

# **PLANNING PROPOSAL**

**To permit a  
retail development on  
23B Macpherson Street,  
Warriewood**

*Prepared By Pittwater Council*

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## **PART 1 OBJECTIVES OR INTENDED OUTCOMES**

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To enable the subject site, 23B Macpherson Street Warriewood, to be developed for a retail development that services the daily needs of and offers retail convenience to the resident population of the Warriewood Valley release area,

## **PART 2 EXPLANATION OF PROVISIONS**

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Amendment of the Pittwater LEP 1993 Schedule 10, to apply to 23B Macpherson Street, Warriewood, being the subject site identified on the map shown at Attachment 1.

To permit “neighbourhood shop” and “restaurant” on 23B Macpherson Street, Warriewood, which are to be defined, in accordance with the Standard LEP Template, as follows:

“**neighbourhood shop** means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

**restaurant** means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.”

## **PART 3 JUSTIFICATION**

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### **A Need for the Planning Proposal**

(A1) Is the planning proposal a result of any strategic study or report?

The *Warriewood Valley Urban Land Release Draft Planning Framework* (1997) is Council’s adopted planning strategy for the release of non-urban land in Warriewood Valley for urban purposes in accordance with the State Government’s Metropolitan Development Program. Informing the 1997 Planning Framework was a suite of studies undertaken in 1994, including the *Ingleside/Warriewood Urban Land Release Area Demographic and Facility/Service Needs Studies* which identified the potential need for retailing to be provided (at a limited scale) that provides retail convenience for the incoming population.

The 1997 Planning Framework identified a preferred location for a retail centre that caters for and meets the needs of the incoming residential population of the Warriewood Valley release area. This planning intention was reiterated as a development specific control under the Pittwater 21

Development Control Plan (DCP), being control C6.15 entitled Warriewood Valley Focal Neighbourhood Centre.

The Planning Proposal relates to the subject land, to permit the development of a retail development on the site consistent with the 1997 Planning Framework and Pittwater 21 DCP.

- (A2) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject site is part of Sector 8. The masterplan for that sector indicated the likely residential development form for that sector, including a retail development on this site. The sector masterplan was adopted by Council as part of the rezoning process and was rezoned in 2004.

Like all the land in Sector 8, the subject site is zoned 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP. There is a limited range of development permitted under the 2(f) zone. Recently, Council was advised that a retail development may not be construed as “associated community and urban infrastructure” (undefined in the LEP), and may not be permitted in the 2(f) zone. This is inconsistent with the 1997 Planning Framework for Warriewood Valley Release Area.

The Planning Proposal is therefore the best means of achieving the objectives, consistent with the 1997 Planning Framework for the Warriewood Valley Release Area and Pittwater 21 DCP.

- (A3) Is there a net community benefit? (*Refer Draft Centres Policy, DoP 2008*)

The rezoning of the subject site to permit a retail centre development is the first step in achieving the retail centre planned for the Warriewood Valley Release Area. The planned retail offering will be limited to serving the daily shopping needs of residents in the Release Area.

The subject site is already zoned 2(f) (Mixed Residential – Urban Purposes) under Pittwater LEP 1993, consistent with land already released for development in the Warriewood Valley Release Area. This LEP intends to add an additional permissible use specific to the subject site.

Given the time elapsed since Council undertook the planning investigations into the Warriewood Valley Release Area (1994 and 1997), Council commissioned HillPDA to provide an independent assessment to determine whether there is demand for a neighbourhood shopping centre in the release area, in particular locating it on the subject site. The HillPDA assessment was commissioned in 2006 and concluded:

- there is current demand for a supermarket (of 800m<sup>2</sup> floorspace) and 371m<sup>2</sup> floorspace for specialty retailing, based on the 2001 Census, in the Release Area.
- In terms of specialty retailing, this may include a bakery, restaurant/café, delicatessen and possibly a clothing outlet that would appeal to the local market and be able to sustain a high level of turnover.

The proponent has also submitted a Retail Demand Analysis prepared by HillPDA (2009), and is based on 2006 Census. This 2009 Analysis concluded:

- there was sufficient demand generated (within the Primary and Secondary Trade Areas) to support over 15,500sqm of retail floorspace in 2007. By 2020, the estimated demand is doubled to 32,919sqm.
- Due to the nature of retailing, it is unlikely that the estimated retail floorspace can be catered for within the Trade Areas, particularly in the Release Area.
- Nonetheless, *“...there is sufficient demand generated by the mix of existing and proposed uses within Warriewood Valley for the planned centre on the Subject Site to accommodate 3,950sqm of retail floorspace including a 3,200sqm supermarket and 750sqm of specialty retail by 2012.*

*As the centre at the junction of Macpherson and Garden Streets is an established centre in planning policy terms, we believe a supermarket should be supported in this location to not only meet the growth in demand for retail but to also support the economic viability and therefore success of the centre.” (p8)*

A copy of the HillPDA Retail Demand Analysis is attached (Attachment 4).

The subject site is centrally located within the Warriewood Valley Release Area on Macpherson Street, being the main vehicular and public transport route for the Release Area. Locating the retail centre on this site spatially provides daily shopping convenience to residents in the Release Area, as it is also on the pedestrian/ cycleway network established for the Release Area.

Planning and developing a Land Release Area without a retail offer sited in the release area does not promote sustainability as residents will need to travel out of the release area to other existing centres for their daily shopping needs.

The Planning Proposal on the subject site provides benefits to the Warriewood Valley community, in ensuring sustainable travel and enabling retail development to occur that provides/ meets daily shopping needs and convenience to residents of the Warriewood Valley Release Area.

## **B Relationship to Strategic Planning Framework**

- (B1) 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)?

The planning proposal is consistent with the objectives of the Sydney Metropolitan Strategy and the Draft North-East Sub-Regional Strategy where it promotes the location of a local centre within a residential area. The planning of the Warriewood Valley Release Area is based on the premise of a liveable and walkable community, with provision of a safe pedestrian and cycle network through the release area with connections to employment/

recreation areas and the proposed Warriewood Valley neighbourhood centre (the subject of this planning proposal).

Under the Centres' Hierarchy it is envisaged that the planning proposal may take the form of a "small village" or "neighbourhood centre" aimed at servicing the daily shopping needs and offers convenience to residents of the release area. The planning proposal is centrally located within the Release Area, and fronts Macpherson Street, which is the primary vehicular for and public transport route through the Release Area. A pedestrian/ cycleway network exists and is able to connect to the subject site.

Under the centres' designation, the proposal should not impact on Warriewood Square and Mona Vale (identified as a "Stand Alone Shopping Centre" and "Town Centre" respectively in the Draft Sub-Regional Strategy).

- (B2) Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

As per responses to A(1) and A(2) above, the planning proposal is consistent with the *Warriewood Valley Urban Land Release Draft Planning Framework* (1997), being the underlying strategic plan for the development of the Warriewood Valley Release Area.

- (B3) Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with the State Environmental Planning Policies (refer to Attachment 2).

- (B4) Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the Section 117 Directions (refer to Attachment 3).

## **C Environmental, social and economic impact**

- (C1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject property contains a section of Fern Creek, which links to Narrabeen Wetlands providing a corridor link between the escarpment and the valley. Nonetheless, the site does not contain any critical habitat or threatened species, populations or ecological communities, or their habitats under the Threatened Species Conservation Act (TSC Act).

The property was the subject of studies in 2002 when it was rezoned Non-Urban to 2(f). The current planning proposal will rely on this study, in regard to impact on other ecological communities or their habitats, given that this planning proposal is requesting an additional use to be permitted on this site.

- (C2) Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The likely environmental effects resulting from the planning proposal relate to traffic management, water management and potential impact on the amenity of adjoining residents. There are specific controls applying to the subject property in relation to traffic management and water management which forms part of the Sector development, of which this site forms part thereof, and are integral to any development proposal in the Warriewood Valley Release Area (some of which are part of the Section 94 Plan for Warriewood Valley release area).

The planning proposal will, when lodged as a DA, require assessment under Section 79C of the EP&A Act.

(C3) How has the planning proposal adequately addressed any social and economic effects?

As reiterated in A(1) above, a suite of studies undertaken in 1994 formed the basis of *Warriewood Valley Urban Land Release Draft Planning Framework* (1997), upon which the Warriewood Valley Release Area was planned and developed:

- The supporting *Ingleside/Warriewood Urban Land Release Area Demographic and Facility/ Service Needs Studies* identified the potential need for retailing to be provided (at a limited scale) that provides retail convenience for the incoming population.
- The 1997 Planning Framework identified a preferred location for a retail centre that caters for and meets the needs of the incoming residential population of the Warriewood Valley release area.
- A provision is in Pittwater 21 Development Control Plan (DCP), regarding the development of the Warriewood Valley Focal Neighbourhood Centre (control C6.15).

Given the period elapsed since the initial studies, Council commissioned HillPDA in 2006 to provide an independent assessment to determine whether there is demand for a neighbourhood shopping centre in the release area, in particular locating it on the subject site. The 2006 HillPDA assessment, based on the 2001 Census, indicated there is current demand for a supermarket (of 800m<sup>2</sup> floorspace) and 371m<sup>2</sup> floorspace for specialty retailing. The specialty retailing cited includes a bakery, restaurant/café, delicatessen and possibly a clothing outlet that would appeal to the local market and be able to sustain a high level of turnover.

A retail demand analysis accompanies the planning proposal, based on the 2006 Census, as Attachment 4. The analysis concluded there is sufficient demand for retail floorspace generated in Warriewood Valley Release Area, with the floorspace significantly higher than previously advised in the HillPDA assessment (2006). Notwithstanding the discrepancy in retail floorspace demand, the planning proposal is limited to the subject site to which the site area's and other constraints will be the determining factors in limiting the floorspace capability of the development.

## **D State and Commonwealth interests**

(D1) Is there adequate public infrastructure for the planning proposal?

The planning proposal is for an additional use to be permitted on the site. This site is on Macpherson Street, which is the main vehicular and public transport route for Warriewood Valley.

Public infrastructure is provided as part of the development of the Warriewood Valley Release Area, of which this site is in.

(D2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination? *(Completed after consultation, after gateway determination & not at the initial stage)*

No consultation has been carried out at this stage, Council notes that this response will be amended post-consultation after the gateway determination.

## **PART 4 COMMUNITY CONSULTATION**

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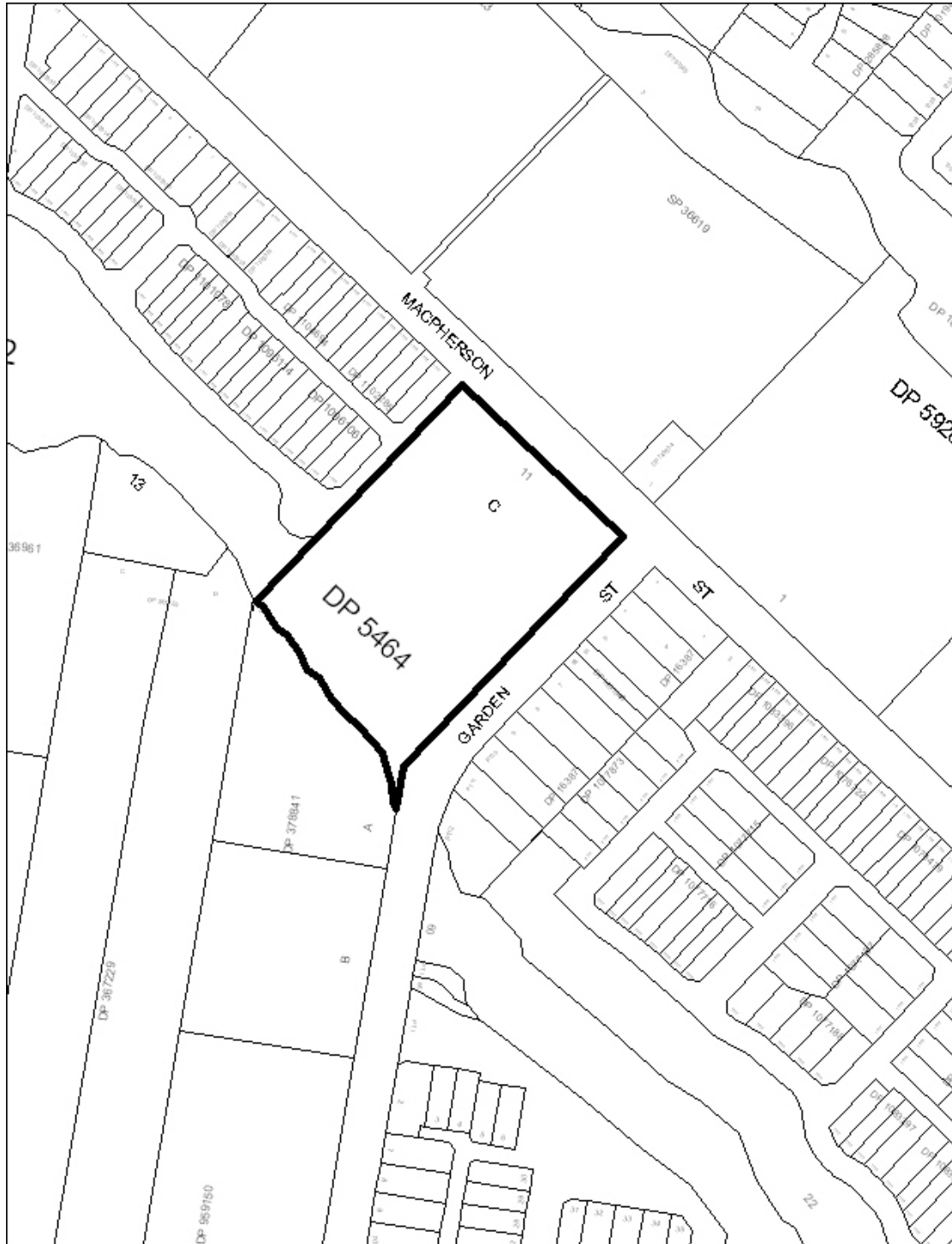
Council notes this is the first planning proposal that will undergo this process in the Pittwater Local Government Area. Given the changes to Part 3 of the EP&A Act are recent and the local community are unfamiliar with those changes, Council proposes that the planning proposal be exhibited in the following manner:

As a minimum:

- advertising in the local newspaper and on Council's website at the start of the exhibition period,
- exhibition period of 30 days from date it appears in newspaper
- Adjoining property owners (within a 400m radius of the subject site) and the Warriewood Valley Rezoning Association be notified by letter (direct mailout).
- Notification to owners of Warriewood Square.



# Location Map



## Checklist - Consideration of State Environmental Planning Policies

The following SEPP's are relevant to the Pittwater Local Government Area.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	YES	YES	
SEPP No 4 – Development without consent...	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 10 – Retention of Low-Cost Rental Accommodation	<b>NO</b>	Not applicable	
SEPP No 14 – Coastal Wetlands	YES	YES	
SEPP No 21 – Caravan Parks	<b>NO</b>	Not applicable	
SEPP No 22 – Shops and Commercial Premises	<b>NO</b>	Not applicable	
SEPP No 26 – Littoral Rainforests	<b>NO</b>	Not applicable	
SEPP No 30 – Intensive Agriculture	<b>NO</b>	Not applicable	
SEPP No 32 – Urban Consolidation	<b>NO</b>	Not applicable	
SEPP No 33 – Hazardous and Offensive Development	<b>NO</b>	Not applicable	
SEPP No 44 – Koala Habitat Protection	<b>NO</b>	Not applicable	
SEPP No 50 – Canal Estate Development	<b>NO</b>	YES – not canal devt	
SEPP No 55 – Remediation of Land	<b>NO</b>	Not applicable	
SEPP No 62 – Sustainable Aquaculture	<b>NO</b>	Not applicable	

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)	<b>NO</b>	Not applicable	
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	YES	YES	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	YES	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	YES	YES	

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

<b>Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	<b>NO</b>	Not applicable	

## Section 117 Ministerial Directions Checklist

*(Directions as per DoP website 3 July 2009)*

### 1 Employment and Resources

	Applicable	Consistent	Reason for inconsistency
1.1 Business and Industrial Zones	NO	Not applicable	
1.2 Rural Zones	NO	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	NO	Not applicable	
1.4 Oyster Aquaculture	NO	Not applicable	
1.5 Rural Lands	NO	Not applicable	

### 2 Environment and Heritage

	Applicable	Consistent	Reason for inconsistency
2.1 Environment Protection Zones	YES	<b>NO</b>	See below
2.2 Coastal Protection	NO	Not applicable	
2.3 Heritage Conservation	YES	<b>NO</b>	See below
2.4 Recreation Vehicle Areas	YES	YES	

Justification to 2.1 and 2.3

(2.1) The draft LEP relates to a specific site identified in the Warriewood Valley Urban Land Release Planning Framework as being the preferred site for a retail development in the Release Area. The Planning Framework is the background document upon which the Warriewood Valley Release Area has been developed.

The zoning of the site is not being changed. The draft LEP is to permit a specific development on a specific site, and is considered to be of minor significance.

(2.3) The draft LEP is an amendment of Pittwater LEP, and is not amending heritage provisions. The draft LEP is an amendment to the Pittwater LEP to permit a specific development on a specific site, and is considered to be of minor significance.

### 3 Housing, Infrastructure and Urban Development

	Applicable	Consistent	Reason for inconsistency
3.1 Residential Zones	YES	YES – No change	
3.2 Caravan Parks and Manufactured Home Estates	YES	<b>NO</b>	See below
3.3 Home Occupations	YES	YES – No change	
3.4 Integrating Land Use and Transport	YES	YES	
3.5 Development near Licensed Aerodromes	YES	YES	

#### Justification to 3.2

(3.2) The draft LEP is an amendment to the Pittwater LEP, to permit a specific development on a specific site, and is not altering the zoning of the site. The subject site was identified in the Warriewood Valley Urban Land Release Planning Framework as the preferred site for a retail development in the Release Area. The Planning Framework is the background document upon which the Warriewood Valley Release Area has been developed. Additionally, the draft LEP is considered to be of minor significance.

### 4 Hazard and Risk

	Applicable	Consistent	Reason for inconsistency
4.1 Acid Sulphate Soils	YES	YES – No change	
4.2 Mine Subsidence and Unstable Land	NO	Not applicable	
4.3 Flood Prone Land	YES	<b>NO</b>	See below
4.4 Planning for Bushfire Protection	NO	Not applicable	

#### Justification to 4.3

(4.3) The subject site is already zoned 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP. The draft LEP is an amendment to the Pittwater LEP, to permit a specific development on the site. The site was identified in the Warriewood Valley Urban Land Release Planning Framework as the preferred site for a retail development in the Release Area. The Planning Framework is the background document upon which the Warriewood Valley Release Area has been developed. Additionally, the draft LEP is considered to be of minor significance.

## 5 Regional Planning

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	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
5.1 Implementation of Regional Strategies	NO	Not applicable	
5.2 Sydney Drinking Water Catchments	NO	Not applicable	
5.3 Farmland of State and Regional Significance on NSW Far North Coast	NO	Not applicable	
5.4 Commercial and Retail Development along the Pacific Hwy, North Coast	NO	Not applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	NO	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	NO	Not applicable	

## 6 Local Plan Making

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<b>Local Plan Making</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
6.1 Approval and Referral Requirements	YES	YES	
6.2 Reserving Land for Public Purposes	YES	YES – no change	
6.3 Site Specific Purposes	YES	YES	

# Warriewood Valley Retail Demand Assessment

*Prepared for Warriewood Properties*