

2 Macpherson Street, Warriewood (22 dwellings)

Proposal Title : **2 Macpherson Street, Warriewood (22 dwellings)**

Proposal Summary : **The Planning Proposal seeks to amend Clause 6.1 (3) Warriewood Valley Release Area to permit up to 22 dwellings at 2 Macpherson Street, Warriewood.**

PP Number : **PP_2017_NBEAC_003_00**

Dop File No : **17/08743**

Proposal Details

Date Planning Proposal Received : **07-Jun-2017**

LGA covered : **Northern Beaches**

Region : **Metro(CBD)**

RPA : **Sydney East Joint Regional Plan**

State Electorate : **PITTWATER**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2 Macpherson**

Suburb : **Warriewood**

City : **Sydney**

Postcode : **2102**

Land Parcel : **Lot 25 Section C in DP5464**

DoP Planning Officer Contact Details

Contact Name : **Lauren Templeman**

Contact Number : **0292745690**

Contact Email : **lauren.templeman@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Deborah Dearing**

Contact Number : **0282896200**

Contact Email : **jrppenquiry@jrpp.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub Regional Strategy : **Metro North subregion**

Consistent with Strategy :

2 Macpherson Street, Warriewood (22 dwellings)

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	22
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. The Sydney Region East office has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

THE SITE

The site is located in the Warriewood Valley Release Area, between Mona Vale and North Narrabeen, in the Northern Beaches Local Government Area (LGA). The area is currently semi-rural in character, comprising a number of small agricultural properties which are used for crop grazing, nurseries and market gardens. The release of this area for urban purposes will potentially deliver up to 2,200 dwellings and 33 hectares of commercial and industrial land.

The site has an area of approximately 2.1 hectares, is irregular in shape and has a 120 metre frontage to Macpherson Street. The site currently comprises agricultural sheds, planted garden beds and structures ancillary to its current use as a market garden. The site is currently zoned R3 Medium Density Zone.

The site is located approximately 800 metres from Warriewood Square which provides 30,000 square metres of retail and commercial floor space to support the needs of new and existing residents in the Warriewood Valley. A new neighbourhood centre, within walking distance of the site, is currently under construction.

A range of health, community and educational services are available in the vicinity of the site, including Mona Vale Hospital, Mona Vale Golf Club, Narrabeen Golf Driving Range, Warriewood wetlands, Narrabeen Sports High School and Pittwater High School.

The Pittwater Road strategic bus corridor is located within walking distance of the site. Regular bus services (185/L85) connect Mona Vale via Warriewood Valley to Dee-Why / Brookvale and the Sydney CBD.

A major stop on the proposed "B-Line" rapid bus transit system, connecting the northern beaches to the Sydney CBD, will be located 800m from the site at North Narrabeen reserve. This service is anticipated in late 2017.

BACKGROUND

The planning proposal has been the subject of the Rezoning Review process.

2 Macpherson Street, Warriewood (22 dwellings)

Council determined to refuse the planning proposal for the following reasons:

- it is inconsistent with the Warriewood Valley Strategic Review Report (2013);
- it has not demonstrated adequate strategic merit or site-specific merit;
- the information submitted to support the proposal is substantially deficient; and
- it is inconsistent with Section 117 4.3 Flood Prone Land.

On 2 March 2017, the proponent lodged the original planning proposal with the Department for a Rezoning Review.

On 30 March 2017, Council responded to the Department's request for comments on the original proposal stating that it does not support the Planning Proposal, primarily because it has not provided adequate information to demonstrate that the site is capable of accommodating dwellings.

Panel Assessment of the Rezoning Review

On 12 April 2017, the Sydney North Planning Panel considered the planning proposal and unanimously recommended that the proposal should be submitted for a Gateway determination because it demonstrated strategic and site specific merit (see attached).

The Panel noted that the current preclusion of residential development on the site under the Warriewood Valley Strategic Review Report (2013) was predicated on the lack of flood free access. Since that time the flood free access to the site is currently under construction (see attached). Consequently, the Panel noted that the limitations on residential development can now be removed. As a result, the Panel determined that the limitations should be overturned.

The Panel recommended that the information that is currently lacking from the application, as outlined in Northern Beaches Council's written response to the Rezoning Review dated 30 March 2017 (and identified as paragraphs 1 to 10), be provided and exhibited with the proposal.

On 11 May 2017, Northern Beaches Council declined the role of the Relevant Planning Authority for this matter to exercise the delegations issued by the Minister under Section 59 of the EP&A Act 1979. The Sydney North Planning Panel has been appointed to the role of RPA for the current proposal.

On 8 June 2017, the proponent forwarded a fee of \$25,000 to the Department for the assessment of the planning proposal.

External Supporting
Notes :

The proposal has been the subject of a pre-Gateway review. The Sydney North Planning Panel recommended that the proposal be submitted for a Gateway determination subject to conditions.

Northern Beaches Council declined the role of the Relevant Planning Authority for this matter. The Sydney North Planning Panel has been appointed to the role of Relevant Planning Authority for the current proposal. The proponent has submitted the planning proposal to the Department for a Gateway Determination.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Planning Proposal seeks to amend Clause 6.1 (3) Warriewood Valley Release Area to permit up to 22 dwellings at 2 Macpherson Street, Warriewood.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The intended outcome of the proposal is to achieve an uplift in the development density of**

2 Macpherson Street, Warriewood (22 dwellings)

the site.

This proposed outcome will be achieved by amending PLEP 2014, clause 6.1 Warriewood Valley Release Area, subclause (3) table to permit "not more than 22 dwellings" in Buffer area 1m.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Section 117 Directions

Direction 4.3 Flood Prone Land

The Flood Assessment Report (Report) prepared by Bonacci states that the site can be made suitable for development given that the majority of the site is low flood hazard and the development footprint can be contained out of any floodway or high flood risk area.

The Report indicates that the primary constraint for site development has been emergency flood access and evacuation. The construction of the bridge over Narrabeen Creek to Macpherson Street will ensure that site access and evacuation is maintained for all storm events up to and including the 1% AEP event (the 100 year ARI event).

The Report estimates that in larger storm events that shelter in place could be adopted as the site is unlikely to be isolated for significant periods of time. Filling of the site will be required to ensure that the habitable floor levels of proposed buildings are at (or above) the flood planning level. The flood assessment states that filling of the site will be limited to approximately 1 metre which will have little impact on overall flood behaviour on and off the site.

It is noted that a key reason Northern Beaches Council refused the proposal in the first instance was its inconsistency with this direction. In recommending that the proposal should be submitted for a Gateway determination, the Sydney North Planning Panel recommended that the information identified by Northern Beaches Council to be currently lacking from the application, should be provided and exhibited with the proposal at Gateway.

This outstanding information includes details about proposed cut and fill on site and implications for on-site flood behaviour, potential flood impacts up and downstream of the site, and a flood emergency response strategy catering for flood events up to the Probable Maximum Flood. This information will help to confirm the consistency of the proposal with this direction.

Further information outlined by Council is required before consistency with this 117 Direction can be confirmed. The Gateway will be conditioned to obtain and assess this information.

The proposal is otherwise consistent with all other S117 Directions.

SEPPS

The Planning Proposal considers the relevance and consistency of all SEPPs and does

2 Macpherson Street, Warriewood (22 dwellings)

not identify any relevant inconsistencies that need to be addressed. The Department supports the proposal's consideration of relevant SEPPs.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which adequately show the subject land. These maps are satisfactory for exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Public consultation will be undertaken in accordance with the Gateway determination. Council suggests an exhibition period of 28 days, which is considered adequate.**

PROJECT TIMELINE

Council has provided an indicative project timeline with a completion date of the end of 2017. The Department considers a 12 month project timeline for completion is adequate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Time Line**
The planning proposal includes a project timeline which estimates the completion of the planning proposal in December 2017, however a nine (9) month timeline is considered appropriate to ensure the RPA has adequate time to complete the exhibition, reporting, legal drafting and making of the plan.

Overall Adequacy

The planning proposal satisfies the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes.**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.**
- 3. Providing an adequate justification for the proposal.**
- 4. Outlining a proposed community consultation program.**
- 5. Providing a project time line**

Proposal Assessment

Principal LEP:

Due Date : **May 2014**

Comments in relation to Principal LEP : **Pittwater Local Environmental Plan 2014 was notified on 30 May 2014 and commenced on 27 June 2014.**

Assessment Criteria

Need for planning proposal :

As the proposal seeks an amendment to Clause 6.1 (3) Warriewood Valley Release Area, this amendment to the LEP cannot be progressed without a planning proposal.

Consistency with strategic planning framework :

A Plan for Growing Sydney

The planning proposal is consistent with the following directions within A Plan for Growing Sydney:

- **Direction 2.1: Accelerate housing supply across Sydney;**
- **Direction 2.2: Accelerate urban renewal across Sydney - providing homes closer to jobs;**
- **Direction 2.3: Improve housing choice to suit different needs and lifestyles - - Action 2.3.2: Enable the subdivision of existing homes and lots in areas suited to medium density housing.**

Draft North District Plan

The draft North District Plan's key relevant priorities are:

- **Accelerate housing supply, choice and affordability and build great places to live by working with Councils to identify suitable locations for housing and employment growth co-ordinated with infrastructure delivery; and**
- **Protect the natural environment and promote its sustainability and resilience by promoting early strategic consideration of bushfire, flooding and coastal erosion in relation to any future development in the subregion, particularly around areas prone to coastal erosion at Collaroy/Narrabeen, Mona Vale and Bilgola.**

The draft plan does not include actions or directions that preclude consideration of this site for residential development.

Warriewood Valley Strategic Review Report

The Warriewood Valley Strategic Review Report (2013) was endorsed by the Department on 26 May 2013 and adopted by Council on 12 June 2013.

This study undertook a comprehensive land capability assessment for all undeveloped land in the Warriewood Valley and identified the potential to create up to 2,200 new residential dwellings and 33 hectares of commercial and industrial land. This new dwelling yield was based on a target dwelling density of 32 dwellings per hectare.

The study has identified the land as not being suitable for residential dwellings. This was because the site is below the Probable Maximum Flood, is susceptible to risks from climate change, has limited opportunity for safe flood evacuation or refuge and its development has potential to increase flood impacts offsite.

The Planning Proposal seeks to justify the proposed LEP amendment given that 22 dwellings on the site would be consistent with dwelling densities on adjoining land and consistent with the target dwelling density of 32 dwellings per hectare.

Council undertook a review of the Warriewood Valley Strategic Review Report in 2014. This review did not identify the site as being suitable for residential dwellings. This review has not been endorsed by the Department.

The Planning Proposal notes that it is responding to a new planned roadway that will service the site and ensure safe access and egress during flood events. The current LEP controls and local growth study have not been reviewed in accordance with this new planned roadway. The Gateway requires further justification of S117 Direction 4.3, which includes the new planned roadway.

Environmental social economic impacts :

ENVIRONMENTAL

A Flora and Fauna Study prepared by Total Earth Care, supports the current Planning Proposal. This study identifies that the site is predominantly a highly modified semi – rural landscape with vegetation of high ecological value located primarily within a riparian zone along the perimeter of the site. The Study concludes that the site can be made

2 Macpherson Street, Warriewood (22 dwellings)

suitable for residential development noting that:

- there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal;
- the proposed development is largely confined to the disturbed parts of the site and not within the 25 metre riparian corridor; and
- actions to revegetate the site with native species are also proposed to improve the current biodiversity within the site and existing riparian corridor.

BUSHFIRE

Council's Bushfire Prone Land Map identifies the site as being partially within the 30 metre buffer zone for designated Category 2 Vegetation. A Bushfire Hazard Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Limited, identifies that bushfire protection measures, such as buffer zones, can be provided on the land to ensure compliance with the relevant bushfire protection guidelines.

FLOODING

Issues relating to flood behaviour on site have been addressed earlier under Section 117 Directions.

TRAFFIC AND PARKING

The Planning Proposal is supported by a Traffic and Parking Assessment prepared by Transport and Traffic Planning Associates. This assessment states that suitable access and parking arrangements can largely be provided for on the site to ensure there is no detrimental impact on the existing road network.

SOCIAL AND ECONOMIC

Economically, new housing will contribute to housing supply and address a continual underlying demand.

Due to the relatively small number of dwellings being sought by the Planning Proposal, it is considered not to have any direct adverse effect on the socio-economic environment.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage State Emergency Service Sydney Water		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

2 Macpherson Street, Warriewood (22 dwellings)

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The Planning Proposal notes that it is responding to a new planned roadway, being constructed and funded by Northern Beaches Council, that will service the site and ensure safe access and egress during flood events.**

Existing infrastructure servicing the site has the capacity to accommodate future development. It is expected that these services would be upgraded by the developer, where required, to support the proposed development.

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	No
ARBORIST REPORT.pdf	Study	No
BUSHFIRE REPORT.pdf	Study	No
Contamination audit.pdf	Study	No
Civil Plans of Indicative Subdivision.pdf	Drawing	No
Council Comments on rezoning review.pdf	Study	No
Council Response to planning proposal.pdf	Study	No
FLOOD REPORT.pdf	Study	No
ECOLOGY REPORT.pdf	Study	No
GEOTECHNICAL REPORT.pdf	Study	No
Macpherson Street Warriewood Road Upgrade April 2016.pdf	Study	No
TRAFFIC AND ACCESS REPORT_RF.pdf	Study	No
2017SNH023 Record of Decision 12 April 2017.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **1. Prior to community consultation, the planning proposal is to be updated as follows:**

**(a) to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land; and
(b) to provide all information in relation to flooding identified by Northern Beaches Council to be currently lacking from the application.**

The updated planning proposal is to be submitted to the Director, Sydney Region East for review and approval prior to community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

**(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public**

2 Macpherson Street, Warriewood (22 dwellings)

exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (NSW Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:

- Northern Beaches Council;
- State Emergency Service;
- Office of Environment and Heritage; and
- Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

6. All LEP maps are to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps.

Supporting Reasons : **The Panel recommended that the proposal be submitted for a Gateway determination.**

The proposal demonstrates strategic and site-specific merit. It is generally consistent with objectives and directions under A Plan for Growing Sydney, relevant State Environmental Planning Policies and Section 117 Directions. It is also generally consistent with the recently released draft Central District Plan.

The Planning Proposal notes that it is responding to a new planned roadway that will service the site and ensure safe access and egress during flood events. The current LEP controls and local growth study have not been reviewed considering this new planned roadway.

Signature:



Printed Name:

Sandy Chappel

Date:

27 June 2017