

SUBJECT: Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report

Meeting: Sustainable Towns and Villages Committee

Date: 17 November 2014

STRATEGY: Land Use & Development

ACTION: Implement recommendations from the Warriewood Valley Strategic Review.

PURPOSE OF REPORT

- To inform Council of the outcome of the public exhibition of the draft Warriewood Valley Strategic Review Addendum Report (Addendum Report).
 - Address issues raised in submissions.
 - Recommend the adoption of a revised Warriewood Valley Strategic Review Addendum Report (**tabled separately**).
 - Commence the Planning Proposal process for specific lands identified in the Warriewood Valley Strategic Review Addendum Report to amend *Pittwater Local Environmental Plan 2014*.
 - Inform Council and stakeholders of the Probity Report (**tabled separately**) prepared by Procure Group, engaged to oversee the governance issues regarding the Addendum Report process.
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1.0 BACKGROUND

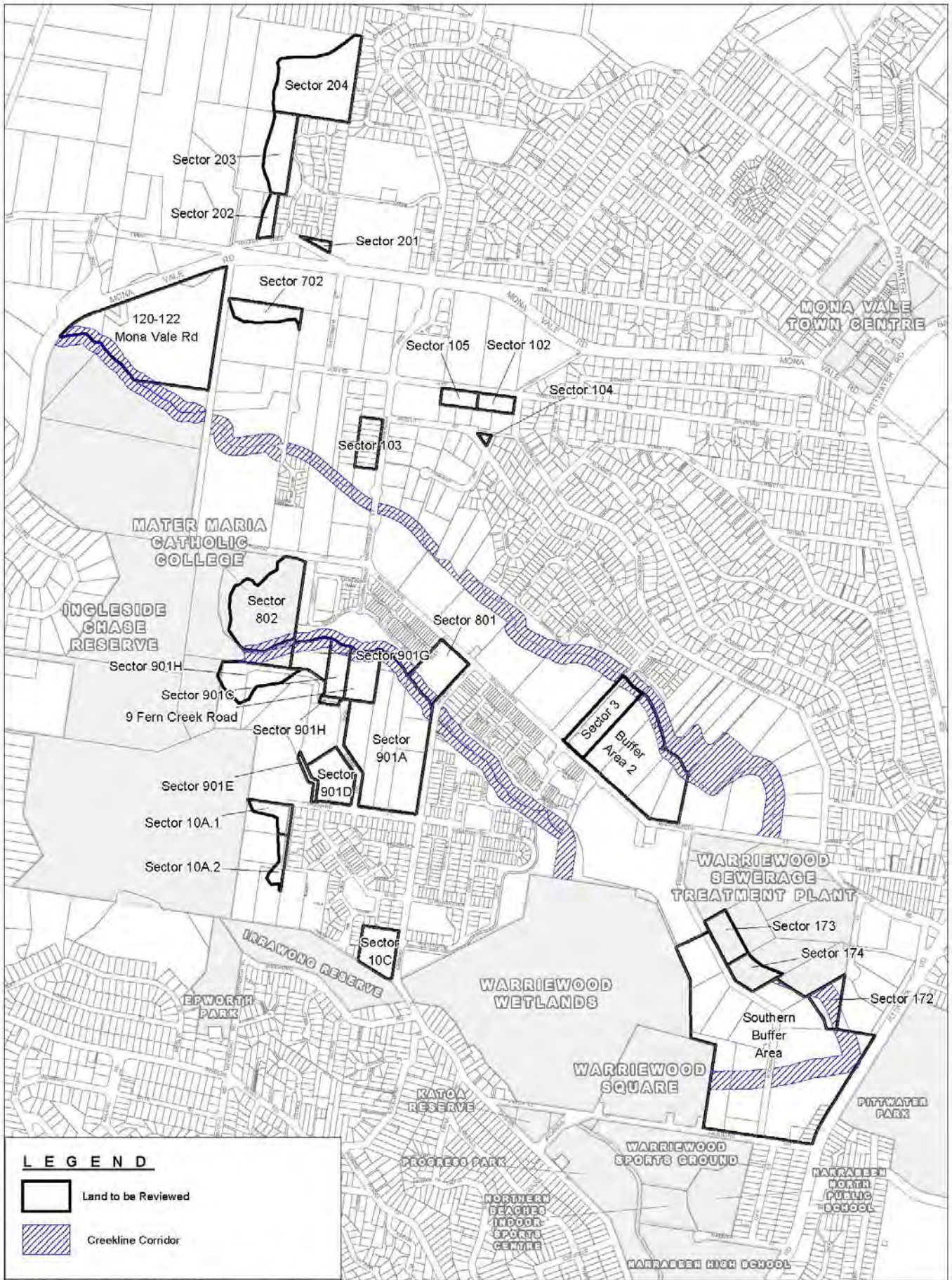
1.1 At its meeting of 12 June 2013, Council adopted the *Warriewood Valley Strategic Review Report 2012* (2012 Strategic Review). Concurrently, Council resolved, inter alia:

“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”*

- 1.2 The draft Addendum Report has been prepared in accordance with the Council resolution of 12 June 2013. All lands not provided with a forward path by the 2012 Strategic Review, including the Southern Buffer have been addressed under the Addendum Report.
- 1.3 In addition, some lands not discussed under the 2012 Strategic Review as they were considered to be developed at the time have been included in the Addendum Report to ensure a forward path has been afforded for all properties within the Release Area.
- 1.4 The lands subject to this review are identified in Map 1.
- 1.5 At its meeting of 2 June 2014, Council resolved to publicly exhibit the draft Warriewood Valley Strategic Review Addendum Report (draft Addendum Report) and associated base map layers for 28 days (see Attachment 1).

Map 1: Lands subject to further review



2.0 PUBLIC EXHIBITION PROCESS

- 2.1 The draft Addendum Report was publicly exhibited for 28 days from 10 June 2014 to 7 July 2014. All affected landowners and the Warriewood Residents Association were notified by letter and invited to comment on the draft report.
- 2.2 The exhibition of the draft Addendum Report was advertised in the Manly Daily on 28 June 2014. Information on the draft Addendum Report and exhibition details were published on Council's website and copies of exhibited documents made available at Council's Customer Service Centres and Mona Vale and Avalon libraries.
- 2.3 As part of the exhibition process, affected land owners were invited to meet with Council staff to discuss the recommendations as they related to their property. Landowners of 3, 6, 8, 10 and 12 Boondah Road and 6 Jacksons Road (part of the Southern Buffer) met with Council staff and the Probity Advisor to discuss the recommendations of the draft Addendum Report.

3.0 PROBITY

- 3.1 Procure Group Pty Ltd was engaged as the independent probity advisor overseeing probity issues concerning the Warriewood Valley Strategic Addendum Review.
- 3.2 The Probity Advisor was present at the meeting with private landowners of the Southern Buffer, and has audited Council's review of submissions and the post-exhibition amendments to the Addendum Report.
- 3.3 With the review now complete, the final outcomes of the audit are presented in the Probity Report (**tabled separately**).

4.0 SUBMISSIONS

- 4.1 A total of two submissions were received, one from a consultant representing the private land owners of the Southern Buffer (Submission 1) and the other from Sydney Water (Submission 2). A summary of all submissions received and Council's responses are contained in **Attachment 2**.
- 4.2 The main concerns identified in the submission from the private land owners of the Southern Buffer are as follows:
 - The lack of regard for the Planning Proposal (PP0007/13), which envisaged a large mixed use development comprising retail, commercial and residential uses for part of the land in the Southern Buffer. This application is still awaiting determination by the Department of Planning and Environment (DPE) under the Pre-Gateway Process.
 - The influence the draft Warriewood Valley Section 94 Contributions Plan had on the recommendations for the Southern Buffer lands provided in the Addendum Report.
 - That Council has disregarded proper planning processes.
 - The change in the recommended forward path for the privately owned land in the Southern Buffer from the recommendation of the 2012 Strategic Review.
 - The lack of supportive investigations in the Addendum Report relating to the change in land use designation.
 - The lack of participation by the DPE in the preparation of the draft Addendum Report and the level of consideration given to the Planning Assessment Commission's (PAC) recommendations in the determination of the development application for 14-18 Boondah Road, Warriewood.
 - Lack of consideration for proposals that provide employment generating development that address the constraints of the land.
 - Lack of regard for loss of employment generating land.
- 4.3 The response from Sydney Water was one of support, provided that the zoning of their land was not altered.

5.0 RESPONSE TO MAIN ISSUES RAISED IN SUBMISSIONS

5.1 The draft Addendum Report recommends, for the privately owned land in the Southern Buffer, the following:

- Alter the land use designation from 'Employment Generating' to 'Recreation' for 3, 6, 8, 10 and 12 Boondah Road.
- Alter the land use designation from 'Employment Generating' to 'No Development Potential' for 6 Jacksons Road.

Regardless of the land use designation, the privately owned land within the Southern Buffer is currently zoned RU2 Rural Landscape and will remain as such. Any development that is permissible within the RU2 zone will continue to remain permissible.

5.2 A summary of Council's response to the main concerns raised in Submission 1 are provided below.

- Council, based on the assessment and recommendations of independent consultant Don Fox Planning, refused the Planning Proposal PP0007/13. To date, the request by the applicant for a Pre-Gateway Review has not been determined by the DPE. The draft Addendum Report was prepared in accordance with Council's resolution of 12 June 2013. The finalisation of the Addendum Report by Council must not be subservient to any request for a Pre-Gateway Review.
- The concerns relating to the draft Warriewood Valley Section 94 Contributions Plan noted. The draft Section 94 Plan was the subject of a separate public exhibition earlier this year. The Addendum Report, as revised, justifies the strategic planning merit for designating land in the Southern Buffer for "Recreation", which is consistent with the Planning Proposal assessment and some of the findings of the 2012 Strategic Review process.
- Council has completed the Addendum Report in a transparent manner. Council has engaged an independent probity advisor to oversee the process. Council exhibited the draft Addendum Report for public comment for 28 days and provided affected landowners with the opportunity to meet with Council staff to discuss the recommendations. During the exhibition Council also made available all supporting documentation.
- Pittwater Local Planning Strategy 2011 recommended that further investigations be carried out to determine the likely opportunity for a new mixed use centre in the Southern Buffer area. This was investigated twice. Firstly through the Warriewood Valley Strategic Review 2012 which found no forward path for the sector and secondly, in the assessment of a Planning Proposal (PP0007/13) which found that a mixed use centre was not appropriate for these properties.
- Council staff updated the draft Addendum Report articulating why the change in land use designation was appropriate for the Southern Buffer lands.
- Council has conducted the review of the remaining undeveloped land within the Release Area in accordance with Council's resolution of 12 June 2013. The PAC's determination and the DPE participation in the process was obviated when the 2012 Strategic Review was completed and endorsed by the then Director General of Planning and Infrastructure and adopted by Council.
- The potential for employment generating development in the Southern Buffer was tested through the assessment of the Planning Proposal PP0007/13. It was found that a mixed-use development comprising commercial, retail and residential floor space was not a suitable land use given the prevailing constraints. Employment and retail matters are a Sydney Metropolitan subregional issue that will be addressed in the upcoming round of strategic discussions with Council's subregional partners.
- The Addendum Report is limited to the Warriewood Valley Release Area (Release Area). The role of the Addendum Report is not to resolve the retail and employment issues for the subregion within the Sydney Metropolitan area or the Pittwater Local Government Area. Rather the Addendum Report seeks to provide an appropriate

forward path for the land in Warriewood Valley not afforded a forward path under the 2012 Strategic Review.

- 5.3 Additionally, a review of the extent of flood affectation was subsequently sought of Cardno regarding the appropriate future land use for these sites. Cardno confirmed that the majority of the land is severely flood affected and reaffirmed its use being limited to recreational activities. The review took into account the findings of the updated *Narrabeen Lagoon Flood Study 2013*. This updated flood information completed after the 2012 Strategic Review, combined with the previous assessments resulted in the recommended change to the land use designation for this land.
- 5.4 Given the analysis by Cardno and the assessment by Don Fox Planning, it is considered that the Southern Buffer area is best utilised for recreation purposes. Further consideration of this use will occur under the Section 94 Plan review. At this stage the quantum of recreation land needed and the location of facilities has not yet been finalised. Given this, the Addendum Report only recommends a change to the land use designation. It is expected that negotiations which may result in the rezoning of part or all of the land will occur at a later stage.

6.0 AMENDMENTS TO EXHIBITED ADDENDUM REPORT

6.1 Articulation of studies that informed the constraints and opportunities mapping

- 6.1.1 *Bushfire Prone Lands Map for Pittwater 2013* and *Narrabeen Lagoon Flood Study 2013*, adopted after the 2012 Strategic Review, resulted in the bushfire and flooding map layers being updated for the draft Addendum Report.
- 6.1.2 At its meeting of 13 October 2014, Council adopted the *Pittwater Public Space and Recreation Strategy 2014*.
- 6.1.3 The Addendum Report has been revised to articulate the origin of these updated maps and the relationship of the *Pittwater Public Space and Recreation Strategy 2014* to this review.
- 6.1.4 In response to a submission, the flood affectation of the Southern Buffer lands were further reviewed by Cardno based on the adopted *Narrabeen Lagoon Flood Study 2013*. Cardno concluded that the land was severely flood affected, and retained its Category F classification, which recommends the uses being limited to recreational activities.

6.2 Minor errors

- 6.2.1 Council at its meeting of 2 June 2014 resolved inter alia:
- “2. *That the draft Warriewood Valley Strategic Review Addendum Report (tabled separately) be placed on public exhibition for 28 days with Map 5 on page 31 being amended in relation to Sector 802 to indicate that the Mater Maria School land has nil residential development potential...*
 5. *That subject to item 5.3.2 Recommended Land Use Designation at Page 28 of the Warriewood Valley Strategic Review Addendum Report being amended to recommend that there is no development potential for 6 Jackson Road within the Southern Buffer.”*
- 6.2.2 The exhibited Addendum Report incorporated the above changes.
- 6.2.3 Other minor typographical and grammatical errors identified in the exhibited Addendum Report have now been corrected.

7.0 OTHER POST-EXHIBITION AMENDMENTS TO PROVIDE CLARITY & CERTAINTY FOR FUTURE DEVELOPMENT

7.1 Following the exhibition of the draft Addendum Report, it was realised that there were anomalies with sectors that had been included in the 2012 Strategic Review Report or were considered developed however needed to be addressed further. These issues related to ambiguity in dwelling yields, the location of the Focal Neighbourhood Centre and sector labelling.

7.2 Sector 901A pro-rata dwelling yield allocation

7.2.1 To provide clarity and certainty in relation to the development opportunities for individual parcels within Sector 901A, the pro-rata dwelling yield allocation for each parcel has been calculated. The pro-rata allocation is in accordance with the agreed density for the sector under the 2012 Strategic Review.

7.2.2 The 2012 Strategic Review allocated Sector 901A a density of 32 dwellings per developable hectare with the maximum yield being 192 dwellings. The Strategic Review 2012 allows individual properties to develop to this density. The sector is comprised of eleven properties in fragmented ownership.

7.2.3 Given that individual properties in this sector can develop on their own, a pro-rata yield allocation based on the individual properties' area has been calculated (see table below).

Address	Minimum Yield	Maximum Yield
9 Fern Creek Road	0	0
13 Fern Creek Road	2	2
6 Orchard Street	39	48
6A Orchard Street		
4 Orchard Street	27	33
4A Orchard Street		
206 Garden Street	8	10
204 Garden Street	18	23
2 Orchard Street	35	43
2A Orchard Street		
10 Fern Creek Road	27	33
TOTAL	156	192

7.2.4 9 Fern Creek Road was afforded a yield of 0 dwellings as it was purchased by the Council for open space purposes. The Addendum Report recommends that the land use designation be 'Recreation', consistent with the intent for which it was purchased. It is acknowledged that separate discussions are being had with adjoining landowners that may result in an alternative open space configuration within this sector.

7.3 Location of the Focal Neighbourhood Centre

7.3.1 Sector 801, also known as 23B Macpherson Street, was identified in the 2010 Planning Framework as the preferred location for the Focal Neighbourhood Centre.

7.3.2 In recognition that construction of the Focal Neighbourhood Centre has now commenced within Sector 801, the Addendum Report recommends that this sector have a dual land use designation, 'Residential Medium Density' and 'Focal Neighbourhood Centre.'

7.4 **Labelling of Sector 901C and 901G**

7.4.1 In recognition of the ownership of Sector 901C and Sector 901G and Council's decision of 12 June 2013 relating to the rezoning of these properties, it is recommended that the *Pittwater Local Environmental Plan 2014* (PLEP 2014) be amended to identify Sector 901C and 901G together and combined dwelling yield be provided to encourage two properties to be developed together.

7.5 **Labelling of Sector 3 and Buffer Area 2**

7.5.1 Sector 3 and Buffer Area 2 were excluded from discussion under the 2012 Strategic Review as they were considered to be developed, with the Anglican Retirement Village straddling the two sectors. The PLEP 2014 identifies both Sector 3 and Buffer Area 2 and allocates a yield reflective of the 2010 Planning Framework.

7.5.2 The Addendum Report recommends that the PLEP 2014 be amended to amalgamate the sectors and rename them as Buffer Area 2, reflecting the current development.

8.0 **OUTCOMES OF THE ADDENDUM REPORT**

8.1 The Addendum Report recommends the following:

8.1.1 The yields for specific sectors are to be altered. This will result in an additional 17 dwellings.

The following yields are recommended:

- Sector 202 – Reduced from 4 to 1 dwelling (-3).
- Sector 203 – Allocated 4 dwellings, consistent with the masterplan yield identified (0).
- Sector 901H (battle-axe portion only) – Allocated 3 dwellings (+3).
- Sector 10C – Allocated 17 dwellings (+17).

8.1.2 The area of the Release Area is to be reduced from approximately 199 hectares to 195 hectares. This is due to the following sectors being removed from the Release Area:

- Sectors 201 and 204 (originally part of Sector 20)
- Sectors 10A.1 and 10A.2 (originally part of Sector 10)
- Sectors 173 and 174 (originally part of Southern Buffer)
- Sector 702 (originally part of Sector 7)

Additionally the sector boundary of Sector 901H is to be modified to identify only the battle-axe portion of the sector as 901H. This will result in the majority of the original 901H Sector being removed from the Release Area.

8.1.3 Sector 3 and Buffer Area 2 are to be amalgamated (re-labelled Buffer Area 2) and Sector 172 and Southern Buffer are to be amalgamated (re-labelled Southern Buffer).

8.1.4 Sectors 202, 203, 802 and 10C are to be identified as new sectors. 120 and 122 Mona Vale Road are to be identified as Sectors 120 and 122 respectively.

8.1.5 For the majority of sectors within the Release Area, the land use designations under the 2010 Planning Framework have been translated to a contemporary land use designation based on the sectors' current density. For the remaining sectors, based on the review, the following land use designations are recommended:

- 801 – ‘Residential – Medium Density’ and ‘Focal Neighbourhood Centre’ (previously ‘Medium Density Residential’)
- 802 – ‘Infrastructure’ (previously ‘Medium Density Residential’)
- 9 Fern Creek Road – ‘Recreation’ (previously ‘Mixed Residential’)
- 901H (Battle-axe handles only) – ‘Residential – Medium Density’ (previously ‘Mixed Residential’)
- 120 Mona Vale Road – ‘Residential – Low Density’ (not included in Release Area under 2010 Planning Framework)
- 122 Mona Vale Road – ‘Conservation’ (not included in Release Area under 2010 Planning Framework)
- 172 – ‘Recreation’ (previously ‘Conservation/Open Space’)
- Southern Buffer – ‘Recreation’ (previously ‘Employment Generating’)
- 1 Boondah Road – ‘Infrastructure’ (previously ‘Employment Generating’).
- 6 Jacksons Road – ‘No development potential’ (previously ‘Employment Generating’).

8.1.6 Revised Sector 901H (battle-axe portion only) be rezoned R3 Medium Density Residential and Sector 802 be rezoned SP2 Educational Establishment.

8.1.7 Clause 6.2 of the PLEP 2014 is to be amended to identify Sectors 901C and 901G together and allocated a combined dwelling yield.

8.1.8 Pittwater 21 DCP be reviewed to ensure that it facilitates quality and compliant housing developments at 32 dwellings per hectare and that Control C6.15 of Pittwater 21 DCP be amended to specifically identify 23B Macpherson Street (Sector 801) as the location for the Focal Neighbourhood Centre.

9.0 RECOMMENDED AMENDMENTS TO PITTWATER 21 DCP

9.1 Amendments to facilitate quality and compliant medium density housing

9.1.1 The 2012 Strategic Review allowed individual parcels to develop individually at a density of up to 32 dwellings per developable hectare. At this density, the typical housing form is townhouses, terrace housing and low-rise residential flat buildings. However recent experience demonstrates a trend in land subdivision proposals for lots less than 300m².

9.1.2 The current housing controls in Pittwater 21 DCP have been developed for lots greater than 400m². To ensure that development at 32 dwellings per hectare can be achieved, the Addendum Report recommends a future review of the applicable DCP controls to ensure that the planning controls cater subsequent dwellings on these smaller lot sizes.

9.2 Location of the Focal Neighbourhood Centre

9.2.1 Currently Control C6.15 discusses the location of the Focal Neighbourhood Centre in general terms. Given that development approval has been granted and construction has commenced of the Focal Neighbourhood Centre at 23B Macpherson Street (Sector 801), it is recommended that this control be amended to specifically the location of the Focal Neighbourhood Centre as 23B Macpherson Street.

10.0 INFRASTRUCTURE CONSIDERATIONS

10.1 Preliminary analysis indicates that this minor increase in dwelling yield expected for the Release Area (additional 17 dwellings) can be accommodated within the *Warriewood Valley Section 94 Contributions Plan*. Nonetheless, it is recommended that the draft Section 94 Plan be revised to account for the increased dwelling yield and resultant infrastructure and service requirements

11.0 FORWARD PATH

11.1 Relationship to 2012 Strategic Review Report and status of 2010 Planning Framework

11.1.1 If adopted the *Warriewood Valley Strategic Review Addendum Report 2014* will provide the forward path for those sectors not provided with a forward path in the *Warriewood Valley Strategic Review Report 2012*.

11.1.2 The *Warriewood Valley Strategic Review Report 2012*, together with the *Warriewood Valley Strategic Review Addendum Report 2014*, will become the contemporary planning strategies for the Release Area. Together, these reports will supersede the *Warriewood Valley Planning Framework 2010*.

11.2 Progression of Planning Proposal

11.2.1 If Council agrees, the Planning Proposal prepared in accordance with the recommendations of the Addendum Report (see **Attachment 3**), will be forwarded to the DPE to formally commence the LEP amendment process.

11.2.2 On receipt of a Gateway Determination, the Planning Proposal will be formally exhibited.

11.2.3 The outcomes of the public exhibition of the Planning Proposal will be the subject of a future report to Council.

11.3 Amendment to draft Warriewood Valley Section 94 Contributions Plan

11.3.1 Given the minor increase in dwelling yield of 17, the *Warriewood Valley Section 94 Contributions Plan* will need to be revised to account for the increased dwelling yield and resultant infrastructure and service requirements.

11.4 Amendments to Pittwater 21 DCP

11.4.1 Given the issues with the current controls facilitating development at a density of 32 dwellings per developable hectare, Pittwater 21 DCP is to be amended to facilitate quality and compliant developments at 32 dwellings per developable hectare.

11.4.2 To reflect the location of the approved Focal Neighbourhood Centre at 23B Macpherson Street, control C6.15 of Pittwater 21 DCP is to be amended.

12.0 SUSTAINABILITY ASSESSMENT

12.1 Supporting & Connecting our Community (Social)

The Warriewood Valley Strategic Review Addendum Report takes into consideration infrastructure, land capacity, urban form, social fabric and the area's current character.

12.2 Valuing & Caring for our Natural Environment (Environmental)

The Warriewood Valley Strategic Review Addendum Report will enable the conservation of bushland, waterways and biodiversity.

12.3 Enhancing our Working & Learning (Economic)

The Warriewood Valley Strategic Review Addendum Report continues the orderly planned development of the Warriewood Valley Release Area, to ensure the delivery of a viable land release.

12.4 Leading an Effective & Collaborative Council (Governance)

Landowner and community participation was facilitated during the exhibition of the draft Warriewood Valley Strategic Review Addendum Report to ensure that decision making is ethical, accountable and transparent. A probity advisor was also engaged to oversee the process and has prepared a Property Report, which provides an audit of the governance arrangements.

12.5 Integrating our Built Environment (Infrastructure)

The Warriewood Valley Strategic Review Addendum Report will, if adopted, continue to enhance the liveability and amenity of the Warriewood Valley Release Area by locating an appropriate mix of land uses and development and providing associated infrastructure through reasonable developer contribution rates.

13.0 EXECUTIVE SUMMARY

- 13.1 The draft Warriewood Valley Strategic Review Addendum Report was placed on public exhibition for 28 days, from 10 June 2014 to 7 July 2014, in accordance with Council's resolution of 2 June 2014.
 - 13.2 The issues raised in the two (2) submissions are addressed in the submissions table (**Attachment 2**).
 - 13.3 A revised Warriewood Valley Strategic Review Addendum Report (**tabled separately**) has been prepared following consideration of the issues raised in submissions and other issues identified following the exhibition process.
 - 13.4 The Addendum Report recommends amendments to the current Release Area boundary, certain sector boundaries, and land use designations for particular sectors. In addition the Addendum Report recommends changes to some sector yields, resulting in an additional 17 dwellings expected within the Release Area.
 - 13.5 A draft Planning Proposal has been prepared to amend the *Pittwater Local Environmental Plan 2014* to reflect the recommendations of the revised Warriewood Valley Strategic Review Addendum Report (see **Attachment 3**).
 - 13.6 If adopted, *Warriewood Valley Strategic Review Report 2012*, together with the *Warriewood Valley Strategic Review Addendum Report 2014*, will become the contemporary planning strategies for the Release Area. Together, these reports will supersede the *Warriewood Valley Planning Framework 2010*.
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RECOMMENDATION

1. That Council note the attached Probity Report prepared by Procure Group (**tabled separately**).
2. That Council note the responses to the public exhibition process detailed in the submissions table (**Attachment 2**).
3. That Council adopt the attached Warriewood Valley Strategic Review Addendum Report (**tabled separately**).
4. That Council note that the *Warriewood Valley Strategic Review Report 2012*, together with the *Warriewood Valley Strategic Review Addendum Report 2014*, supersedes the *Warriewood Valley Planning Framework 2010*.
5. That Council agree to forward to the attached Planning Proposal to Department of Planning and Environment for Gateway Determination (**Attachment 3**) to amend *Pittwater Local Environmental Plan 2014* as follows:
 - Amend the Urban Release Area Map to:
 - Remove Sectors 201, 204, and 702
 - Identify Sectors 202, 203, 802 and 10C as new sectors
 - Identify Sector 3 and Buffer Area 2 as one sector, labelled "Buffer Area 2"
 - Identify Sector 172 and Southern Buffer as one sector, labelled "Southern Buffer"

- Identify the properties 120 and 122 Mona Vale Road as Sectors 120 and 122 respectively
 - Amend boundary of Sector 901H to identify only the battle-axe portion.
 - Amend the Land Zoning Map to rezone:
 - Sector 901H (battle-axe portion only) to R3 Medium Density Residential
 - Sector 802 (5 Forest Road) be rezoned SP2 Educational Establishment
 - Amend the Lot Size Map to:
 - Remove minimum lot size applying to Sector 901H (battle-axe portion only)
 - Remove minimum lot size applying to Sector 801
 - Amend the Height of Buildings Map to:
 - Apply a 10.5 metre height limit to Sector 901H (battle-axe portion only)
 - Amend Clause 6.1(3) to:
 - Identify Sectors 901C and 901G together.
 - Allocate Sector 202 a yield of not more than 1 dwelling.
 - Allocate Sector 901H (battle-axe portion only) a yield not more than 3 dwellings.
 - Allocate Sector 10C a yield of not more than 17 dwellings.
6. That those landowners whose properties will be subject to the Planning Proposal be advised of Council's decision in regard to recommendation 5.
 7. That a review of Pittwater 21 Development Control Plan be undertaken to ensure that it enables developments at a density of 32 dwellings per developable hectare. In addition, control C6.15 is to be amended to specifically identify 23B Macpherson Street (Sector 801) as the location for the Focal Neighbourhood Centre.
 8. That landowners of properties within Sector 901A be advised of the pro-rata allocation specified in Table 6 of the attached Addendum Report.
 9. That any person or organisation who made a submission to the draft Warriewood Valley Addendum Report be advised of Council's decision.
 10. That a public notice be published in the Manly Daily notifying of the adoption of Warriewood Valley Strategic Review Addendum Report.

Report prepared by

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MANAGER, PLANNING & ASSESSMENT

MINUTE ITEM

C10.2 Draft Warriewood Valley Strategic Review Addendum Report

Meeting: Natural Environment Committee

Date: 2 June 2014

COMMITTEE RECOMMENDATION

1. That Council note the contents of this report.
2. That the draft *Warriewood Valley Strategic Review Addendum Report* (tabled separately) be placed on public exhibition for 28 days with Map 5 on page 31 being amended in relation to Sector 802 to indicate that the Mater Maria School land has nil residential development potential.
3. That prior to the public exhibition commencing, all effected land owners and the Warriewood Residents Association be invited to meet with Council staff during the public exhibition period to discuss the recommendations of the draft *Warriewood Valley Strategic Review Addendum Report*.
4. That a future report on the outcomes of the public exhibition, including a Planning Proposal to bring into effect the draft *Warriewood Valley Strategic Review Addendum Report*, be presented to Council for further consideration.
5. That subject to item 5.3.2 *Recommended Land Use Designation* at Page 28 of the *Warriewood Valley Strategic Review Addendum Report* being amended to recommend that there is no development potential for 6 Jackson Road within the Southern Buffer.

(Cr Hegarty / Cr Griffith)

Submission Number	Summary of Comment	Response
1	<p>Concern was raised in relation to the change in land use designation and inconsistencies with the Pittwater Local Planning Strategy 2011 and Warriewood Valley Strategic Review Report 2012 (2012 Strategic Review).</p>	<p>Concern regarding the change in land use designation is noted.</p> <p>Pittwater Local Planning Strategy 2011 identified the development of the Southern Buffer an option, among others, to potentially meet Pittwater's projected retail floor space demand. It supported the further investigation of an option for a new centre in the Southern Buffer. Since the adoption of the Pittwater Local Planning Strategy 2011, the option for a new town centre in the Southern Buffer area was investigated twice, firstly via the Warriewood Valley Strategic Review 2012 process with the Department of Planning and Infrastructure and then through an independent assessment of the Planning Proposal lodged on behalf of the land owners.</p> <p>The 2012 Strategic Review investigated development opportunities for the Southern Buffer (including Sectors 172, 173 and 174) however due to the significant environmental constraints and divergent landowner expectations, no future land use was recommended for this area.</p> <p>Development opportunities were tested on a second occasion through the assessment of the Planning Proposal PP0007/13 by Don Fox Planning earlier this year. Don Fox Planning recommended that the mixed use centre, as proposed, should not be supported by the Council. Council endorsed this recommendation on 17 March 2014.</p>
	<p>Concern relating to the lack of supportive investigations in the draft Warriewood Valley Strategic Review Addendum Report (Addendum Report).</p>	<p>Chapter 3 of the draft Addendum Report outlines the processes undertaken to complete the review, one of which relates to the investigation of environmental affectations.</p> <p>Since the completion of the 2012 Strategic Review, Council's flood and bushfire mapping has been updated. Data from the Narrabeen Flood Study (adopted by Council in November 2013) and the Pittwater 2013 Bush Fire Prone Land Map (certified by the Rural Fire Service in June 2013) was used to update the Composite Capability Map originally produced for the 2012 Strategic Review.</p>

Submission Number	Summary of Comment	Response
		<p>The draft Addendum Report also relies on the environmental studies undertaken for the 2012 Strategic Review, as well as the outcomes of the recent review of the Pittwater Open Space and Recreation Strategy and Don Fox Planning's assessment of the Planning Proposal for the privately owned lands in the Southern Buffer (PP0007/13).</p> <p>Nonetheless, the Addendum Report has been revised to clearly articulate the origin of the studies that informed the Composite Capability Map, and the justifications supporting the Addendum Report's recommendations.</p>
	<p>Concern relating to the Department of Planning and Environment's level of involvement in the preparation of the draft Addendum Report, and inconsistencies with the Planning Assessment Commission's (PAC) recommendations in relation to the Southern Buffer in its determination of the development at 79-91 Macpherson Street, Warriewood.</p>	<p>The statement that the draft Addendum Report is inconsistent with the direction outlined in the PAC's determination report is incorrect. The recommendations of the PAC were for Council and the then Department of Planning and Infrastructure to undertake a comprehensive strategic study of the dwelling densities, height controls, the current transport network and necessary improvement works, and infrastructure demands for Warriewood Valley.</p> <p>The Warriewood Valley Strategic Review Report was completed in 2012, endorsed by the Director General of the then Department of Planning and Infrastructure and adopted by Council in 2013.</p> <p>The adopted 2012 Strategic Review Report, in taking into consideration the extent of environmental constraints and level of opposition from the community and landowners to the exhibited draft concept plan, identified no forward path for the Southern Buffer.</p> <p>Concurrent to Council adopting the 2012 Strategic Review Report, Council resolved to review lands not afforded a forward path under the 2012 Strategic Review Report. The Department of Planning and Infrastructure completed their participation once the 2012 Strategic Review had been completed.</p> <p>The PAC's directions insofar as it relates to the draft Addendum Report are now obviated.</p>

Submission Number	Summary of Comment	Response
	<p>Concern relating to the Council exercising planning powers that are contrary to the <i>Environmental Planning and Assessment Act 1979</i>.</p>	<p>The draft Addendum Report is a local strategy for a release area, prepared in accordance with the <i>Environmental Planning and Assessment Act 1979</i>. The report has been placed on public exhibition and a Probity Advisor has been engaged to ensure transparency in the process.</p> <p>The preparation of the draft Addendum Report was under Council's direction, through its resolution of 12 June 2013 including the review of infrastructure requirements for the Release Area, providing clear directions and transparency in Council's decision.</p> <p>The review of documents specific to Warriewood Valley commenced after Council's adoption of the 2012 Strategic Review Report in June 2013. These documents were reported to Council as they were finalised. Council has undertaken these investigations in a consistent manner to ensure that all recommendations under these documents are aligned.</p>
	<p>Concern raised in relation to the time and money spent in the preparation of the Planning Proposal for the private lands in the Southern Buffer (PP0007/13) which was refused.</p>	<p>The adopted 2012 Strategic Review invited landowners in the Southern Buffer to submit a Planning Proposal for their lands, either collectively or individually, and required all relevant constraints identified for all lands (in the 2012 Strategic Review) be addressed.</p> <p>A Planning Proposal was lodged by the private landowners in the Southern Buffer in late 2013. This was independently assessed by Don Fox Planning who recommended that the proposal not proceed to a Gateway Determination. Council, in considering Don Fox Planning's assessment and agreed with its recommendations, resolved to not support the progression of the Planning Proposal.</p> <p>The time and money spent by private landowners in preparing the Planning Proposal is noted. Nonetheless, Council has made a decision for the Planning Proposal, separate to the Addendum Report.</p>

Submission Number	Summary of Comment	Response
	<p>Suggestion that Council in exercising its planning powers has acted contrary to the objectives of the <i>Environmental Planning and Assessment Act 1979</i> and the State government's objectives in relation to strategic planning and Planning Proposals.</p>	<p>Council objects to this suggestion. The Addendum Review has been undertaken in accordance with the objectives of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The lodgement of Planning Proposal PP0007/13 coincided with the review of a number of strategic documents applying to Warriewood Valley. Council engaged Don Fox Planning to assess the application, to ensure a fair and transparent assessment occurred.</p>
	<p>Claim that draft Warriewood Valley Section 94 Plan and draft Addendum Report effectively 'down zone' and sterilise the privately owned lands in the Southern Buffer from development. Claim that Council's actions seek to circumvent the Gateway process and are improper and deny procedural fairness.</p>	<p>The draft Warriewood Valley Section 94 Plan and draft Addendum Report do not recommend any change to the zoning of the land in the Southern Buffer. Any change in zoning would be subject to a Council resolution to commence the rezoning process.</p> <p>The privately owned land in the Southern Buffer is zoned under Pittwater Local Environmental Plan 2014 as RU2 Rural Landscape. This zone stipulates the permissible and prohibited uses. The identification of this land for Recreation use under the revised Addendum Report, or it being identified as land for future purchase (under the exhibited draft Warriewood Valley Section 94 Plan) does not preclude the lodgement of a development application for a permissible use under the RU2 Rural Landscape zone.</p>
	<p>Objection to the change in land use designation from 'Employment Generating Land' to 'Recreation' and 'No Development Potential' to satisfy the need for additional open space, despite some land in the Southern Buffer being viable for development. Claim that neither the outcomes of the assessment of the Planning Proposal PP0007/13 or the Composite Capability Map within the draft Addendum Report support this change.</p>	<p>The objection to the proposed change to land use designation is noted.</p> <p>Don Fox Planning, in their assessment report, identified that these lands (subject of the Planning Proposal) may be best utilised as open space due to their environmental constraints, topography, proximity to existing recreational land and access to irrigation sources.</p> <p>The Composite Capability Map (in the draft Addendum Report) identifies this land as having 'Moderate' to 'Least' levels of capability.</p>

Submission Number	Summary of Comment	Response
		<p>Based on these factors, as well as advice from Cardno Pty Ltd, Council through the Addendum Report has identified this land most suitable for recreation use to meet the open space demand generated by the residents of Warriewood Valley. <i>Pittwater Open Space and Recreation Strategy 2014</i> (adopted by Council 13 October 2014) recommends the Release Areas (Warriewood Valley and Ingleside) are to identify suitable land for sportsfields and other open space areas to meet the demands of the incoming populations of these release areas.</p> <p>The justification supporting this strategic recommendation is clearly articulated in the revised Addendum Report (see Chapter 3).</p>
	<p>Objection to statement within the draft Addendum Report in relation to “<i>divergent landowner expectations</i>” within the Southern Buffer.</p>	<p>Council acknowledges the private landowner consortium prepared and lodged the Planning Proposal known as PP0007/13 for lands in the Southern Buffer. The masterplan accompanying the Planning Proposal lodged by the private landowner consortium however relied on other land within the Southern Buffer (thus agreement from landowners not in the consortium) to facilitate the development being realised. During the exhibition of the Planning Proposal these landowners objected to the proposal, voicing differing expectations for the future use of their land.</p> <p>During the exhibition of the draft Addendum Report, Sydney Water confirmed their expectation for their land, identical to what was expressed during the exhibition of the Planning Proposal (submission 2).</p>
	<p>Claim that the draft Concept Plan for the Southern Buffer within the exhibited draft Warriewood Valley Strategic Review Report was biased and optimised Council owned land.</p>	<p>This concern was addressed in the Warriewood Valley Strategic Review Analysis of Submissions Report and the independent probity advisor’s final Probity Report for the 2012 Strategic Review. It was found to have no bias in Council’s undertakings in relation to the Strategic Review.</p>

Submission Number	Summary of Comment	Response
	<p>Concern is raised regarding the weight given to the Composite Capability Mapping.</p>	<p>This concern is noted.</p> <p>Council has amended the draft Addendum Report detailing the justification and reasoning to changes in the land use designation (in Chapter 3) rather than relying on discussions within the Appendix (in the Addendum Report).</p>
	<p>Concern that Council has disregarded the PAC's position (outlined in their determination of the development proposal at 79-91 Macpherson Street, Warriewood) regarding environmental constraints, particularly flooding, and their impact on development potential.</p>	<p>It is important to point out that the PAC's statement was made in relation to a specific property and development proposal. It is misleading to suggest that the PAC's statement is applicable across the whole of the Pittwater LGA.</p> <p>Council acknowledges that there are constraints that may be able to be managed through design or engineering solutions; however, Council has considered the land use designation from a strategic perspective.</p> <p>Environmental constraints are only part of the considerations in determining the land use designation. The need for open space to meet the demand from the Warriewood Valley Release Area (Release Area) and the ability of the land in the Southern Buffer to supply this open space has also been a consideration in determining the land use designation for this land.</p> <p>The PAC, in their determination, recognised the need for a strategic investigation of all undeveloped sites in Warriewood Valley. The completion of the 2012 Strategic Review has satisfied this direction.</p>
	<p>Concerns relating to the loss of employment generating land in the Southern Buffer as a result of the change in land use designation.</p>	<p>The potential for employment generating development in the Southern Buffer has been tested twice; initially through the Warriewood Valley Strategic Review investigations and again through the assessment by Don Fox Planning of the Planning Proposal PP0007/13. These investigations found that a mixed-use development comprising commercial, retail and residential floor space was not a suitable land use given the prevailing constraints.</p> <p>The identification of suitable employment generating land in the broader Pittwater LGA will be the subject of future investigation.</p>

Submission Number	Summary of Comment	Response
	<p data-bbox="371 427 972 660"><i>“The Draft Warriewood Valley Section 94 Contributions Plan (recently exhibited) has erroneously informed the strategy for our Client’s land under the draft Addendum Report as it is not the role of a Section 94 Contributions Plan to provide strategic direction for land.”</i></p> <p data-bbox="371 699 972 967"><i>“Council has ignored the Planning Proposal lodged by our Clients for the area known as the Boondah Masterplan Precinct. The Planning Proposal is still under review by the Department of Planning and Environment (DPE) and accordingly, the draft Addendum Report should not proceed until such time as the Planning Proposal is fully determined.”</i></p>	<p data-bbox="994 272 2078 405">The role of the draft Addendum Report is not to resolve the retail and employment issues for the whole of the Pittwater LGA. Rather the draft Addendum Report seeks to provide an appropriate forward path for the land not afforded one under the 2012 Strategic Review Report.</p> <p data-bbox="994 427 2078 528">Concerns relating to the draft Warriewood Valley Section 94 Plan are noted. The draft Section 94 Plan was the subject of a separate public exhibition earlier this year.</p> <p data-bbox="994 563 2078 628">The Addendum Report, as revised, has justified the strategic planning merit for designating land in the Southern Buffer for “Recreation”.</p> <p data-bbox="994 699 2078 799">As identified earlier, Council has directed a review of those lands not afforded a planning direction under the 2012 Strategic Review, the outcome of which is the draft Addendum Report.</p> <p data-bbox="994 818 2078 983">Additionally Council, based on Don Fox Planning’s assessment and recommendation, refused the Planning Proposal lodged by the private landowners’ consortium for lands in the Southern Buffer. The request for a Pre-Gateway Review, being assessed by the Department of Planning and Environment (DPE), is a separate process.</p> <p data-bbox="994 1018 2078 1083">The finalisation of a local strategy by Council for its release area must not be subservient to any request for a Pre-Gateway Review.</p>
2	Supports the recommendation to remove their property 9 and 9a Boondah Road	Note the letter supporting the recommendation. This relates to sectors 173 and 174.

Submission Number	Summary of Comment	Response
	<p><i>“Does not support the rezoning of any land attributed to the operation and future expansion of the Warriewood SPS 0389. All remaining lots that are included within the plan for rezoning should be removed as the rezoning is unsupported by Sydney Water as the landowners.</i></p> <p><i>The current zoning appropriately accommodates the need for Sydney Water to operate the SPS and facilitate and [sic] future expansion needs required through growth in the surrounding catchment area.”</i></p>	<p>The Addendum Report does not recommend changing the zoning of the land comprising the Warriewood Sewerage Treatment Plant (referenced in letter as Warriewood SPS 0389), as it is already zoned SP2 Infrastructure (Sewerage System) under Pittwater LEP 2014.</p> <p>Nonetheless, sectors 172 and 173 are recommended to be removed from the Release Area.</p>



PLANNING PROPOSAL

To amend the Urban Release Area Map, Land Zoning Map, Height of Buildings Map and Minimum Lot Size Map applying to the Warriewood Valley Release Area

To introduce/amend the dwelling yield provisions applying to land within the Warriewood Valley Release Area

TABLE OF CONTENTS

PART 1: OBJECTIVES OF PLANNING PROPOSAL	26
PART 2: EXPLANATION OF PROVISIONS.....	27
PART 3: JUSTIFICATION	29
SECTION A NEED FOR THE PLANNING PROPOSAL	29
SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	29
SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	30
SECTION D STATE AND COMMONWEALTH INTERESTS	31
PART 4: MAPPING	32
PART 5: COMMUNITY CONSULTATION	32
PART 6: PROJECT TIMELINE.....	33
APPENDIX 1: CONSIDERATION OF SEPPS	34
APPENDIX 2: CONSIDERATION OF SECTION 117 DIRECTIONS.....	36
APPENDIX 3: CURRENT LEP MAPS	39
APPENDIX 4: PROPOSED LEP MAP AMENDMENTS	44

PART 1: OBJECTIVES OF PLANNING PROPOSAL

The objectives of this Planning Proposal are to amend the Pittwater Local Environmental Plan 2014 to:

1. Amend the Urban Release Area Map by amending the boundary of various sectors within the Warriewood Valley Release Area, including adding and removing various sectors or parts thereof.
2. Amend the Land Zoning Map to rezone specific land.
3. Amend the Minimum Lot Size Map to remove the lot size applying to specific land.
4. Amend the Height of Buildings Map to amend the maximum height applying to specific land.
5. Amend/introduce dwelling yield provisions for sectors in the Warriewood Valley Release Area

Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under Section 59 of the *Environmental Planning & Assessment Act 1979* in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal

PART 2: EXPLANATION OF PROVISIONS

	Proposed Amendments	Description		
1	Amendments to Urban Release Area Map – Sheet URA_012	<p>Identify land as new sector:</p> <ul style="list-style-type: none"> – Battle-axe portion of 4 (Lot 3 DP 736961) and 5 (Lot 4 DP 736961) Fern Creek Road (<i>Sector 901H</i>) <p>Amend boundary of existing Sector 10 to excise 194 Garden Street (SP 22115) and identify as an individual sector (<i>Sector 10C</i>)</p> <p>Amend boundary of existing Sector 20 to:</p> <ul style="list-style-type: none"> – Remove 79 Cabbage Tree Road (Lot 20 DP 632081) and 4 Walana Crescent (Lot 8 DP 1124862) from Release Area – Excise 14 Walana Crescent (Lot 367 DP 806738) and 3 Harrier Place (Lot 35 DP 1135383) from Sector 20 and identify as individual sectors (<i>Sector 202 and Sector 203</i>) <p>Amend boundary of Sector 8 to excise portion of 5 Forest Road (Lot 13 DP 1083731) within Release Area and identify as an individual sector (<i>Sector 802</i>)</p> <p>Amend boundary of Sector 120-122 Mona Vale Road (Lot 3 DP 124602, Lot 5 DP 124602, Lot 4 DP 124602 and Lot 1 DP 383009) to identify the two properties as two individual sectors (<i>Sector 120 and Sector 122</i>)</p> <p>Amend width of area identified as 'Creek Line Corridor' within Buffer Area 1F to Buffer Area 1J to maximum of 25 metres on either side of the centre line of the creek.</p> <p>Amend boundary of existing Sector 3 and existing Buffer Area 2 to combine two sectors and identify as an individual sector (<i>Buffer Area 2</i>)</p>		
2	Amendments to Urban Release Area Map – Sheet URA_013	Amend boundary of existing Sector 10 to excise 194 Garden Street (SP 22115) and identify as an individual sector (<i>Sector 10C</i>)		
3	Amendments to the Land Zoning Map – Sheet LZN_012	<p>Rezone battle-axe portion of 4 (Lot 3 DP 736961) and 5 (Lot 4 DP 736961) Fern Creek Road (<i>Sector 901H</i>) from RU2 Rural Landscape to R3 Medium Density Residential.</p> <p>Rezone 5 Forest Road (Lot 13 DP 1083731) from RU2 Rural Landscape to SP2 Infrastructure (Educational Establishment)</p>		
4	Amendment to the Minimum Lot Size Map – Sheet LSZ_012	<p>Remove minimum lot size applying to battle-axe portion of 4 (Lot 3 DP 736961) and 5 (Lot 4 DP 736961) Fern Creek Road (<i>Sector 901H</i>) that is to be zoned R3 Medium Density Residential as part of this Planning Proposal.</p> <p>Remove minimum lot size applying to 5 Forest Road (Lot 13 DP 1083731) (<i>Sector 802</i>) that is to be zoned SP2 Infrastructure (Educational Establishment) as part of this Planning Proposal.</p>		
5	Amendment to Height of Buildings Map – Sheet HOB_012	Alter maximum height applying to battle-axe portion of 4 (Lot 3 DP 736961) and 5 (Lot 4 DP 736961) Fern Creek Road (<i>Sector 901H</i>) from 8.5 metres to 10.5 metres		
6	Amendments to Part 6, Clause 6.1(1)(a)	After "Warriewood Valley Strategic Review" insert "as amended".		
7	Amendments to Part 6, Clause 6.1(3)	<p>The text related to Sector 20 in the table in Clause 6.1(3) is to be amended as follows:</p> <table border="0" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 30%; padding-right: 20px;">Sector 20</td> <td>Not more than 72 64 dwellings</td> </tr> </table>	Sector 20	Not more than 72 64 dwellings
Sector 20	Not more than 72 64 dwellings			

		<p>The text related to Sector 3 and Buffer Area 2 in the table in Clause 6.1(3) is to be amended as follows:</p> <table data-bbox="635 389 1332 495"> <tr> <td>Sector 3</td> <td>Not more than 34 dwellings</td> </tr> <tr> <td>Buffer area 2</td> <td>Not more than 113 dwellings</td> </tr> <tr> <td>Buffer area 2</td> <td>Not more than 147 dwellings</td> </tr> </table>	Sector 3	Not more than 34 dwellings	Buffer area 2	Not more than 113 dwellings	Buffer area 2	Not more than 147 dwellings		
Sector 3	Not more than 34 dwellings									
Buffer area 2	Not more than 113 dwellings									
Buffer area 2	Not more than 147 dwellings									
		<p>The text related to Sectors 901C and 901G in the table in Clause 6.1(3) is to be amended as follows:</p> <table data-bbox="635 600 1348 757"> <tr> <td>Sector 901C</td> <td>Not more than 22 dwellings or less than 17 dwellings</td> </tr> <tr> <td>Sector 901G</td> <td>Not more than 6 dwellings</td> </tr> <tr> <td>Sectors 901C and 901G</td> <td>Not more than 28 dwellings or less than 23 dwellings</td> </tr> </table>	Sector 901C	Not more than 22 dwellings or less than 17 dwellings	Sector 901G	Not more than 6 dwellings	Sectors 901C and 901G	Not more than 28 dwellings or less than 23 dwellings		
Sector 901C	Not more than 22 dwellings or less than 17 dwellings									
Sector 901G	Not more than 6 dwellings									
Sectors 901C and 901G	Not more than 28 dwellings or less than 23 dwellings									
		<p>The following text is to be added to the table in Clause 6.1(3):</p> <table data-bbox="635 835 1316 965"> <tr> <td>Sector 901H</td> <td>Not more than 3 dwellings</td> </tr> <tr> <td>Sector 10C</td> <td>Not more than 17 dwellings</td> </tr> <tr> <td>Sector 202</td> <td>Not more than 1 dwelling</td> </tr> <tr> <td>Sector 203</td> <td>Not more than 4 dwellings</td> </tr> </table>	Sector 901H	Not more than 3 dwellings	Sector 10C	Not more than 17 dwellings	Sector 202	Not more than 1 dwelling	Sector 203	Not more than 4 dwellings
Sector 901H	Not more than 3 dwellings									
Sector 10C	Not more than 17 dwellings									
Sector 202	Not more than 1 dwelling									
Sector 203	Not more than 4 dwellings									

PART 3: JUSTIFICATION

Section A Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the result of the *Warriewood Valley Strategic Review Addendum Report 2014* (Addendum Report). The Addendum Report is a supplement to the adopted *Warriewood Valley Strategic Review Report 2012* (Strategic Review Report) which reviewed the appropriate height and density standards for medium density residential development within the Warriewood Valley Release Area (Release Area). The Addendum Report investigates and identifies a forward path for all other land in the Release Area that was not considered or provided with a forward path under the Strategic Review Report.

The Addendum Report is informed by an opportunities and constraints analysis undertaken by Council, and updated flooding and bushfire information, including an additional flooding analysis of the Narrabeen Lagoon Flood Study adopted in 2013 by the same consultant who produced the Warriewood Valley Strategic Review Hydrology Study 2011. Relevant environmental studies undertaken for the Strategic Review Report were also considered. Due to the significant environmental and development constraints affecting particular sectors within the Release Area, some sectors, or parts thereof, are recommended to be removed from the Release Area. The Addendum Report has also identified other relatively less constrained sectors with opportunities for development.

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

Progressing this Planning Proposal is the best means of achieving consistency with Council's strategic and land use planning documents.

The Planning Proposal is the only mechanism to enable land to be removed or added to the Urban Release Area Map, rezone land and enable changes to be made to the mapping and dwelling yield provisions in Clause 6.1(4) of *Pittwater LEP 2014*.

Section B Relationship to Strategic Planning Framework

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

While this Planning Proposal is largely an administrative amendment and therefore will generally only have minor impact on the objectives and actions within these strategies, it will provide for some new residential development in the Release Area and is therefore consistent with the objectives and actions within the *Draft Metropolitan Strategy for Sydney* and the *Draft North-East Subregional Strategy* where goals are set for housing delivery and land supply.

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

The Planning Proposal is consistent with the recommendations of the *Warriewood Valley Strategic Review Addendum Report 2014*.

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

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

6. Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

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

Section C Environmental, social and economic impact

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

This Planning Proposal is largely an administrative amendment, involving various adjustments to the boundary of the Release Area and dwelling yield provisions.

- Amalgamation of adjoining Sectors 901C and 901G,
- Amalgamation of adjoining Sector 3 and Buffer Area 2,
- Minor adjustment to sector boundaries to identify properties within existing sectors as individual sectors (Sectors 120, 122, 202, 203, 10C),
- Removal of property known as 79 Cabbage Tree Road from Sector 20,
- Adjustment of dwelling yield provisions to reflect amended sector boundary (Sectors 20, 202, 203, 901C and 90G, 10C, Sector 3 and Buffer Area 2),

Some other minor amendments are proposed, these recommendations are supported by the opportunities and constraints analysis undertaken by Council. It is therefore unlikely that this Planning Proposal will result in adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

The sectors proposed to be rezoned under this Planning Proposal and/or allocated a dwelling yield under Clause 6.1(4) have already been zoned for urban development, are already developed upon and/or are located within existing residentially zoned areas.

- Sector 202 and 203 are subsectors of the current Sector 20 and already zoned R3 Medium Density Residential. The Planning Proposal seeks to amend the current dwelling yield provision applying to Sector 20 by attributing a yield to each of these subsectors based on the outcomes of the opportunities and constraints analysis undertaken by Council.
- Sector 802 is already developed as a school and proposed to be rezoned to reflect its current use.
- Sector 901H consists of the battle axe portion of two properties and is situated between residentially zoned Sectors 901B and 901C. Sector 901H is proposed to be rezoned from a rural zone to R3 Medium Density Residential zone. The sector is currently utilised as a driveway and largely cleared. The rezoning of Sector 901H will allow either adjoining sector, which have already been rezoned R3 Medium Density Residential, to incorporate this additional land (approximately 1,100 square metres) into their development site.

- Sector 10C, already zoned R3, is proposed to be allocated a dwelling yield to allow the property to be redeveloped from its current use as a retirement village to an urban residential development, similar in scale to the surrounding existing low density development.

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

As outlined above, this Planning Proposal is largely an administrative amendment, however will provide for a small number of additional dwellings within the Release Area (net increase of 17 dwellings). As outlined above, the sectors proposed to be rezoned under this Planning Proposal and/or allocated a dwelling yield under Clause 6.1(4) are mostly zoned R3 Medium Density Residential, are already developed upon and/or are located within existing residentially zoned areas.

These recommendations are supported by an opportunities and constraints analysis based on mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy 2011*, which have been updated based on Council's most current flood and bush fire mapping (*Narrabeen Lagoon Flood Study 2013* and *Bush fire Prone Land Map 2013*). The recommendations are also supported by an additional analysis undertaken by the consultant who produced the Warriewood Valley Strategic Review Hydrology Study 2011.

Any future development application will require assessment under Section 79C of the EP&A Act and will be subject to the provisions and development controls under Pittwater LEP 2014 and Pittwater 21 DCP, including those related to flooding, bushfire prone land, waste management, land contamination, geotechnical hazards, heritage and traffic.

9. How has the Planning Proposal adequately addressed any social and economic effects?

With the exception of the properties known as 120 and 122 Mona Vale Road (*Sectors 120 and 122*), the lands subject of this Planning Proposal generally comprise land originally identified for release in the early 1990s under the State Government's Metropolitan Development Program. At that time a suite of studies were undertaken for the original Warriewood Valley land release area, comprising studies which addressed the social and economic effects of the release.

The properties known as 120 and 122 Mona Vale Road (*Sectors 120 and 122*) are not proposed to be rezoned under this Planning Proposal and are only simply proposed to be identified as individual sectors within the Release Area for the purpose of aligning the properties with the referenced planning strategy in Clause 6.1(1)(a).

As this Planning Proposal is largely an administrative amendment it is concluded that it is unlikely to have any negative social or economic effects.

Section D State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

Local infrastructure to meet the needs of the current and expected future population of the Warriewood Valley community is planned for and funded through the *Warriewood Valley Section 94 Contributions Plan*.

Preliminary analysis indicates that the increased dwellings expected as a result of the Planning Proposal (17 additional dwellings) is unlikely to have a significant impact on the infrastructure requirements for the Release Area. Nonetheless, the additional dwellings proposed, will need to be factored into the Section 94 Plan.

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

The *draft Warriewood Valley Strategic Review Addendum Report 2014* was placed on public exhibition between June and July 2014 and the views of Sydney Water and Crown Lands, as landowners within the Release Area, were sought.

Sydney Water supported the current zoning of their land. The Addendum Report does not recommend changing the zoning of the land comprising the Warriewood Sewerage Treatment Plant as it is already zoned SP2 Infrastructure (Sewerage System) under Pittwater LEP 2014.

When a Gateway Determination is issued, further consultation with all required public authorities will be undertaken.

PART 4: MAPPING

The current Urban Release Area Maps (Sheet URA_012 and Sheet URA_013), Land Zoning Map (Sheet LZN_012), Height of Buildings Map (Sheet HOB_012) and Lot Size Map (Sheet LSZ_012) are contained **Appendix 3**.

The proposed amended maps are contained in **Appendix 4**.

PART 5: COMMUNITY CONSULTATION

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

Local infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan*. Preliminary analysis indicates that the increased dwellings expected as result of the Planning Proposal (17 additional dwellings) is unlikely to have a significant impact on the infrastructure requirements for the Release Area. Nonetheless, the additional dwellings proposed and additional infrastructure requirements will need to be incorporated into the Section 94 Plan.

Subsequently, this Planning Proposal is considered to be a 'low impact' proposal. In keeping with '*A guide to preparing local environmental plans*' (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 14 day exhibition period,
- Notification in local newspaper at commencement of exhibition period,
- Notification on Council's website for the duration of the exhibition,
- Notification in writing to affected landowners and the Warriewood Residents Association at commencement of exhibition period.

PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway Determination	6 weeks from Council decision to forward Planning Proposal to Department of Planning & Environment for Gateway Determination.	Late December 2014
Completion of required technical information	Due to nature of proposal it is not anticipated that additional technical information will be required.	-
Government agency consultation	Preliminary consultation with government landowners was undertaken as part of the exhibition of the <i>draft Warriewood Valley Strategic Review Addendum Report</i> . Any formal consultation required by the Gateway Determination will occur during the statutory exhibition period.	Late January 2015
Public exhibition	14 days – Commencing in mid January 2015, following Gateway Determination	Late January 2015
Consideration of submissions	2 weeks from close of public exhibition	Mid February 2015
Consideration of proposal post-exhibition and report to Council	Report matter to Council.	Late February 2015
Submission to Department and PCO to prepare draft instrument	Following Council decision to finalise LEP.	Late February 2015
RPA to make plan (if delegated)	4 weeks from Council decision to finalise LEP.	Late March 2015
Notification of LEP/LEP comes into force	1 week from RPA making plan.	Early April 2015

Appendix 1: Consideration of SEPPS

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

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	NO	N/A	
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 22 – Shops and Commercial Premises	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 44 – Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	NO	N/A	
SEPP No 60 – Exempt and Complying Development	YES	YES	
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	
SEPP No 65 – Design Quality of Residential Flat Development	YES	YES	
SEPP No 70 – Affordable Housing (Revised Schemes)	YES	YES	

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

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

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

Appendix 2: Consideration of Section 117 Directions

1 Employment and Resources

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

Justification for inconsistency with Director 1.2

The Planning Proposal, so far as it relates to the rezoning of the battle axe portion of 4 and 5 Fern Creek Road (*Sector 901H*) and 5 Forest Road from a rural zone to another zone, is inconsistent with Direction 1.2. The proposed rezoning is consistent with State Government's Metropolitan Development Program which identified these lands for urban release in the early 1990s.

2 Environment and Heritage

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

Justification for inconsistency with Direction 2.3

The Planning Proposal is largely an administrative amendment therefore the inconsistencies with this direction are of minor significance.

Provisions also already exist within the Pittwater LEP 2014 for the protection and conservation of environmentally sensitive areas and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

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

4 Hazard and Risk

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

Justification for inconsistency with Direction 4.3

Sectors 120, 122 and 802 are traversed by sections of Narrabeen Creek and Fern Creek respectively. It is the creek sections that have been identified as flood prone land.

Development controls within Pittwater 21 DCP prohibit vertical structures to be erected on land comprising the creek line corridor. Development controls also require that the creek line corridor be engineered to convey the 1% AEP flood event. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

Justification for inconsistency with Direction 4.4

Sector 901H, 802, 122, 120, 202, 203 and 10C are all identified as bush fire prone under Council's Bush Fire Prone Lands Map.

Sectors 120, 122, 202, 203 and 10C are already rezoned for its intended purpose and will not be altered. This Planning Proposal only seeks to amend the sector boundary/dwelling yield provision applying to this land.

Sector 901H is to be rezoned from a rural zone to R3 Medium Density Residential under this Planning Proposal. The land proposed to be rezoned does not contain Category 1 or 2 Vegetation and is not mapped as a Bushfire Buffer, but instead forms part of a parcel identified with these affectations.

Sector 801 is already developed as a school and proposed to be zoned to reflect this land use.

This Planning Proposal is inconsistent with this direction insofar as consultation has not yet occurred with the NSW Rural Fire Service. Consultation is expected to be undertaken during the statutory exhibition period.

5 Regional Planning

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

6 Local Plan Making

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

Justification for inconsistency with Direction 6.3

The Planning Proposal seeks to incorporate new dwelling yield provisions for Sector 10C, 901H, 202 and 203 and amend the existing dwelling yield provision applying to Sector 20.

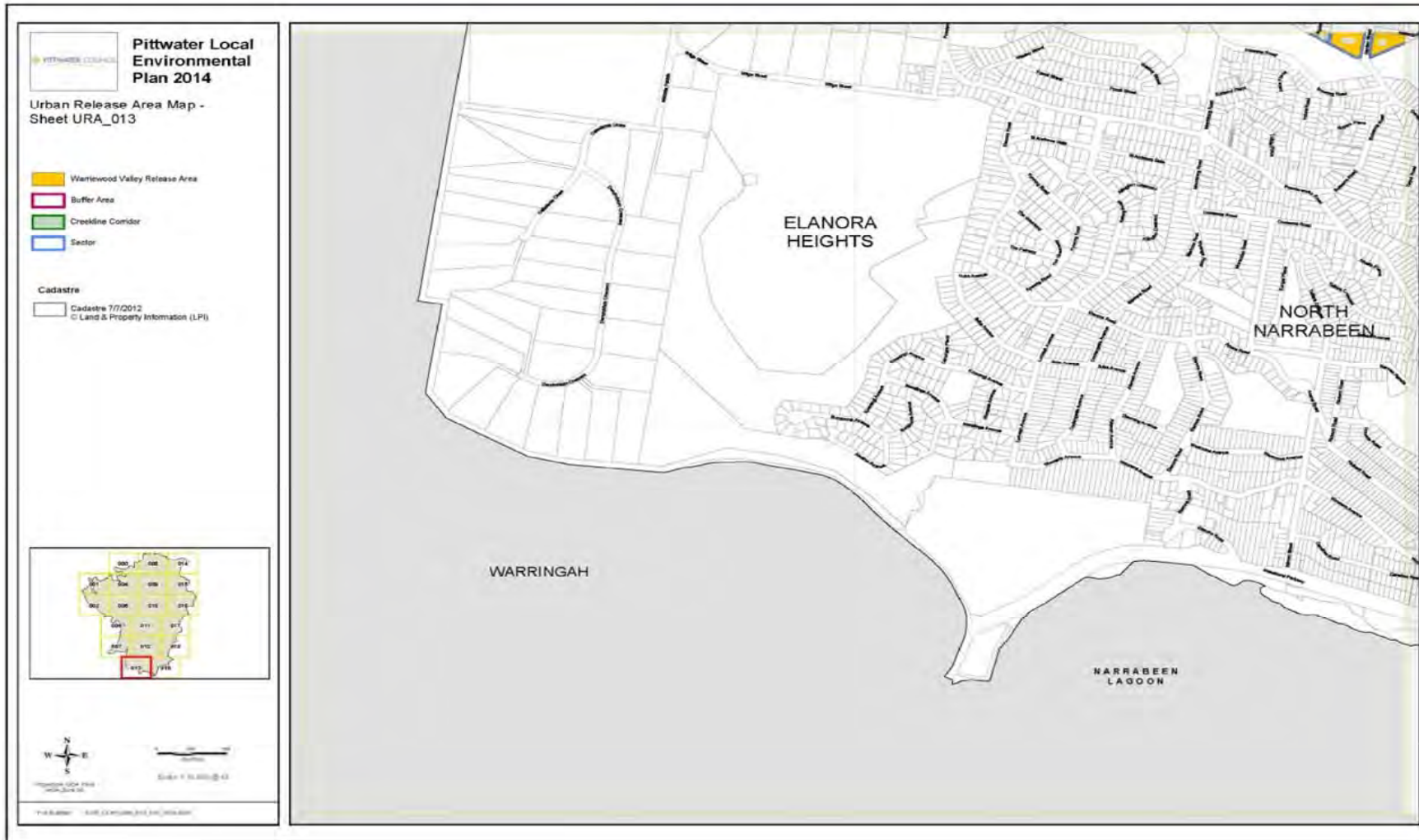
The application of the dwelling yield provisions within the Pittwater LEP is well established for the Warriewood Valley Release Area. The dwelling yield provisions in Part 6 of the Pittwater LEP 2014 were translated from Pittwater LEP 1993 and are not new provisions.

7 Metropolitan Planning

	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES

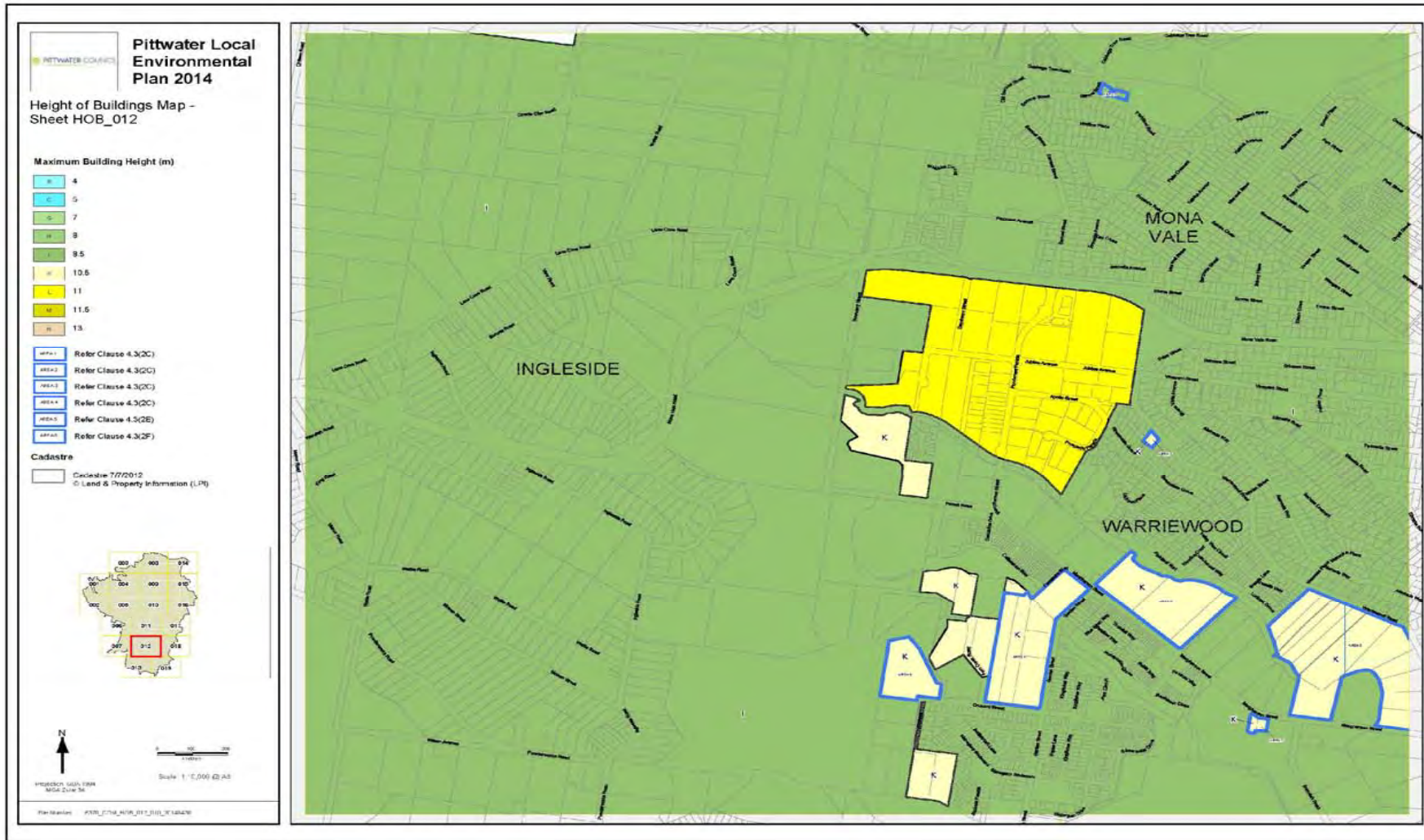
Appendix 3: Current LEP Maps











Appendix 4: Proposed LEP Map Amendments



