Flood Study 2013</i> (BMT WBM) which now supersedes both the <i>Warriewood Valley Flood Study Addendum 1, 2005</i> and the <i>Warriewood Valley Strategic Review Hydrology Study, 2011</i>. It is expected that flood depths and velocities at the subject sites and roadways have been underestimated as a result of the use of the older flood modelling.</p>

Submission Number	Comment	Response
		<p>The assumption that “cut and fill” can ensure that there is no net loss of floodplain storage is flawed for 2 Macpherson Street and 23, 25 & 27 Warriewood Road as it is reliant on the sites to form a level pool, which can only be achieved if there is sufficient backwater from Narrabeen Lagoon. In reality, the sites will be affected by catchment dominated flood events which require an associated hydraulic gradient. “Cut” areas that are below the “fill” area do not then provide a direct offset (and it would only do so if the cut and fill occurred at the same elevation).</p>
14	<p>The Strategic Review has recently been adopted and clarifies the issue of densities of undeveloped lands in Warriewood Valley. The landowner submitted its views during the exhibition of the Warriewood Valley Strategic Review Report and these were no doubt taken into consideration. The Strategic Review rejected the density levels proposed in their original submission.</p>	<p>This objection is noted; however a proponent may seek to amend the LEP through a planning proposal application to Council.</p>
	<p>The Strategic Review has determined the maximum density in Warriewood Valley based on the capability of current infrastructure. This rezoning proposal offers no solutions to the additional demands this development will place on existing infrastructure.</p>	<p>This objection is noted.</p> <p>The applicant has proposed that Council and the developer enter into a Voluntary Planning Agreement to address the provision/funding of infrastructure. Infrastructure funding and provision has been raised as an issue and is addressed in the assessment of the application.</p>
	<p>There is no benefit to the people of Pittwater in seeing this development occur.</p>	<p>This objection is noted.</p>
	<p>The application does not comply with the recently adopted Strategic Review and should be refused</p>	<p>It is noted that this application is not consistent with the adopted Warriewood Valley Strategic Review.</p> <p>Council is obliged assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i>. This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.</p>
15	<p>The Strategic Review has recently been adopted and clarifies the issue of densities of undeveloped lands in Warriewood Valley. The landowner submitted its views during the exhibition of the Warriewood Valley Strategic Review Report and these were no doubt taken into consideration.</p>	<p>This objection is noted; however a proponent may seek to amend the LEP through a planning proposal application to Council.</p>

Submission Number	Comment	Response
	The Strategic Review rejected the density levels proposed in their original submission.	
	The Strategic Review has determined the maximum density in Warriewood Valley based on the capability of current infrastructure. This rezoning proposal offers no solutions to the additional demands this development will place on existing infrastructure	<p>This objection is noted.</p> <p>The applicant has proposed that Council and the developer enter into a Voluntary Planning Agreement to address the provision/funding of infrastructure. Infrastructure funding and provision has been raised as an issue and is addressed in the assessment of the application.</p>
	There is no benefit to the people of Pittwater in seeing this development occur.	This objection is noted.
	The application does not comply with the recently adopted Strategic Review and should be refused.	<p>It is noted that this application is not consistent with the adopted Warriewood Valley Strategic Review.</p> <p>Council is obliged assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i>. This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.</p>
16	The Strategic Review has recently been adopted and clarifies the issue of densities of undeveloped lands in Warriewood Valley. The landowner submitted its views during the exhibition of the Warriewood Valley Strategic Review Report and these were no doubt taken into consideration. The Strategic Review rejected the density levels proposed in their original submission.	This objection is noted; however a proponent may seek to amend the LEP through a planning proposal application to Council.
	The Strategic Review has determined the maximum density in Warriewood Valley based on the capability of current infrastructure. This rezoning proposal offers no solutions to the additional demands this development will place on existing infrastructure.	<p>This objection is noted.</p> <p>The applicant has proposed that Council and the developer enter into a Voluntary Planning Agreement to address the provision/funding of infrastructure. Infrastructure funding and provision has been raised as an issue and is addressed in the assessment of the application.</p>
	There is no benefit to the people of Pittwater in seeing this development occur	This objection is noted.

Submission Number	Comment	Response
	The application does not comply with the recently adopted Strategic Review and should be refused	It is noted that this application is not consistent with the adopted Warriewood Valley Strategic Review. Council is obliged assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i> . This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.
17	Strongly object to the highly unsuitable densities and building heights.	Objection to the proposal is noted.
	<i>Capacity of sites for high density development</i> – any site may have physical capacity, this argument is based on greed and has potentially devastating impacts on the community	This objection is noted.
	<i>Housing targets and affordable housing provision</i> – the housing targets set in the draft Metropolitan Strategy cannot be the only drivers behind such a huge increase in density	This objection is noted and has been raised in the assessment of the proposal.
	<i>Development in close proximity to existing centres and public transport</i> – public transport in the suburb is already under serviced and the attempt to base this development around a future town centre is flawed as it does not exist. The current Centro Shopping Centre is not a transport interchange. The express bus service from Pittwater Road is a 15 to 20 minute walk way (not 5 minute, or 400m – the accepted standard). This presents a significant CPTED concern. Any higher density development would be better located on Pittwater Road where strategic transport links are located.	These issues have been raised in the assessment of the proposal and by NSW Health in their comments to the proposal.
	<i>Development will increase housing choice within LGA</i> – Warriewood has already contributed enough. Warriewood has already suffered a significant change in character. Warriewood is unique in character and the community may lose what makes it a place of choice.	Warriewood Valley is an urban release area in transition. Most of Warriewood Valley has already been rezoned to a residential zone and while existing rural uses may continue in the short term, residential development, up 32 dwellings per hectare presented in up to 3 storey built forms, will occur on the undeveloped land parcels remaining in the Valley.
	<i>Residential amenity will be maintained to properties on northern site of Warriewood Road and southern side of Macpherson Street</i> – Views of the creek and ridgeline from these dwellings will be completely obliterated. The outlook will completely change from semi-rural to completely urban	The HBO+EMBT Peer Review of the proposal has confirmed that the density and heights proposed are inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.

Submission Number	Comment	Response
		As outlined in the above response, Warriewood Valley is an urban release area in transition. While existing rural uses may continue in the short term, urban development of the remaining undeveloped land parcels in the Valley will occur in the future.
	<i>Concept designed to ensure compliance with SEPP 65</i> – SEPP 65 is only a guide and does not consider place, location, character, visual impact. This cannot be used as a justification for these heights and densities.	This objection is noted.
	<i>Economic Feasibility</i> – The proposal refers to 32 dwellings per hectare as generally low density. This is incorrect. The Sydney Growth Centres benefit from new transport infrastructure with direct links to the Sydney CBD and other major employment areas and the development is only low density	This objection is noted. Density of 32 dwellings per hectare is at the lower end of medium density (defined as between 25 and 60 dwellings per hectare).
18	This proposal contradicts the intent of the Strategic Review and serves to undermine any trust built up between the Department of Planning & Pittwater Council in the co-development of the Strategic Review, within which consensus on the densities for undeveloped lands in Warriewood Valley was reached.	Objection to the proposal is noted.
	The proposal is visually abhorrent and totally out of character	This objection is noted. The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.
	Landowners have bought into the Council's vision for Warriewood Valley. The faith and trust the Council has built will be destroyed by developer greed and a State Government department that could not care less so long as the LGA's housing targets are met.	This issue is noted and has been discussed in the assessment of the application.
	I would like Council to acknowledge that the community of Warriewood has "taken more than one" for Pittwater when it comes to meeting housing targets and show this by demonstrating how the deficit in housing numbers will be met by development in Pittwater's other suburbs.	This is an incorrect assumption. Warriewood Valley has been identified as an urban release area since the early 1990s and therefore is expected to make a significant contribution to meeting the areas housing targets. The other areas of Pittwater are also expected to contribute to meeting the areas housing targets.

Submission Number	Comment	Response
		Council's adopted Pittwater Local Planning Strategy 2011 outlines Pittwater's progression toward meeting the areas housing target of 4,600 new dwellings by 2031. Of the 4,600 target, residential development in Warriewood Valley is expected to contribute approximately half of the required number of dwellings with the remaining half to be delivered in Pittwater's existing suburbs. The Pittwater Local Planning Strategy confirms that Pittwater is on track to meeting its housing targets.
19	Strongly object to any density increase above what is currently permitted under the Strategic Review.	Objection to the proposal is noted.
	In approving the Part 3A development at 14-18 Boondah Road, the PAC report called for a comprehensive strategic study to be done jointly by the Department of Planning and Infrastructure and Pittwater Council. The Warriewood Valley Strategic Review allows development up to 32 dwellings per hectare and as such it should be the planning instrument followed in developing the remainder of the Valley.	This objection is noted.
	For Meriton to now seek up to 98 dwellings per hectare is outrageous and totally unacceptable. The application has no merit and must be refused	It is noted that this application is not consistent with the adopted Warriewood Valley Strategic Review. Council is obliged assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i> . This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.
20	Object in the strongest terms to what is proposed. With all the effort that went into the Strategic Review on the part of Council, the Department of Planning and Infrastructure, the consultants involved and the community, it is beyond belief that such a proposal has been submitted. The Warriewood Valley Strategic Review was instigated by the Planning Assessment Commission and was to be completed prior to any further approvals under the now repealed Part 3A legislation would be considered. The Strategic Review has now been completed as a joint exercise between the Department of Planning and Infrastructure and Council.	This objection is noted. Council has undertaken an assessment of the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i> . This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.

Submission Number	Comment	Response
	Following extensive consultation, the Strategic Review determined that the maximum density in Warriewood Valley is 32 dwellings per hectare. The Strategic Review was subsequently endorsed by the Department and adopted by Council. We therefore fail to understand on what possible grounds this application has merit.	
	<p>There are many reasons why this application is quite inappropriate:</p> <ul style="list-style-type: none"> • Lack of adequate infrastructure to support such an increase in density • Increased risk of flooding • Inappropriate bulk and scale of the proposed built form, given that much of what is currently built on Warriewood Valley based on the planning framework in place at the time. 	These objections are noted and have been raised as issues in the assessment of the application.
	The Strategic Review is the document against which this application should be assessed. This application must be refused if the community is to have any confidence at all in the planning approval process.	<p>It is noted that this application is not consistent with the adopted Warriewood Valley Strategic Review.</p> <p>Council is obliged assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i>. This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making</p>
21	We own, live and work at 16 Macpherson Street. This development will directly impact on us as the proposed building layout for 18 Macpherson Street shows possible 3 storey buildings along out western boundary. As we continue to operate our nursery business on site we require a large amount of direct sunlight for growing purposes. We have no plans at this stage to cease working and operating a nursery on our site. As 18 Macpherson Street is to our west, any multi-unit level building will diminish our usable growing area.	Warriewood Valley is an urban release area in transition. 18 Macpherson Street has already been rezoned to a residential zone and while existing rural uses are permitted to continue, residential development up to three storeys should be expected to occur on the undeveloped land parcels remaining in the Valley.
	Obviously any increase in density should consider the amenities in the immediate local area. A corner store or improved parking at Centro should be considered	A Focal Neighbourhood Centre has been planned for in Council's DCP in the vicinity of the Garden Street and Macpherson Street intersection to meet the daily convenience needs of the local population. A development encompassing 500sqms of retail floor space has been approved in Sector 801 however it is the prerogative of the developer to commence construction.

Submission Number	Comment	Response
		<p>Existing retail developments have been approved with their current number of parking spaces based on floor space.</p> <p>Any requirement to review the parking provisions in individual retail developments can only be undertaken if and when changes to the approved floor area and building are proposed, through the Development Application process.</p> <p>A development application for the expansion of Centro Warriewood, which includes a multi storey car park facility, has been lodged and is currently being assessed by Council officers.</p>
	The correct amount of off street parking must be a priority as the current development at 14-18 Macpherson Street we have already seen an increase in people parking on the street.	The parking rates proposed in this application are below those required by Pittwater 21 DCP. This objection is noted and has been raised as an issue in the assessment of the application.
22	Strongly object to the proposal. The proposal does not comply with the outcome of the Strategic Review. At the Council meeting of 12 June 2013 where the Strategic Review was considered, the residents were strongly opposed to any spot rezoning which would increase density above 32 dwellings per hectare as agreed by the Strategic Review.	Objection to the proposal is noted.
	The increase in height and density is totally inappropriate for the area	The HBO+EMBT Peer Review of the proposal confirms that the density proposed is inconsistent with the existing streetscape of the area.
	The infrastructure, environment, public safety concerns submitted on so many occasions in the past which have been apparently either ignored or overlooked, should be foremost in the minds of those considering this application.	These concerns have been raised as issues in the assessment of the application.
	Additionally, a particular concern is the site on the corner of Macpherson Street and Warriewood Road in relation to building alignment and proximity to the road. The intersection is a safety hazard to negotiate now even while the site is vacant, let alone with a large development on the site.	The existing 'T' intersection of Macpherson Street and Warriewood Road is to be upgraded to a roundabout in accordance with the requirements of the <i>Warriewood Valley Roads Masterplan 2006</i> . The roundabout will be designed in accordance with RMS standards to ensure traffic sight distances are adequate.

Submission Number	Comment	Response
23	The Warriewood Valley Strategic Review was instigated at the recommendation of the Planning Assessment Commission. The comprehensive Strategic Review was conducted jointly by the Department of Planning and Infrastructure and Council. The establishment of a new maximum density for Warriewood Valley was based on a number of things including equity for all landowners and the capacity of infrastructure.	Noted.
	To use any previously approved development as a precedent is a nonsense as it would have been assessed under a different or now repealed criteria, e.g. a specific SEPP or now repealed Part 3A legislation	This issue is noted and has been raised in the assessment of the application.
	Meriton's argument in its submission to the Strategic Review that land can only be viably developed at 60 + dwellings per hectare should be given absolutely no weight. It is simply not true. Other developers have built viable, saleable, liveable development at 25 dwellings per hectare or less.	This issue is noted and is discussed in the assessment of the application.
	The height of the buildings will have a detrimental effect on the amenity of the residents at 29 Warriewood Road, adjacent to the proposal. Screen planting will benefit 29 Warriewood Road but block out the sun for 27 Warriewood Road. The residents on the eastern side of Warriewood Road will be forced to overlook a number of massive brutalist blocks of flats	Solar access, privacy and view loss are issues generally considered at the development application stage. HBO+EMBT's peer review of the Urbis Urban Design study recommends that building heights at 23-27 Warriewood Road be limited to 3 storeys and be located at the toward the rear of the site to allow views over the buildings.
	The adopted density in the Strategic Review is equitable and sustainable and a result of joint collaboration with the Department and Council and its recommendations must be adhered to.	It is noted that this application is not consistent with the adopted Warriewood Valley Strategic Review. Council is obliged assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i> . This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.
24	Strongly object to the application.	Objection is noted.
	The proposed density of 98 dwellings per hectare is unacceptable and very greedy.	Objection is noted.

Submission Number	Comment	Response
	This application is not in keeping with the original or revised plan for Warriewood Valley and will diminish the amenity of Warriewood Valley.	Objection is noted. The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted <i>Warriewood Valley Strategic Review Report 2012</i> .
25	We expected that only townhouses would be built on these sites, in keeping with the buildings already in the area. To put 3 + storey apartment buildings here is completely out of character with the surrounding developments. These densities are completely different to what we expected when we bought into this area.	The density adopted under the Warriewood Valley Strategic review is 32 dwellings per hectare, which will facilitate low-rise apartment buildings up to 3 storeys. It is noted that this application is not consistent with the Warriewood Valley Strategic Review.
	This area has become increasingly congested with cars and trucks since the abominable development was erected at 14-18 Boondah Road.	The capacities of the intersections in Warriewood Valley were assessed by AECOM during the undertaking of the Warriewood Valley Strategic Review. It was found that roads in Warriewood Valley will be able to support future development at the level recommended by the Strategic Review with minor upgrades to the Powderworks Road and Garden Street intersection required. It should be noted that at present traffic congestion within Warriewood Valley is exacerbated by construction traffic going to and from the development at 14-18 Boondah Road and the temporary closure of Boondah Road at Macpherson Street
26	I am extremely disappointed that these type of applications are even accepted by council. Recently, the strategic review was passed by council with agreement from the state government, council and (begrudgingly) the local community. This pushed the maximum dwelling per hectare up to 32. When we bought in the valley it was 15 dwelling per hectare which is one of the reasons why we wanted to buy in this area. We did not want 32 dwelling per hectare and we certainly do not want any more. This proposal needs to be rejected immediately.	Council is obliged to accept an application lodged by a proponent and assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i> . This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.
27	The Strategic Review sets out revised controls for development and these need to be applied to the lands subject to this application. The review considered in an holistic manner issues of local traffic, arterial traffic, public transport, utilities, schools, flooding, fire and flood evacuation, social impact, other landholders and the like in a balanced way for all of the Warriewood Valley's undeveloped lands.	These issues are noted and have been discussed in the assessment of the application.

Submission Number	Comment	Response
	<p>The application for rezoning only considers specific sites and if approved is likely to skew the desired outcomes of the planning process. It is noted that at the time of purchase of these lands the applicant would have been well aware of the planning controls in place at the time and determined commercial viability on such basis. Subsequent revisions to the planning documents provide additional advantage to the developer.</p> <p>Buildings, as proposed for up to 5 stories, are totally out of character with existing development, save Meriton's Boondah Road development - a testament to the consequences of a departure from the density standards, planning controls and architectural style set for the Valley.</p>	<p>Note the objection, however a proponent may seek to lodge an application and council is obliged to assess the application in the context of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Objection is noted. The HBO+EMBT Peer Review of the proposal has confirmed that the density and heights proposed are inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.</p>
28	<p>Strongly opposed to this application. It is horrifying to think of 80 dwellings per hectare on Warriewood Road, where the rest of Warriewood Road is made up of single dwellings. To allow multi-unit dwellings, of up to five storeys, is betrayal of both long-term residents and newer residents, who bought into the area believing it would be single dwellings, or terrace dwellings.</p>	<p>Objection is noted. The HBO+EMBT Peer Review of the proposal has confirmed that the density proposed is inconsistent with the existing streetscape and the future desired streetscape reflected in the recently adopted Warriewood Valley Strategic Review Report.</p>
	<p>Traffic will be horrendous. With only Mona Vale and Pittwater Roads - and Wakehurst Parkway when it's not closed by flooding - out of the area, the proposal will result in almost gridlock. This increase in traffic will affect not only Warriewood residents, but other road users on the Northern Beaches.</p>	<p>Concern is noted.</p> <p>The Roads and Maritime Services (RMS) is the authority responsible for the maintenance and upgrade of Mona Vale Road, Wakehurst Parkway and Pittwater Road. The RMS have provided comments on the proposal and requested that detailed traffic analysis of the arterial roads be undertaken by the Applicant prior to a Gateway Determination being issued for the proposal.</p>
	<p>Footpaths, cycleways, shopping centres, parking, buses, hospitals, schools, sports fields will be jammed with such a huge population influx in one small area. Everyone in Pittwater, not only in Warriewood, will be affected.</p>	<p>Concern is noted.</p> <p>These concerns have been raised as issues in the assessment of the application.</p>

Submission Number	Comment	Response
29	Strongly opposed to application.	Objection is noted.
	Development at 98 dwellings per hectare is extreme & unjustifiable in this area. The infrastructure is barely able to deal with the current residents adequately, to further extend the amount of dwellings beyond the current 32 dwellings per hectare by over 300% is absurd & disregards the outcome of the previous strategic review. This exceeds anything we could have envisioned when purchasing our home in Warriewood & we are extremely concerned of the impact to the community	<p>Objection is noted.</p> <p>Warriewood Valley is a half-complete land release project, a number of planned infrastructure upgrades have not yet been delivered. Infrastructure is planned to be delivered and upgrades under the <i>Warriewood Valley Section 94 Contributions Plan</i> once adequate funds are collected through developer contributions.</p> <p>A preliminary investigation of the additional infrastructure that would be required to meet the needs of the additional population has been undertaken and factored into a preliminary draft Warriewood Valley Section 94 Contributions Plan. This is discussed in the assessment of the application.</p>
	We live across the road from 18 Macpherson St & would be directly affected by the proposed development. It would certainly diminish our sun light & privacy, while dramatically increasing traffic & congestion. It is also completely unacceptable to decrease the setback from the street.	<p>The HBO+EMTB Peer Review of the proposal has confirmed that the density and heights proposed for this site are inconsistent with the existing streetscape. HBO+EMTB have recommended that building heights at this site be limited to 2 storeys at the street frontage. Building set back requirements are contained in Council's DCP, which requires a front setback of 6.5 metres.</p> <p>Solar access and privacy issues are considered in detail at the development application stage.</p> <p>A detailed traffic assessment of the traffic implications on local and state road networks resulting from this proposal is required to be undertaken prior to a Gateway Determination being issued.</p>
30	Approval of this DA by Council would be a total cop out. Council would not be acting in the best interests of existing rate payers.	The application is for rezoning, not a development application. Council is obliged to accept an application lodged by a proponent and assess the application on merit and within the context of the <i>Environmental Planning and Assessment Act 1979</i> . This report is Council officer's assessment of this application and is presented to Council to assist in its decision-making.

Submission Number	Comment	Response
31	<p>Concern that the Council's current flood policy and procedure is not clear on the issue of intensification of residential development in a maximum flood zone. We are seeking clarification on what policy Council has adopted for intensification of residential development.</p>	<p>Pittwater Council's DCP (Control B3.23) accounts for the increase in intensification with respect to the flood risk from climate change and tries to limit the impact of this intensification on uses of the floodplain. Council's DCP controls are intended to be in accordance with the objectives of the current NSW State Flood Prone Land policy and relevant advice from the NSW State Emergency Service (SES).</p> <p>Until such time that further guidance is provided to Councils on specific management measures for the intensification of the floodplain, Council will continue to develop Floodplain Risk Management Studies and Plans and implement them accordingly.</p>



Rob Stokes

Pittwater MP

20 August 2013

Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Dear Mr Ferguson, *Mark,*

I have recently been contacted by a number of my constituents in relation to a rezoning application that I understand council has received in relation to sites within the Warriewood Valley at 2 and 18 Macpherson Street, Warriewood, and 23, 25, and 27 Warriewood Road, Warriewood. The constituents who have contacted me have asked me to write on their behalf to represent their strong opposition to this rezoning application.

I understand that the rezoning application seeks to increase the allowable residential density on the above sites from an existing allowable yield of between 25 to 32 dwellings per hectare by up to more than 300% to a potential yield of 98 dwellings per developable hectare.

The extraordinary increase in residential density envisaged by the rezoning application is strongly resisted on the following grounds.

A recent decision by the NSW Planning Assessment Commission ("PAC") in relation to a rezoning application that sought a similar massive increase in dwelling yield on a specific site in the immediate vicinity of the rezoning application currently under consideration determined that there was "insufficient strategic justification for the density increase as proposed by the proponent".¹ Considering that the increase in dwelling yield proposed by the current application is even greater than that sought in the application assessed by the PAC, it holds that the increase sought under the current application should be rejected for the same reasons articulated by the PAC.

In its determination, the PAC also considered the Council's development standards at the time to be "unnecessarily restrictive and that higher density development is sustainable".² The PAC therefore recommended that the Council and the Department of Planning & Infrastructure ("The Department") should "jointly prepare a comprehensive strategic study of the whole area to review", inter alia, "the appropriateness of Council height and density standards across the Valley".³

¹ NSW Planning Assessment Commission, *Concept Plan and Stage 1 Project Application for residential development and childcare centre at 14-18 Boondah Road, Warriewood* (18 January 2011), 11.

² *Ibid.*

³ *Ibid.*, 9.

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The PAC recommendation has been accepted, and Council and the Department have jointly funded and developed the Warriewood Valley Strategic Review ("the 2013 Review"). The Review has recently been approved by the Department and adopted by Council following thorough scrutiny and community consultation. The Review proposes a residential density of 32 dwellings for most undeveloped sites within the Valley, with up to 36 dwellings for some amalgamated sites. The findings of the review are in the process of being reflected in the Pittwater Local Environmental Plan. I note that the rezoning application seeks a residential density for sites within the Review area that completely contradicts the findings of the review. It would send a very confusing message to the community to undermine strategic planning by supporting a site specific rezoning proposal contradicting the findings of a very recent, detailed and well-resourced strategic review.

I finally note comments by officers of the Department indicating that "opportunity for higher residential density development within Warriewood Valley may exist and it is appropriate that they are explored through site specific planning proposals based on a merit assessment". I respectfully urge you to attach very little weight to these comments, on the basis that they are based upon a document entitled "Warriewood Valley Strategic Review" ("the 2010 Review") commissioned by the Department in 2010. While this document did conclude that densities of up to 81 dwellings per hectare could be supported within specific areas of the Valley, the document was not supported by the PAC, which commented on the limited nature of the 2010 review, noting relevantly that "strategic planning should not be driven by individual development proposals".⁴ This last passage from the PAC determination directly negates the comments of officers within the Department suggesting that site specific rezonings should be explored, providing further weight for my view that the departmental officers' comments should be given little weight. I further note that the officers' comments undermine the strategic planning framework provided by the 2013 Review, which was endorsed by the Department. As a consequence, the Department itself appears not to support the comments by its officers.

Your decision on the rezoning application will be an important test for new focus within the planning system on strategic planning. The 2013 Review provides a very strong, clear and contemporary strategic planning framework. I urge you, on behalf of my constituents, to reject any site-specific rezoning application that seeks to subvert and undermine the 2013 Review.

Yours sincerely



ROB STOKES MP
MEMBER FOR PITTWATER

⁴ *Ibid*, 9.

MINUTE ITEM

C10.1	Assessment of Planning Proposal Application PP0002/13 - 2 & 18 Macpherson Street and 23, 25 & 27 Warriewood Road Warriewood
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Meeting: Natural Environment Committee

Date: 2 September 2013

COMMITTEE RECOMMENDATION

- a. That Council refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road, Warriewood to initiate the process to amend *Pittwater Local Environmental Plan 1993* for the reasons outlined below:
1. The proposal fails to meet the objects of the *Environmental Planning and Assessment Act 1979*, particularly as it substantially deviates from s5(a)(ii) to encourage the promotion and co-ordination of the orderly and economic use and development of land.
 2. The proposal departs significantly from the outcomes and standards recommended in the *Warriewood Valley Strategic Review Report 2012* recently adopted by the Director General of Planning and Infrastructure and Council.
 3. The proposal disregards the community engagement process conducted by Council and the Department of Planning and Infrastructure leading to the adoption of the *Warriewood Valley Strategic Review Report 2012* and would result in a development that severely undermines community expectations and public confidence.
 4. The proposal has not demonstrated changes to current and known constraints, opportunities and economic conditions to justify a departure from the outcomes and standards of the adopted *Warriewood Valley Strategic Review Report 2012*.
 5. No 2 Macpherson Street (also known as Buffer 1M) is an identified floodway and any residential development on this land would unnecessarily and unreasonably put property and life at risk and is likely to cause adverse impacts on flow conveyance and result in a loss of flood storage.
 6. The proposal will result in a development of a density and scale that is not in keeping with the desired future character of the area as expressed in A4.16 of *Pittwater 21 Development Control Plan* and envisaged by the *Warriewood Valley Strategic Review Report 2012*, as adopted by the Director General of Planning and Infrastructure and Council.
 7. The Planning Proposal is inconsistent with Local Planning Direction 4.3 – Flood Prone Land, issued under s117 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
 - i. The proposal would significantly increase residential development on flood prone land, in a known floodway and is likely to result in significant flood impacts to other properties.

- ii. The proposal will result in development that increases the number of future flood affected occupants of the floodplain, thereby putting more people and assets at flood risk as well as burdening the response efforts of emergency services.
 - iii. The Planning Proposal has not relied on the latest available flood information contained within the Draft Narrabeen Lagoon Flood Study 2013. The findings of the Brown Consulting Flood Management Statement are based on superseded data which is likely to have resulted in an underestimation of flood depths and velocities across the subject sites.
 - iv. The recommendations of the Brown Consulting Flood Management Statement in relation engineering solutions to enable development of 2 Macpherson Street and 23, 25 & 27 Warriewood Road are flawed and cannot be relied upon.
 - v. The proposal relies on deliberate isolation or sheltering in buildings during times of flood which is not considered an acceptable solution and is inconsistent with the requirements of the NSW State Emergency Service and the NSW Floodplain Development Manual.
 - vi. The proposal is inconsistent with the requirements of B3.22 of *Pittwater 21 Development Control Plan*.
8. The Planning Proposal is inconsistent with Local Planning Direction 4.4 – Planning for Bushfire Protection, issued under s117 of the *Environmental Planning and Assessment Act 1979*, as it has not had regard for Planning for Bushfire Protection 2006 and will place inappropriate development in a hazardous area.
 9. The Planning Proposal does not achieve the requirements of C6.7 of *Pittwater 21 Development Control* as it does not adequately address issues related to water cycle management issues, including water quality management, watercourse and corridor management.
 10. No investigation has been undertaken in regard to potential land contamination of the sites (in particular 2 Macpherson Street), as required by *State Environmental Planning Policy No 55 – Remediation of Land*.
 11. The proposal fails to demonstrate the traffic and transport implications resulting from this proposal are satisfactory , as confirmed by the Roads and Maritime Services' request that a detailed traffic assessment of the impacts of the proposal on local and state roads be undertaken prior to a Gateway Determination.
 12. The proposal fails to demonstrate that the increase in density proposed with resultant population increase substantially greater than planned for, will be able to be provided with additional infrastructure, particularly open space in reasonable vicinity to the release area.
 13. The Department of Education & Communities have identified that in order to address the additional demand created by the Planning Proposal, additional classrooms will be required at local schools. The Department requests that provision be made to seek contribution from the developer. As no mechanism exists to address this issue the proposal is not supported.
 14. It is recognised that the application is a Planning Proposal however the cumulative impacts resulting from this density has not been accounted for, namely:
 - i. The proposed building heights of up to 5 storeys within an area characterised by low-rise, low to medium density housing.

- ii. The proposed building layout is not sympathetic with the surrounding area.
 - iii. The proposed car parking rate of 1.5 spaces per 2 bedroom unit which is inconsistent with the requirements of B6.6 of *Pittwater 21 Development Control Plan* and the rate accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. The reduced parking rate proposed will result in an undersupply of car parking.
 - iv. A traffic generation rate lower than the rate utilised in the *Warriewood Valley Strategic Transport Study* (AECOM 2011) and accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. This is likely to have underestimated the traffic impacts of the development.
 - v. The unsafe access arrangements proposed from the subject sites onto Macpherson Street and Warriewood Road.
 - vi. The internal road layout which is inconsistent with the requirements of the *Warriewood Valley Roads Masterplan 2006* and C6.24 of *Pittwater 21 Development Control Plan*.
15. The proposal is not in the public interest, provides no net community benefit, is inconsistent with the principals of orderly planning and, if approved, would undermine confidence in evidence based planning, the community engagement process and decision making.
- b. That Council not support the proposed Voluntary Planning Agreement, as it would be inconsistent with the methodologies used for the calculation of developer contributions in the Warriewood Valley Release Area and will not deliver the essential infrastructure as planned by the Warriewood Valley Section 94 Contributions Plan.
- c. That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application, advising them of Council's decision.

(Cr Millar / Cr Young)

Notes:

1. Cr Townsend left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Townsend was:

"As council delegate on JRPP this item may be referred so to avoid conflict I declare my interest."
2. Cr Hegarty left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Hegarty was:

"I sit on the JRPP as Council's delegate and this subject land may be before the Committee."
3. A division was duly taken resulting in the following voting:

Aye (For)	No (Against)
Cr Ferguson	Nil
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr Young	