

Attachment 1

Report to Council (attachments included) and Council Resolution

AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held at Mona Vale Memorial Hall on

Tuesday 31 January 2017

Beginning at 6.30pm for the purpose of considering and determining matters included in this agenda.



Mark Ferguson
General Manager

Issued: 25/01/2017

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ITEM 9.4	PLANNING PROPOSAL (PP0003/16) FOR 2 MACPHERSON STREET, WARRIEWOOD
REPORTING MANAGER	EXECUTIVE MANAGER STRATEGIC LAND-USE PLANNING
TRIM FILE REF	2017/012411
ATTACHMENTS	1 Comments and Submissions (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to advise Council of the outcome of an assessment undertaken of a planning proposal lodged for 2 Macpherson Street, Warriewood ('the Planning Proposal').

SUMMARY

Northern Beaches Council received the Planning Proposal that sought to amend the Pittwater Local Environmental Plan 2014 (Pittwater LEP 2014) to permit dwellings on the subject site.

An assessment in accordance with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) was undertaken, and it is subsequently not recommended to seek a Gateway Determination for this Planning Proposal.

RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER PLANNING & COMMUNITY

That Council:

- A. Not support the planning proposal for 2 Macpherson Street, Warriewood for the following reasons:
 - a. It is inconsistent with the relevant strategic study being the '*Warriewood Valley Strategic Review Report (2013)*', endorsed by the former Director General of the Department of Planning and Infrastructure on 26 June 2013 and adopted by Pittwater Council on 12 June 2013.
 - b. It has not demonstrated adequate strategic merit or site-specific merit in line with the '*NSW Planning & Environment's Planning Proposals: A guide to preparing planning proposals (2016)*'.
 - c. The information submitted to support the planning proposal for 2 Macpherson Street, Warriewood is substantially deficient.
 - d. It is inconsistent with Local Planning Direction '*4.3 Flood Prone Land*' (issued under Section 117(2) of the *Environmental Planning and Assessment Act 1979*) and insufficient justification has been provided to support the inconsistency.
 - B. Take no further action on the planning proposal for 2 Macpherson Street, Warriewood and the applicant be duly advised.
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REPORT

BACKGROUND

Warriewood Valley Strategic Review Report (2013)

Council and the Department of Planning & Infrastructure jointly prepared the *Warriewood Valley Strategic Review Report* (2013) following a determination of the Planning Assessment Commission (PAC) in relation to 14-18 Boondah Road, Warriewood. The PAC report called for “a comprehensive strategic study for all undeveloped land in the (Warriewood) Valley”.

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

For the purpose of the *Warriewood Valley Strategic Review Report* (2013), a land capability assessment identified land with potential for intensification of development. The land capability assessment considered environmental, economic and social characteristics that influence land use allocation decisions, including biodiversity; topography; proximity to water courses, ridgelines, foreshores and waterbodies; cultural heritage; bushfire risks; geotechnical issues; coastal and estuarine processes; acid sulphate soils; reticulated sewer and water availability.

A Composite Capability Map was subsequently produced and 2 Macpherson Street, Warriewood was identified as requiring further investigation to determine whether the site held any potential for intensification.

Further detailed investigation of the properties identified on the Composite Capability Map was subsequently undertaken.

The Hydrology Study (undertaken for the purpose of the *Warriewood Valley Strategic Review Report* (2013)) detailed the extent of flooding in Warriewood Valley in both the 1% Annual Exceedance Probability (AEP) and the PMF event. The Hydrology Study identified 2 Macpherson Street, Warriewood as unsuitable for intensified development due to the flood depth and flow characteristics.

2 Macpherson Street, Warriewood had been allocated 0 dwelling yield in the previous applicable strategic document (the *Warriewood Valley Planning Framework 2010*) prior to the *Warriewood Valley Strategic Review Report* (2013) being undertaken.

Ultimately the *Warriewood Valley Strategic Review Report* (2013) recommended the dwelling yield for 2 Macpherson Street, Warriewood remaining as 0. This is reflected in Pittwater LEP 2014 (Clause 6.1(3)). It is noted that this amendment was undertaken less than five years ago. (Note: the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) states that there will be a presumption against a rezoning review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test).

Previous Planning Proposal (PP0002/13)

In 2013, a planning proposal was lodged for five sites in Warriewood Valley, including 2 Macpherson Street, Warriewood.

The planning proposal intended to rezone the five sites to allow high density residential development by amending Clause 30C of the previous LEP for Pittwater (the Pittwater LEP 1993) to include a Floor Space Ratio provision of 0.8:1.

The recommendation of the planning proposal was that Council refuse the application for a number of reasons. Specific to 2 Macpherson Street, Warriewood, one of the reasons for refusal was:

- '5. No 2 Macpherson Street (also known as Buffer 1M) is an identified floodway and any residential development on this land would unnecessarily and unreasonably put property and life at risk and is likely to cause adverse impacts on flow conveyance and result in a loss of flood storage.'*

A request for a Pre-Gateway Review was subsequently submitted to the Department of Planning & Infrastructure on 18 September 2013.

The former Joint Regional Planning Panel (JRPP) considered the Pre-Gateway Review and provided the following 'Advice and Justification for Recommendation':

- '1 The Panel has considered the planning proposal, which would quadruple the density specified in last year's specific amendment of Division 7A of the Pittwater Local Environmental Plan 1993 (the LEP), as it proposes to increase the dwellings currently permissible on the sites subject to the proposal from 151 to 626.*
- 2. The Panel cannot see any justification to depart, to this large extent, from a plan that was made only a few months ago and is based on the recent Warriewood Valley Strategic Review, undertaken jointly by Pittwater Council and the Department of Planning and Infrastructure.*
- 3. The Panel notes that the densities nominated in the LEP would produce a residential character of two to three-storey medium density development of mainly townhouses. The planning proposal would produce a different and denser residential character of apartment buildings of four storeys.*
- 4. If the proposal proceeds in its present form, and in the absence of a strategic review of the whole of the Warriewood Valley, it has the potential to set the precedent for all undeveloped residentially zoned land in the Valley.*
- 5. For the above reasons the Panel unanimously recommends that the planning proposal should not proceed to gateway determination.'*

Previous Development Application (N0431/14) and subsequent court case

On 27 November 2014, a Development Application was lodged for 2 Macpherson Street, Warriewood that proposed the following:

- Demolition of all existing structures and minor earthworks
- Construction of 30 semi-detached dwellings each containing two storeys, four bedrooms and integrated parking providing one car space
- New road infrastructure including the creation of an access driveway off Macpherson Street
- Landscaping including the construction of a publically accessible pedestrian/cycleway around the perimeter of the site
- Stormwater management measures
- Creation and management of an Asset Protection Zone fully contained within the site

The Development Application was refused for the following reasons:

- '1. The proposed development is inconsistent with the objectives of clause 6.1 of Pittwater Local Environmental Plan 2014, specifically the need for development to be undertaken in accordance with the Warriewood Valley Strategic Review, which identifies that the subject site has no capacity for residential development.*

2. *The “no dwellings” yield prescribed by clause 6.1(3) of Pittwater Local Environmental Plan 2014 prohibits residential development on the site, and cannot be varied pursuant to clause 4.6 of Pittwater Local Environmental Plan 2014.’*

Subsequently, an appeal was lodged with the Land & Environment Court.

The question considered in the Land & Environment Court was:

‘Is the “no dwellings” specification for ‘Buffer area 1m’ in the table to clause 6.1(3) of the Pittwater Local Environmental Plan 2014 (“PLEP”) a ‘development standard’ to which clause 4.6 of the PLEP applies?’

The decision of the Land & Environment Court that the ‘No dwellings’ specification was not considered to be ‘...a matter relating to a development standard but to the carrying out of development at all on that land.’ Ultimately it was found that the ‘No dwellings’ specification prohibits dwellings on the subject site.

Current Planning Proposal

On 11 November 2016, Northern Beaches Council accepted the planning proposal for 2 Macpherson Street, Warriewood that intended to amend the Pittwater LEP 2014.

Specifically, the intended outcome of the Planning Proposal submitted, is for a dwelling yield to be allocated to 2 Macpherson Street, Warriewood, thereby making dwellings a permissible land use.

CONSULTATION

Preliminary (non-statutory) notification of the Planning Proposal was undertaken between 28 November and 13 December 2016 (16 days inclusive).

Properties within Warriewood Valley (approximately 2,700) were sent notification letters, and an advertisement was placed in the Manly Daily on Saturday 26 November 2016. The relevant documents were made available electronically on Council’s website on the ‘Exhibitions’ page and via the ‘ePlanning’ portal, and in hard copy in Customer Service Centres at Manly, Dee Why, Mona Vale, and Avalon.

Notification letters were sent to the following state agencies:

- NSW Department of Education and Communities
- NSW Department of Planning & Infrastructure
- Fire & Rescue NSW
- NSW Rural Fire Service
- NSW Ministry of Health (Northern Sydney Local Health District)
- State Emergency Service
- Roads & Maritime Services
- NSW Office of Environment & Heritage
- NSW Primary Industries (Office of Water)
- Ausgrid
- Jemena Gas Networks (NSW)
- Telstra Corporation
- Sydney Water Corporation

Comments from State Agencies

(See attachment one, Table 1)

Referrals were also sent to the following Northern Beaches Council Business Units requesting advice: (see attachment one, Table 2)

- Transport & Urban
- Natural Environment & Climate Change
- Environmental Compliance

Submissions from the Community

Of the 13 submissions received from the community, no submissions directly support the subject Planning Proposal, and the following matters are raised as concerns:

- Traffic
- Flooding (site specific)
- Flooding (potential impact on nearby properties)
- No need for more dwellings in the area
- Need for improved roads before anymore dwellings
- Poor public transport servicing
- Car parking
- Inconsistent with the *Warriewood Valley Strategic Review Report* (2013)
- 0 dwelling yield allocated in the *Warriewood Valley Strategic Review Report* (2013)
- Creekline corridors
- Potential scale of any future development

(See attachment one Table 3)

ASSESSMENT

The assessment of the Planning Proposal has been undertaken in accordance with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016).

Part 1 Objectives or intended outcomes

The intended outcome of the Planning Proposal submitted, is for a dwelling yield to be allocated to 2 Macpherson Street, Warriewood.

Part 2 Explanation of provisions

Specifically, the Planning Proposal submitted intended to amend Column 2 within Clause 6.1(3) in relation to Buffer area 1m (which is 2 Macpherson Street, Warriewood).

Clause 6.1(3) identifies the number of dwellings permitted on land within the Warriewood Valley Release Area. For Buffer area 1m, Clause 6.1(3) states 'No dwellings'. The Planning Proposal requests that 'No dwellings' be removed and 'Not more than 22 dwellings' be inserted, as follows:

Column 1	Column 2
Buffer area, sector or address	Number of dwellings to be erected
Buffer area 1m	No dwellings Not more than 22 dwellings

Part 3 Justification

Section A Need for the Planning Proposal

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

No. The relevant strategic study is the *Warriewood Valley Strategic Review Report* (2013), with which the Planning Proposal is inconsistent.

The former Pittwater Council and the Department of Planning & Infrastructure jointly prepared the *Warriewood Valley Strategic Review Report* (2013) following a determination of the (former) Planning Assessment Commission (PAC) in relation to 14-18 Boondah Road, Warriewood.

The PAC report called for “a comprehensive strategic study for all undeveloped land in the (Warriewood) Valley”.

The *Warriewood Valley Strategic Review Report* (2013) was endorsed by the former Director General on 26 June 2013 and adopted by the former Pittwater Council on 12 June 2013. It is noted that the first objective of Clause 6.1 (Warriewood Valley Release Area) in the Pittwater LEP 2014 gives effect to the *Warriewood Valley Strategic Review Report* (2013):

‘(1) *The objectives of this clause are as follows:*

to permit development in the Warriewood Valley Release Area in accordance with the Warriewood Valley Strategic Review Report and the Warriewood Valley Strategic Review Addendum Report,...’

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

Yes. The Planning Proposal is the best, and only, means of achieving the objectives or intended outcomes.

Section B Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Draft North District Plan (released in November 2016) is the applicable Draft District Plan. The subject Planning Proposal would contribute to housing supply, however having regard for concerns associated with the flood prone nature of this site as articulated in this report, the Planning Proposal would not be consistent with section 5.9 Planning for a resilient North District of the Draft North District Plan.

- a) Does the proposal have strategic merit? (See attachment one Table 4)
 - b) Does the proposal have site-specific merit? (See attachment one Table 5)
4. Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?

The *Pittwater Local Planning Strategy* (July 2011), is the local strategy relevant to the former Pittwater Local Government Area.

Whilst the *Pittwater Local Planning Strategy* incorporates the Warriewood Valley area, it relies on the application of the *Warriewood Valley Planning Framework 2010* (the previous strategic document applicable to Warriewood Valley, which consolidated other previous strategic documents being the draft Warriewood Valley Urban Land Release Planning Framework 1997 and the draft STP Buffer Sector Draft Planning Framework 2001 into a single document). It is worth noting that the draft STP Buffer Sector Draft Planning Framework 2001 identified 2 Macpherson Street, Warriewood as flood prone, and the subsequent *Warriewood Valley Planning Framework 2010* allocated a 0 dwelling yield to 2 Macpherson Street, Warriewood accordingly.

The *Warriewood Valley Strategic Review Report* (2013) was being prepared at the time that the *Pittwater Local Planning Strategy* was adopted. The *Pittwater Local Planning Strategy* states that upon completion of the *Warriewood Valley Strategic Review Report* (2013), any change in yield will be factored into future reviews of the *Pittwater Local Planning Strategy* and that any outcomes of the *Warriewood Valley Strategic Review Report* (2013) be considered in the development of the Standard Instrument LEP for the former Pittwater.

As the outcome of the *Warriewood Valley Strategic Review Report* (2013) recommended amending the dwelling yield applicable to certain land in Warriewood Valley, with the dwelling yield for 2 Macpherson Street, Warriewood remaining as 0, the Pittwater LEP 2014 (Clause 6.1(3)) was amended accordingly.

It is noted that this amendment was undertaken less than five years ago. (Note: the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) states that there will be a presumption against a rezoning review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test).

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

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent
SEPP No 1 – Development Standards	YES	YES
SEPP No 14 – Coastal Wetlands	YES	YES
SEPP No 19 – Bushland in Urban Areas	NO	N/A
SEPP No 21 – Caravan Parks	YES	YES
SEPP No 26 – Littoral Rainforests	YES	YES
SEPP No 30 – Intensive Agriculture	YES	YES
SEPP No 33 – Hazardous and Offensive Development	YES	YES
SEPP No 36 – Manufactured Home Estates	NO	N/A
SEPP No 44 – Koala Habitat Protection	YES	YES
SEPP No 47 – Moore Park Showground	NO	N/A
SEPP No 50 – Canal Estate Development	YES	YES
SEPP No 52 – Farm Dams and Other Works in Land	NO	N/A

and Water Management Plan Areas		
SEPP No 55 – Remediation of Land	YES	YES
SEPP No 62 – Sustainable Aquaculture	YES	YES
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
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 (Integration and Repeals) 2016	YES	YES
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	NO	N/A
SEPP (Kurnell Peninsula) 1989	NO	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	YES	YES
SEPP (Miscellaneous Consent Provisions) 2007	YES	YES
SEPP (Penrith Lakes Scheme) 1989	NO	N/A
SEPP (Rural Lands) 2008	NO	N/A
SEPP (State and Regional Development) 2011	YES	YES
SEPP (State Significant Precincts) 2005	YES	YES
SEPP (Sydney Drinking Water Catchment) 2011	YES	YES
SEPP (Sydney Region Growth Centres) 2006	YES	YES
SEPP (Three Ports) 2013	NO	N/A
SEPP (Urban Renewal) 2010	NO	N/A
SEPP (Western Sydney Employment Area) 2009	NO	N/A
SEPP (Western Sydney Parklands) 2009	NO	N/A

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

Title of deemed SEPP	Applicable	Consistent
SREP No 20 – Hawkesbury-Nepean River (No 2 - 1997)	YES	YES

The draft Coastal SEPP applies to 2 Macpherson Street, Warriewood, which means that, should the draft Coastal SEPP be finalised, any future development will be Designated Development and therefore must be accompanied by an Environmental Impact Statement, will require public notification for at least 30 days, and will be subject to third party appeal rights.

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

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

2 Environment and Heritage			
	Direction	Applicable	Consistent
2.1	Environment Protection Zones	YES	YES
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	YES	YES
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	N/A

3 Housing, Infrastructure and Urban Development			
	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
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 Sulfate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	NO
4.4	Planning For Bushfire Protection	YES	YES

The Planning Proposal is not consistent with '4.3 Flood Prone Land' for the following reasons:

- The Planning Proposal has not addressed the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

For the purpose of this assessment, these documents were reviewed and it is considered that the Planning Proposal is inconsistent with and/or does not adequately address relevant matters.

- The Planning Proposal does not adequately demonstrate that any future development will not result in significant flood impacts to other properties.
- The Planning Proposal does not address whether or not any future development would be a significant increase in the development of flood prone land. It should be noted that Council's Natural Environment & Climate Change Business Unit states '...a comparison of the existing use of the site (0 dwellings) compared to the proposed development on the site of 22 dwellings, does result in a significant increase in the development of the land.'
- The Planning Proposal does not address whether or not it is likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

Insufficient justification has been provided to support the inconsistency.

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 (revoked)	-	-
5.6	Sydney to Canberra Corridor (revoked)	-	-
5.7	Central Coast (revoked)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	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 Provisions	YES	YES

7 Metropolitan Planning			
	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	NO Development of land subject to flooding hazard
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	N/A

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 Planning Proposal?

The Flora and Fauna Assessment report (lodged with the Planning Proposal) states that no critical habitat was found on the subject site.

The Flora and Fauna Assessment report also states:

- Three species, listed as vulnerable under the *Threatened Species Conservation Act 1995*, were observed in the study area (Grey-headed Flying-fox *Pteropus poliocephalus*, Eastern Bentwing-bat *Miniopterus schreibersii oceanensis* and Little Bentwing-bat *Miniopterus australis*)
- One nationally threatened species, under the *Environment Protection and Biodiversity Conservation Act 1999*, was observed in the study area (Grey headed Flying Fox)
- One Endangered Ecological Community, listed under the *Threatened Species Conservation Act 1995*, was observed within the study area (Swamp Sclerophyll Forest). Areas of Swamp Sclerophyll Forest are identified to be affected by access from Macpherson Street and the proposed Asset Protection Zone (APZ).

While the proposal includes clearing 2,796m² of the Swamp Sclerophyll Forest (including the APZ and construction footprint), the retention and enhancement of the vegetation in retained areas will be maximised to provide for the preservation of habitat for threatened species in the locality. A total of approximately 7,278m² of Swamp Sclerophyll Forest will be retained and additional areas will be regenerated and rehabilitated within the Riparian Zone (Flora and Fauna Assessment report lodged with the Planning Proposal).

The Flora and Fauna Assessment report further states that the significance of the impact on the Swamp Sclerophyll Forest has been assessed via a 7-part test which has concluded that the clearing of 2,796m² of vegetation is unlikely to result in a significant effect on the Swamp Sclerophyll Forest as an Endangered Ecological Community in the locality.

It is important to note that the Flora and Fauna Assessment report (lodged with the Planning Proposal) also states that, at this stage, it is unclear what the extent of cut and fill will be required as part of flood management works; thus any impacts of this on Swamp Sclerophyll Forest has not been assessed.

The assessments, undertaken as part of the Flora and Fauna Assessment report, have concluded that the proposal is unlikely to result in a significant effect on the threatened biodiversity recorded on site, or their habitats. Retention of native vegetation on the subject site where possible, creation of riparian zones (and a required future Vegetation Management Plan) and habitat, and maintenance of linkages with adjacent natural areas is recommended in the Flora and Fauna Assessment report.

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

Flood Risk

The site is affected by a combination of shorter duration flooding associated with Narrabeen Creek as well as longer duration flooding associated with Narrabeen Lagoon Floodplain. It is almost fully inundated by the 1% AEP and fully inundated by the PMF events. The hazard is both from high velocity of flows and depth of inundation around the site.

The Flood Report (lodged with the Planning Proposal), is unclear as to if the site will be filled to 3.8m AHD (1% AEP plus climate change) or 4.3m AHD (Flood Planning Level plus climate change).

Narrabeen Lagoon Flood Study (2014) identifies 2 Macpherson Street, Warriewood as a 'fringe area', which is land that may be affected by flooding but is not designated as floodway or flood storage, and includes low-velocity backwaters within the floodplain. The Narrabeen Lagoon Flood Study (2014) requires such areas to have habitable floor levels at (or above) the Flood Planning Level, and states that filling such areas generally has little consequence to overall flood behaviour.

However, the cumulative impact of many sites in 'fringe areas' undertaking "minimal" fill, has not been considered. The Flood Report merely states that the proposed filling for the subject site will have less impact than the filling proposed as part of the Macpherson Street upgrade. First, this is not considered to be adequate justification, and second, the Flood Report does not provide sufficient information to demonstrate the impact of filling (i.e. the resultant flood behaviour), particularly on surrounding, upstream and downstream properties. It is stated that 'Cardno has modelled the impact of the proposed filling for the development, and concluded that the filling does not cause an actionable impact to flood levels' (whereby 20mm is noted as the maximum afflux), however the Flood Report does not incorporate any 'difference' mapping (or similar) to demonstrate whether or not there may be any adverse impacts upstream or downstream of the subject site as a result of the proposed fill. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on the subject site.

Further, should the proposed fill impact flood behaviour, an area in the vicinity of the subject site that could cater for displaced flood water should be identified.

It is noted that the upgrade to Macpherson Street will raise the road to the 1% AEP (plus climate change) but does not provide for an evacuation route during a PMF event.

The Flood Report (lodged with the Planning Proposal) states that habitable floor levels will be at the Flood Planning Level (plus climate change) (though it should be noted that there is an inconsistency in the documentation provided as to the proposed floor levels), however this would still result in any future dwellings being subject to 1m of water in a PMF event. This means that should dwellings be permitted on the subject site, they would need to be two-storey dwellings to facilitate vertical refuge or shelter-in-place during a Probable Maximum Flood event (the detail of any potential future dwellings is not clear in the information submitted with the Planning Proposal).

The Flood Report does not provide any further information to support the potential need for vertical refuge or shelter-in-place, including the potential length of time for the floodwater to recede around this site – the report simply states that '...the site is unlikely to be isolated for unacceptable periods of time'. This is, however, contrary to the *Warriewood Valley Strategic Review Report* (2013), which identifies 2 Macpherson Street, Warriewood as Category F whereby '...flood isolation/entrapment (beyond short durations)...' is a criterion. Subsequently, it is considered that the Flood Report does not contain enough detail to adequately and satisfactorily address risk to life and property.

It is noted that the submission from the SES (addressed in Table 1 in attachment one of this report) incorporates the fact that the risks associated with sheltering in place should be 'adequately assessed to determine the tolerability of isolation', and that the subject Planning Proposal does not incorporate such information.

It is considered that the Flood Report does not adequately demonstrate that any future development could meet the objectives of Clause 7.3 (Flood planning) in the Pittwater LEP 2014 being:

- (a) *to minimise the flood risk to life and property associated with the use of land*

(b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change*

(c) *to avoid significant adverse impacts on flood behaviour and the environment'*

In order to permit development that is not currently permitted on land that is flood prone is not considered an appropriate outcome without adequate information to demonstrate that any potential impacts can be alleviated and/or appropriately managed.

The Planning Proposal, and associated documentation, does not adequately demonstrate that all flood risks can be managed or mitigated.

Bushfire Risk

A portion of the site (the north west corner) is affected by bushfire. However, the majority of the affected area is a 30m buffer area – only a small portion of the affected area is Vegetation Category 2 (which has lower combustibility and/or limited potential fire size (compared to Vegetation Category 1) due to the vegetation area shape and size, land geography and management practices).

Given this, it is considered that the site is not constrained due to bushfire risk.

However, it should be noted that further information regarding where vegetation is proposed to be removed and where vegetation is proposed to be modified, is required. This may affect the bushfire risk and require further assessment.

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

The Planning Proposal suggests that any future development would contribute to:

- Housing supply that will '...address a continual underlying demand'
- The creation of a community
- Short-term employment during the construction of any future development
- Local expenditure once any future development is occupied
- Connecting the local pedestrian and bicycle paths.

In contrast, however, the indicative subdivision (Appendix A of the Planning Proposal lodged) indicates some of the water management infrastructure will be located within the inner 25m of the riparian corridor. This is inconsistent with the *Warriewood Valley Urban Release Area Water Management Specifications* (2001) and the approach enforced in the remainder of Warriewood Valley.

Should the Planning Proposal proceed and subsequently be finalised, without the water management infrastructure being removed from the inner 25m of the creekline corridor, there would likely be costs associated with Council owning and maintaining the water management infrastructure.

Further, there is the potential for social and/or economic effects to result as a consequence of flooding (e.g. associated with the potential need for future residents to shelter in place during a flood, or flood impacts upstream or downstream of the subject site as part of any future development), however this is difficult to determine without further and more detailed flooding information.

Section D State and Commonwealth Interests

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

Council's Section 94 Officer provides that the proposal to allow up to 22 dwellings on the site will increase the demand for public infrastructure and services. Accordingly, any future Development Application would be required to make a contribution consistent with the Warriewood Valley Section 94 Contribution Plan

Further, Ausgrid suggests that any future development may require an easement for substation construction; however this would be established with any future Development Application.

No further issues have been raised regarding inadequate public infrastructure to support the Planning Proposal.

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

Not applicable at this stage as the subject Planning Proposal has not progressed to the Gateway for a determination.

CONCLUSION

It is not recommended to progress the subject Planning Proposal to the Gateway for a determination for the following reasons:

- It is inconsistent with the relevant strategic study being the *Warriewood Valley Strategic Review Report* (2013), endorsed by the former Director General on 26 June 2013 and adopted by the former Pittwater Council on 12 June 2013.
- It has not demonstrated adequate strategic merit or site-specific merit in line with the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016).
- The *Warriewood Valley Strategic Review Report* (2013) stated the onus to be '...on landowners to bring forward rezoning application supported by necessary studies'. The information submitted to support the subject Planning Proposal is substantially deficient. The following information would be required in order to make an informed decision as to whether it is appropriate to permit dwellings on the subject site:
 - Proposed cut and fill information, including whether the site will be filled to 3.8m AHD (1% AEP plus climate change) or 4.3m AHD (Flood Planning Level plus climate change). A further assessment on the effect that this may have on flood behaviour and biodiversity may subsequently be required.
 - 'Difference' mapping to demonstrate any potential impacts upstream or downstream of the subject site as a result of the proposed fill, including the identification of an area in the vicinity of the subject site that could cater for displaced flood water, if necessary.
 - Application of the creekline corridor requirements in accordance with Council's *Warriewood Valley Urban Release Area Water Management Specifications* (2001)
 - Information regarding the flood velocity and volume to establish the level of hazard, including the potential time for evacuation

- A flood emergency response strategy catering for flood events up to the Probable Maximum Flood, including an isolation strategy to assess the risks associated with sheltering in place, including:
 - Anticipated isolation times.
 - The unpredictable nature of human behaviour during a flood including the desire to escape from a hazard when it is unsafe to do so.
 - Other secondary emergencies such as fires and medical emergencies that may occur in buildings isolated by flood water, noting that during a flood event it is likely that there will be a reduced capacity for emergency services to respond.
 - That there is no guarantee that rescue services will be available to residents sheltering during a flood due to the potential risk to the safety of the rescuers.
- Mapping clarifying where vegetation is proposed to be removed and where vegetation is proposed to be modified.
- An amended indicative subdivision addressing Council's road and access requirements (as outlined in Table 2 of this report) and removing all water management infrastructure from within the inner 25m of the creekline corridor.
- Information regarding water quality and stormwater management, and clarification as to whether sea level rise is proposed to be incorporated in flood planning.
- It is inconsistent with Local Planning Direction '4.3 Flood Prone Land' (issued under Section 117(2) of the *Environmental Planning and Assessment Act 1979*), in particular the related *Floodplain Development Manual 2005*, and insufficient justification has been provided to support the inconsistency.

Finally, in relation to any potential Pre-Gateway Review, it is noted that the outcome of the *Warriewood Valley Strategic Review Report* (2013) recommended amending the dwelling yield applicable to certain land in Warriewood Valley, with the dwelling yield for 2 Macpherson Street, Warriewood remaining as 0. The Pittwater LEP 2014 (Clause 6.1(3)) was amended accordingly.

It is noted that this amendment was undertaken less than five years ago, and the NSW Planning & Environment's *Planning Proposals: A guide to preparing planning proposals* (2016) states that there will be a presumption against a rezoning review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.

TIMING

Should the Planning Proposal proceed, the Gateway Determination would outline the expected timeframe for finalising the amendment to the Pittwater LEP 2014. The timeframe allocated is usually six months.

FINANCIAL IMPACT

Should the Planning Proposal proceed and subsequently be finalised, any future development consent would require a contribution in accordance with the *Warriewood Valley Section 94 Contributions Plan* for the provision of infrastructure and services required to support the development and residents in Warriewood Valley.

Should the Planning Proposal proceed and subsequently be finalised, without amendments to the water management infrastructure (currently shown on the indicative subdivision Appendix A of the Planning Proposal located within the inner 25m of the riparian corridor), there would likely be ongoing costs and potential liability associated with Council owning and maintaining the water

management infrastructure, such as Water Sensitive Urban Design (WSUD) bio retention basins. It should be noted that this is not accounted for in the *Warriewood Valley Section 94 Contributions Plan*.

SOCIAL IMPACT

There is the potential for social impacts to result as a consequence of flooding (e.g. associated with the need for future residents to shelter in place during a flood, or flood impacts upstream or downstream of the subject site as part of any future development), however this is difficult to establish without further and more detailed flooding information.

ENVIRONMENTAL IMPACT

Flooding and biodiversity are the key environmental matters associated with the subject Planning Proposal.

In relation to biodiversity, the Planning Proposal requires the clearing of 2,796m² of Swamp Sclerophyll Forest, with approximately 7,278m² of Swamp Sclerophyll Forest being retained. It is considered that the proposed retention, and the proposed enhancement of the vegetation being retained, as well as additional areas proposed to be regenerated and rehabilitated within the creekline corridor, is an adequate outcome.

It should be noted that clarification is required to establish the level of 'impact' in areas identified on Map 06 in the Ecology Report (lodged with the Planning Proposal). Specifically, it is requested that the map identifies where vegetation is proposed to be removed and where vegetation is proposed to be modified.

In relation to flooding, intensifying development on the subject site may cause potential flooding impacts upstream and/or downstream of the subject site. Without further information, including proposed cut and fill details and 'difference' mapping, the flood impacts outside of the subject site are uncertain.

Further, the Planning Proposal states that during a Probable Maximum Flood (PMF) event, any future dwellings would need to rely on vertical refuge (or shelter in place). However, the risks associated with sheltering in place have not been adequately assessed to determine the tolerability of isolation, including anticipated isolation times.

Table 1. Comments received from state agencies

PUBLIC AGENCY	COMMENTS	RESPONSE
Ausgrid	'Based on the information provided...the proposal will comply with statutory clearances from Ausgrid's electrical mains and accordingly there is no objection to this development.'	Noted.
	'The development may require an easement for substation construction. This will be dependent upon proposed maximum demand and the existing electrical loading of the surrounding area. The applicant is advised to submit a Connection Application for the development as soon as the maximum demand has been determined.'	Noted. This would be established with any future Development Application.
State Emergency Services (SES)	'The NSW State Emergency Service position on the proposed rezoning of 2 Macpherson St Warriewood remains the same as that in [correspondence dated] 12 th July 2013.' Note: the correspondence dated 12 th July 2013 was the SES's response to a previous Planning Proposal applicable to the subject site, and is addressed later in this table.	Noted.
	'Although the current proposal states that Macpherson St will be raised to the 1% AEP flood level (plus climate change), the inherent risks to the potential occupants of the site will not disappear above that level, especially being in proximity to a high hazard floodway.'	It is noted that the potential future occupants of the subject site will still be affected by floodwaters above the 1% AEP plus Climate Change.
	'Above the 1% AEP flood (including climate change), the proposed occupants will have their access cut and become isolated and flooded above the floor level. Development strategies relying on deliberate isolation or sheltering in buildings (i.e. the so called 'vertical evacuation') surrounded by flood water are not equivalent, in risk management terms, to evacuation. In the context of future development, self-evacuation of the community should be achievable...Sheltering in buildings surrounded by flood water presents a greater risk than a well-conducted evacuation. It should only be used where evacuation is not possible, or where evacuation from an at-risk area has failed. Where evacuation is not possible, the risks of sheltering should be adequately assessed to determine the tolerability of isolation, before any strategy of sheltering in place can be considered.'	It is noted that the SES do not support vertical refuge (or shelter in place) over safe evacuation – any potential future development should be able to achieve safe evacuation. The risks associated with sheltering in place should be 'adequately assessed to determine the tolerability of isolation'. The subject Planning Proposal does not incorporate such information. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'The proposal states that the 'site is unlikely to be isolated for unacceptable periods of time'...but there is little evidence to support this statement. There is no analysis of whether it would be tolerable or not for the future occupants of the site to be isolated	It is noted that the Planning Proposal has not incorporated information regarding potential isolation times. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a

PUBLIC AGENCY	COMMENTS	RESPONSE
	during a flood.'	flood prone site.
	'Encouraging a strategy of isolation must take into account risks such as the unpredictable nature of human behaviour during a flood including the desire to escape from a hazard when it is unsafe to do so.'	Noted.
	'Other secondary emergencies such as fires and medical emergencies may occur in buildings isolated by flood water. During flooding it is likely that there will be a reduced capacity for the relevant emergency service agency to respond in these times.'	Noted.
	'Moreover 'shelter in place' strategies increase the risk to emergency service personnel. Before attempting rescue, emergency service personnel will assess the risk to their own safety. There is therefore no guarantee that rescue will be available for residents who are effectively entrapped in a building during a flood.'	It is noted that there is no guarantee that rescue services will be available to residents sheltering during a flood.
	'The NSW State Emergency Service recommends that Council give due consideration to the risks that this proposal will create.'	Noted.
	'Intensifying development in an area that is already prone to high velocity flood water will mean more people are placed in a position at risk from the impacts and effects of flooding.'	Noted. This is consistent with Local Planning Direction '4.3 Flood Prone Land', and the related <i>Floodplain Development Manual 2005</i> , which is a key consideration of this assessment. Intensifying development on the subject site is not the only potential impact; people residing in properties upstream and/or downstream of the subject site may also be affected by flooding as a result. Further information is required to establish any potential impact.
	'The NSW State Emergency Service considers the intensification of the floodplain and exposure of more people to the effects of flooding without sufficient evidence to show isolation is tolerable during such flood events, as an unacceptable planning outcome.'	Noted. It is agreed that sufficient information is vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	Correspondence from the SES dated 12 th July 2013 (response to a previous Planning Proposal applicable to the subject site): • '...the NSW SES worked with the DP&I and the Office of Environment and	Noted. Further, it is noted that the Guideline discusses the issues associated with both the pre-incident and the incident phase of flash flood management and provides the following:

PUBLIC AGENCY	COMMENTS	RESPONSE
	Heritage during the DP&I commissioned study to review the flood safety requirements for flash flood events on flood prone land. Whilst the results of this research have not been circulated by the DP&I, the new National <i>'Guideline on Emergency Planning and Response to Protect Life in Flash Flood Events'</i> has been recently endorsed by the Australasian Fire Authorities Council (AFAC). Councils required to assess proposals for developments which propose 'shelter in place' as a strategy in flash flood environments are urged to consider the contents of this guideline...in making decisions on such matters.' 'Council would also be aware that the area under consideration is subject to localised flash flooding which regularly closes Macpherson Street in a number of locations, even in small and frequent rainfall events. With the proximity of Narrabeen Creek to the lots in question and the fact that flood rescues by the NSW SES have occurred at the specific section of Macpherson Road on more than one occasion (one as recently as the last weekend in June 2013) the risk to life from flooding cannot be easily overlooked.'	- The safest place to be in a flash flood is well away from the affected area. Accordingly, pre-event planning for flash floods should commence with an assumption that evacuation is the most effective strategy, provided evacuation can be safely implemented. - The dangers to be considered for shelter-in-place include risks resulting from: - Their own decision making (drowning if they change their mind); - Their mobility (not being able to reach the highest part of the building); - Their personal safety within the building (fire and accident); and, - Their health while isolated (pre-existing condition or sudden onset). - For these reasons, remaining in buildings likely to be affected by flash flooding is not low risk and should never be a default strategy for pre-incident planning. Where the available warning time and resources permit, evacuation should be the primary response strategy.
NSW Rural Fire Service	'Based upon the assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with <i>Planning for Bush Fire Protection 2006</i>. This includes, but is not limited to: - Provision of Asset Protection Zones (APZs) within the proposed lots in accordance with Table A2.4 [in <i>Planning for Bush Fire Protection (2006)</i>]; - Access to be provided in accordance with the design specifications set out in	Noted.

PUBLIC AGENCY	COMMENTS	RESPONSE
	section 4.1.3 [in <i>Planning for Bush Fire Protection</i> (2006)]; and - Services to be provided in accordance with section 4.1.3 [in <i>Planning for Bush Fire Protection</i> (2006)]. With regard to these requirements, the following comments are made in relation to the submitted concept plan: - The following minimum asset protection zones (APZs), as measured from the front building alignment to the bush fire hazard should be provided for future dwellings: Northeast – 11m and extending to 25m to the North and Northwest; East and South – 11m; West – 25m. These are the minimum setbacks required to achieve a Bushfire Attack Level (BAL) 29 under Australian Standard AS 3959 <i>Construction of buildings in bushfire-prone areas</i>. It is noted that greater APZs can be achieved within the site which would further reduce the BAL rating. - The perimeter road as proposed shall have a minimum carriageway width of 8 metres kerb to kerb.	
Sydney Water	'We have reviewed the proposal and have no objections. However, due to the proximity of the proposed development to the Warriewood Wastewater Treatment Plant, odour mitigation is required. All new residential developments within 400 metres of the Warriewood Wastewater Treatment Plant are liable to pay a contribution for odour mitigation works at the Warriewood Wastewater Treatment Plant. This contribution is known as the Warriewood Wastewater Treatment Plant Developer Contribution Charge. The odour mitigation works have minimised odour emissions from the treatment plant under typical weather and treatment plant operating conditions. These works have allowed residential development up to the boundary of the treatment plant. The Developer Contribution Charge is based on the proportion of land a developer	Noted. The Contribution Charge is required prior to Sydney Water issuing a Section 73 Certificate if a future Development Application were to be approved.

PUBLIC AGENCY	COMMENTS	RESPONSE
	owns, within 400 metres of the treatment plant, with potential for residential development. All of the proposed residential development at Macpherson Street is located within 400 metres of the Warriewood Wastewater Treatment Plant. The Contribution Charge must be paid prior to Sydney Water issuing a Section 73 Certificate. The final contribution amount will be determined when the developer contacts Sydney Water.'	
NSW Office of Water	NSW Office of Water has not provided a submission on the Planning Proposal at the time of completing the assessment.	Council must proceed with the assessment of the strategic merit of the proposal without NSW Office of Water advice, as a consequence of the stipulated 90 day timeframe in which a decision must be made.

Table 2. Advice received from Business Units

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
Environmental Compliance: Contamination	There are no contamination concerns at this stage, however more detailed investigations involving an intrusive field sampling program and associated laboratory testing, to characterise the nature and extent of any potential contamination, would be required as part of any future Development Application on the site.	Noted.
Environmental Compliance: Acid Sulphate Soils	If any earthworks are proposed on the subject site that may have an impact on Acid Sulphate Soils or ground water, an Acid Sulphate Soils Management Plan will be required.	Noted.
Natural Environment & Climate Change: Geotechnical	The site is not identified as being affected by any geotechnical hazards. The geotechnical report (lodged with the Planning Proposal) addresses the suitability of the soils to support residential development from a foundation or bearing capacity point of view. In this regard, the report is considered acceptable.	Noted.
Natural Environment & Climate Change: Flooding	The proposal does not seem to satisfy the following provisions of the Local Planning Direction '4.3 Flood Prone Land': <i>(6) A planning proposal must not contain provisions that apply to the flood planning areas which:</i> ... <i>(c) permit a significant increase in the development of that land,</i> <i>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, ...</i> The proposal is on a site that is fully within a Flood Planning Area (i.e. the area of land below the Flood Planning Level and thus subject to flood related development controls), and a comparison of the existing use of the site (0 dwellings) compared to the proposed development on the site of 22 dwellings, does result in a significant increase in the development of the land.	Noted.
	Water quality targets, site storage requirements, site imperviousness and other details in the <i>Warriewood Valley Urban Release Area Water Management Specifications (2001)</i> can generally be designed and detailed in a Water Management Report (outside of the reporting requirements of the Planning Proposal). However, there still needs to be some basic details provided to address the information checklist in NSW Planning & Environment's <i>Planning Proposals: A guide to preparing planning proposals (2016)</i> , which lists environmental	It is noted that certain information has not been addressed in the Planning Proposal. Additional information is therefore required.

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
	considerations, to include: • Water quality – not addressed • Stormwater management – not addressed • Sea level rise – unclear response. There is uncertainty regarding whether climate change has been fully considered and incorporated into the proposal. The proposal seems to confirm the Flood Planning Level with climate change but then chooses to apply the Flood Planning Level without climate change (i.e. the Flood Report is unclear, as to if the site will be filled to 3.8m AHD (1% AEP plus climate change) or 4.3m AHD (FPL plus climate change). Council's DCP requires that climate change be incorporated into the proposal.	
	The site is affected by a combination of shorter duration flooding associated with Narrabeen Creek as well as longer duration flooding associated with Narrabeen Lagoon floodplain. It is almost fully inundated by the 1% AEP and fully inundated by the Probable Maximum Flood extents. The hazard is both from high velocity of flows and depth of inundation around the site.	Noted.
	The Flood Report (lodged with the Planning Proposal) has not addressed the isolation issue that occurs at this site during flood events. In the Probable Maximum Flood plus Climate Change event, the development becomes a low flood island. In this event, flood waters reach 5.3 metres AHD. It is stated that habitable floor levels will be at the Flood Planning Level plus Climate Change, however this will still result in 1m of water inundating any future dwellings in a Probable Maximum Flood event, resulting in residents needing to 'shelter in place' within the upper floors of a dwelling (although it is not clear in the proposal as to if there will be single story or 2 story dwellings). The report also does not address the time required for the floodwater to recede around this site. The Flood Report (lodged with the Planning Proposal) does not contain enough detail to adequately and satisfactorily address risk to life and property and a safe means of evacuation in a Probable Maximum Flood event (noting that the site is surrounded by an H5 flood hazard threshold and is covered by H3-H4, which is unsafe for vehicles and people to traverse through (<i>Australian Rainfall and Runoff: A Guide to Flood Estimation</i>, Geoscience Australia 2016)).	Consistent with the recommendation of the SES, it is noted that the risks associated with sheltering in place should be adequately assessed, including the anticipated isolation time and the tolerability of isolation.
	The application has not provided sufficient information to satisfy the provisions of 7.3 of Pittwater LEP 2014 and demonstrate that the development:	Noted. Whilst this is not a requirement at the Planning

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
	- Is compatible with the flood hazard of the land - Will not significantly adversely affect flood behaviour - Incorporates appropriate measures to manage risk to life from flood - Will not significantly adversely affect the environment The Planning Proposal, as well as the Flood Report (lodged with the Planning Proposal), both draw on the raising of Macpherson Street to overcome the issue of flood evacuation. The proposed Macpherson Street upgrade is only to the 1% AEP plus Climate Change and does not provide an evacuation route in a Probable Maximum Flood (PMF) event. It is therefore unsuitable to be used as a designated flood evacuation route in events greater than the 1% AEP plus Climate Change event. In addition, the Flood Report (lodged with the Planning Proposal) does not provide Council with any 'difference' mapping (or similar) to demonstrate the potential impacts upstream/downstream of the site as a result of the proposed fill. The Flood Report (lodged with the Planning Proposal) notes '...filling will be minimised, and will have less impact than the filling of the high hazard/floodway/flood storage area which is proposed as part of the Macpherson Street upgrade'. The Macpherson Street upgrade demonstrated no adverse impacts upstream/downstream of this site (as per Council criteria).	Proposal stage, these objectives are closely linked to the requirements of Local Planning Direction '4.3 Flood Prone Land'. The raising of Macpherson Street will result in improved access to and from the site in flood events. However it is noted that the Macpherson Street upgrade is not a suitable designated flood evacuation route as it is only proposed to be raised to the 1% AEP plus Climate Change. 'Difference' mapping is required in order to establish where flood levels/velocities/depths may have increased/decreased and by how much as a result of the proposed development.
Natural Environment & Climate Change: Riparian zone	The indicative subdivision (Appendix A of the Planning Proposal submitted) indicates some of the water management infrastructure is proposed to be located within the inner 25m of the riparian corridor. This is inconsistent with the <i>Warriewood Valley Urban Release Area Water Management Specifications</i> (2001). This is land that would ultimately be dedicated to Council as public land, so there would be an increase in government spending on infrastructure in order to own and maintain the infrastructure.	The intention of the inner 25m of the creekline corridor is to convey the 1% AEP flood and accommodate rehabilitated vegetation to support the creekline corridor. Locating any water management infrastructure within the inner 25m may hinder flood conveyance and limit the area for rehabilitated vegetation. This has not been addressed in the documentation lodged with the Planning Proposal.

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
		Further, Council, as the future owner of the inner 25m of the creekline corridor (dedicated via the <i>Warriewood Valley Section 94 Plan</i>), will not agree to private infrastructure being located within this area. All water management infrastructure is required to be removed from the inner 25m of the creekline corridor.
	The subject Planning Proposal proposed to apply the NSW Office of Water riparian zone requirements being 20m (total width would be the channel width plus 40m), which is significantly different to the <i>Warriewood Valley Urban Release Area Water Management Specifications</i> (2001) requiring a total riparian corridor of 100m. The NSW Office of Water requirements come from a document titled <i>Guidelines for riparian corridors on waterfront land</i> (2012). It is noted that this document is a guideline. The <i>Warriewood Valley Urban Release Area Water Management Specifications</i> (2001) is locality specific, is based on relevant local data, and has been in place and enforced in Warriewood Valley since 2001.	This would have likely adverse impacts on flood behaviour upstream and downstream. Creekline corridors in Warriewood Valley have been restored to a 'natural watercourse' that results in healthy ecosystems whilst maintaining their capacity for flood conveyance during high flows as stipulated in the <i>Warriewood Valley Urban Land Release Water Management Specification</i> (2001). The 50 metre wide inner creekline corridor (25m either side of the centreline of the creek) is to contain the 1% AEP flow plus climate change. The 25 metre outer creekline corridor (commonly known as the 'private buffer strip') is provided on either side of the inner creekline corridor, and is retained in private ownership. It performs the functions of water quality

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
		control and a fauna/flora corridor. Reducing the extent of the creekline corridor may hinder flood conveyance and limit the further functions of the corridor. This has not been addressed in the documentation lodged with the Planning Proposal.
Natural Environment & Climate Change: Biodiversity	The Ecology Report should incorporate maps showing areas of vegetation being proposed for removal and those being proposed for modification. At the moment the maps just indicate 'impact' areas. The level of impact is unclear (e.g. does 'impact' mean clearing?), and this would help in assessment of the application.	It is noted that clarification is required to establish the level of 'impact' in areas identified on Map 06 in the Ecology Report (lodged with the Planning Proposal). Specifically, it is requested that the map identifies where vegetation is proposed to be removed and where vegetation is proposed to be modified.
	The Ecology Report recommends the creation of a Vegetation Management Plan for the Endangered Ecological Community and riparian corridor, along with a Landscape Plan for all the other public land. Both of these need to be provided at the Development Application stage.	Noted.
	The Arborist Report appears to cover all the trees and is therefore considered adequate.	Noted.
Natural Environment & Climate Change: Bushfire	The Ecology Report and Arborist Report address the bushfire protection requirements and the establishment of Asset Protection Zones, however this would be properly addressed in a Vegetation Management Plan and Landscape Plan required as part of any future Development Application. The further maps required in the Ecology Report, relating to the removal and/or modification of vegetation (as discussed under 'Biodiversity' above), would potentially require the bush fire risk and requirements to be re-assessed.	It is noted that the further information required regarding where vegetation is proposed to be removed and where vegetation is proposed to be modified, may affect the bushfire risk and require further assessment.
Transport & Urban Traffic, access and	<i>Traffic impacts on local road system</i> The conclusion of the Traffic and Access Report (lodged with the Planning Proposal) that the intersections of Warriewood Road/Macpherson Street, Warriewood Road/Pittwater Road and	Noted.

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
transport	Macpherson Street/Boondah Road will continue to operate at an acceptable level of service with the additional small traffic volume that would be generated by the potential development, is accepted and, as such, it is considered that the potential development will not have any significant adverse impacts on the local road system.	
	<i>Access to Macpherson Street</i> Pittwater 21 DCP does not permit direct vehicular access onto Macpherson Street. However, as the subject site is proposed to be subdivided, it only has a single frontage to a public road (Macpherson Street) and no other means to gain vehicular access. Therefore, under the <i>Roads Act 1993</i>, the right to obtain vehicular access directly onto Macpherson Street subject only to meeting Councils standards/requirements for the number and construction of vehicular access applies. In respect to the access onto Macpherson Street, the following are Council's requirements (relevant to the subject Planning Proposal): - Only one vehicular access road from the site onto Macpherson Street will be permitted. The proposed two access roads are not permitted (for traffic and pedestrian safety). Vehicular access from individual properties directly onto Macpherson Street is not permitted. Vehicular access driveways for all individual properties on the site must connect to the internal access road. - The vehicular access road is to be located between the proposed culverts and the bridge in Macpherson Street, close to the bridge. The proposed access appears to be onto the raised causeway section of roadway between the bridge over the creek and the culverts under the road – it is not permitted to be located where either the new bridge or the culverts are to be located. - The access road onto Macpherson Street is to be in the form of a concrete driveway across the nature strip of Macpherson Street as per Councils standards (no kerb returns), a minimum 2m wide (between the lanes) Roads & Maritime Services standard pedestrian refuge separating the in and out lanes (safety for cyclists on the shared path) and a minimum width to cater for the standard garbage truck entering/leaving the site (turning path diagrams to be provided demonstrating clearances of all pedestrian areas and trucks not crossing over the double separation lines into the opposing lane in Macpherson Street). It must have 'give way' signs to control traffic exiting onto Macpherson Street, as well as a speed hump (to Council requirements) in the exit lane from any future development (located on the site immediately adjacent to the site	It is noted that the following amendments are required to the indicative subdivision (Appendix A of the Planning Proposal lodged): - There is to be only one vehicular access road from the site onto Macpherson Street - The vehicular access road is to be located between the proposed culverts and the bridge in Macpherson Street. - A minimum 2m wide pedestrian refuge separating the entry and exit lanes, to the standard of the Roads & Maritime Services, is required - A speed hump (to Council requirements) is required in the exit lane - The removal of any median islands in Macpherson Street Further, turning path diagrams are to be provided demonstrating clearances of all pedestrian areas

BUSINESS UNIT/MATTER	COMMENTS	RESPONSE
	boundary with Macpherson Street). No median islands are permitted in Macpherson Street.	and trucks not crossing over the double separation lines into the opposing lane in Macpherson Street.
	<i>Internal road system</i> The width and length on the internal road is to be a private road as it does not fully comply with the 'local road' cross-section under the <i>Warriewood Valley Roads Masterplan</i> (2016) for a local street. The internal road is to have only one connection onto Macpherson Street so will require a turning area of sufficient size (to enable a garbage truck and emergency vehicles to turn in one manoeuvre) at the furthest point on the road. The internal road must intersect Macpherson Street at a right angle for at least 10 m from the site boundary with Macpherson Street. The proposed width of 8m between kerbs is acceptable for two way traffic with parking both sides where legally permitted. Subject to the proposed road system being modified to comply with Council's requirements, and the additional information provided, it may be possible to consider approval of a planning proposal for the site.	It is noted that the following further amendments are required to the indicative subdivision (Appendix A of the Planning Proposal lodged): - A turning area of sufficient size (to enable a garbage truck to turn in one manoeuvre) at the furthest point on the road. - The internal road must intersect Macpherson Street at a right angle for at least 10 m from the site boundary with Macpherson Street. - An additional width of the proposed nature strip is required to provide for landscaping.

Table 3. Submissions from the Community

NO.	COMMENTS	MATTER	RESPONSE
1.	'I am 100% AGAINST any further dwellings in the Macpherson St/Forest Rd Warriewood area.'	No need for more dwellings in the area.	Noted. Should the subject Planning Proposal be supported, 22 dwellings, which would be a medium density development (consistent with other residential areas in Warriewood Valley), would not significantly affect the amenity of the area.
	'...there is way too much traffic congestion now let alone cramming more dwellings in that area...'	Traffic.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.
	'You need to look at the roads and do something about them before you plan on bringing more cars to the area.'	Need for improved roads before anymore dwellings.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.
2.	'I am writing to oppose the requested change to the Pittwater Local Environmental Plan 2014 to accommodate the construction of 22 new dwellings on 2 McPherson Street Warriewood. This buffer zone should remain. The area is becoming very high density and further expansion of this density should not occur.'	No need for more dwellings in the area.	Noted. Should the subject Planning Proposal be supported, 22 dwellings, which would be a medium density development (consistent with other residential areas in Warriewood Valley), would not significantly affect the amenity of the area.
3.	'Stacking in another 22 dwellings equates to a minimum of another 22 cars.'	Traffic.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.
	'Two (2) car garages should be mandatory as cars now dominate our cities and lay around in street gutters day and night.'	Car parking.	Noted. Should the Planning Proposal be supported, any future development would be assessed against the relevant development controls (including car parking controls) that have been consistently applied to the

NO.	COMMENTS	MATTER	RESPONSE
			residential development in Warriewood Valley.
	'This is a flood area. During the floods of the late 40s in particular the late 50s I spent happy days wading around this area knee deep in run off water.'	Flooding (site specific).	Noted. The subject site is currently identified as affected by flood hazards.
4.	'The Warriewood Valley Strategic Review considered the site and gave it a zoning and allocated 0 yield (no development potential area Buffer 1M).'	0 dwelling yield allocated in the <i>Warriewood Valley Strategic Review Report</i> (2013).	It is noted that the subject Planning Proposal is inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).
	'This site has long been known, to all involved, as being unsuitable for building because of the flood danger.'	Flooding (site specific).	Noted. The subject site is currently identified as affected by flood hazards. This is a key consideration of this assessment.
	'This site is an important detention area for the downstream sections of Narrabeen Creek and this is why the land was given the present yield.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'It is not unreasonable to expect that to change this would place the organisations having carriage of this matter at some risk should the high value developments downstream suffer flood damage.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'It has to be acknowledged that the Department and Pittwater conducted extensive investigations and looked at a wide range of submissions, from land owners and the community, on all sites in the Warriewood Valley and agreed that this site was unsuitable for building because of its topography and	Inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).	It is noted that the subject Planning Proposal is inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).

NO.	COMMENTS	MATTER	RESPONSE
	its long known critical importance to the drainage system for the Warriewood Valley.'		
5.	Agreement with the detail of submission no. 4.		Noted.
	'Specifically, regarding any proposed development on this site, the [submitter] supports the outcome of the original Strategic Review, and maintain the position that all development should be controlled by the 2013 Strategic Review of the Warriewood Valley. We note that the original Strategic Review which decided this location should have a 0 dwelling yield was endorsed by the Department of Planning.'	Inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).	It is noted that the subject Planning Proposal is inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).
6.	'...I consider that the proposal to increase the permitted dwelling yield in the above mentioned DA PP0003/16 from 0 dwellings to 22 dwellings is inappropriate.'	No need for more dwellings in the area.	Noted. Should the subject Planning Proposal be supported, 22 dwellings, which would be a medium density development (consistent with other residential areas in Warriewood Valley) would not significantly affect the amenity of the area.
	'Warriewood Road / Macpherson Street / Ponderosa Parade cannot deal with the additional volume of traffic to be generated by such a proposal.'	Traffic.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.
	'The traffic situation is extreme throughout the Valley, and I believe that Council should consider the traffic situation very seriously when considering this application.'	Traffic.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.
	'I am certainly not "anti-development", but simply believe that the proposal is inappropriate and will place an even greater strain on the roads and traffic, which are already strained and suffering.'	Traffic.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.

NO.	COMMENTS	MATTER	RESPONSE
7.	'...the site was allocated a zero yield because of both its flood prone nature (as demonstrated by the relevant flood studies) but also because of its natural flood storage buffer.'	Flooding (site specific and potential impact on nearby properties).	Noted. The subject site is currently identified as affected by flood hazards. This is a key consideration of this assessment. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'To this end I would mention that when Warriewood Square was built the culverts conveying Narrabeen Creek under the development were sized on the basis of the natural flood storage upstream...there is NO excess capacity to cope with site infilling upstream such as at the subject site and hence any development of that site is likely to have a direct impact on downstream flooding, and potentially upstream development.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'More recently the Warriewood Strategic Review substantially increased the number of dwellings on the release area, placing even more pressure on the flood mitigation system that had been developed to allow the Valley to be released. The recent flood studies have not only confirmed this but have demonstrated that areas that were flood free under the original densities will now experience some flooding.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site. Further, flood investigations are dynamic with outcomes changing over time. Planning Proposals are considered against the most relevant flood information available at the time.
	'...2 Macpherson Street has never had a residential	0 dwelling yield allocated in the <i>Warriewood Valley Strategic Review Report (2013)</i> (as well	It is noted that the subject Planning Proposal is inconsistent with the <i>Warriewood Valley</i>

NO.	COMMENTS	MATTER	RESPONSE
	yield or potential for yield.'	as previous relevant strategic documents).	<i>Strategic Review Report (2013).</i>
	'Any attempt to make the site less flood prone by filling is likely to adversely impact other developments. It was given a zero yield for very good reasons, it would be irresponsible to alter this unless a similar sized site in the same vicinity was provided at the same levels so as to offset its removal from flood effects.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'The site in question should be retained as a critical feature of flood management in Warriewood Valley and hence remain with a zero residential yield. It could have other uses that don't interfere with its important, and long held role as a flood detention basin. Council should therefore not proceed further with the proposal to rezone allowing a residential yield.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
8.	'I strongly disagree with this development. The road network in this area cannot take any more cars...The roads are bottle necked and there is massive traffic every day of the week at peak hour making commuting to and from work a nightmare even small distances and totally unmanageable.'	Traffic.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.
	'This part of Sydney does not have rail, a mediocre bus service that relies on the road network and there isn't enough roads and they don't have sufficient lane age to get people in and out efficiently...'	Poor public transport servicing.	Noted. Should the subject Planning Proposal be supported, 22 dwellings, which would be a medium density development (consistent with other residential areas in Warriewood Valley) would not significantly impact public transport services.
	'...until we get decent roads, large numbers of people can't come into the area.'	Need for improved roads before anymore dwellings.	Noted. Comments from Council's Transport & Urban Business Unit state that potential development on the subject site will not have any significant adverse impacts on the local road system.

NO.	COMMENTS	MATTER	RESPONSE
	'I'm strongly objecting to this proposal.'	Objection to the Planning Proposal.	Noted.
9.	'It is my opinion that the site is part of the flood plain mitigation and had been recognised as such with a zero-yield development. Where ever there is an encroachment on the water flow, there will an inevitable emergency...'	Flooding (site specific and potential impact on nearby properties).	Noted. The subject site is currently identified as affected by flood hazards. This is a key consideration of this assessment. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'...this land should not be raised, nor should it be built upon to allow the creek and wetlands its natural flow.'	Flooding (site specific).	Noted. The subject site is currently identified as affected by flood hazards.
10	'We wish to object to the draft Planning Proposal PP0003/16 to rezone the site at 2 Macpherson Street, Warriewood.'	Objection to the Planning Proposal.	Noted.
	'The site is unsuitable for the proposed rezoning as it is flood prone.'	Flooding (site specific).	Noted. The subject site is currently identified as affected by flood hazards.
	'The rezoning proposal for this site will impact on riparian land and increase the likelihood of flooding downstream.'	Flooding (potential impact on nearby properties).	Noted. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'This proposal is contrary to the Warriewood Valley Strategic Review, which allocated 'no development potential' to this site.'	Inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).	It is noted that the subject Planning Proposal is inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).
11	'The site is known as being unsuitable for building because of flood danger. The land is part of a	Flooding (site specific and potential impact on nearby properties).	Noted. The subject site is currently identified as affected by flood hazards. This is a key

NO.	COMMENTS	MATTER	RESPONSE
	detention area for downstream sections of Narrabeen Creek and we understand this is why the site has been determined as not suitable for development. Additionally we note that raising the site by filling will further exacerbate upstream flooding events due to displacement of flood water away from this site.'		consideration of this assessment. Further information to demonstrate any potential impacts upstream or downstream of the subject site as a result of the subject Planning Proposal is required. This is considered to be vital to making an informed decision regarding whether it is appropriate to permit dwellings on a flood prone site.
	'We also note that the proposal should be rejected on grounds that it is not consistent with and does not conform to the planning for the site, a plan prepared in a structured manner for the entire Warriewood Valley. The proposition for changing the zoning has no merit.'	Inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).	It is noted that the subject Planning Proposal is inconsistent with the <i>Warriewood Valley Strategic Review Report</i> (2013).
12	'The Narrabeen Creek which flows through the area is sympathetically treated through the Valley View Reserve, however the Anglican Retirement Village Warriewood Brook has been allowed to border right onto the creek which means the creek's health can be neglected.'	Creekline corridors.	Council's longstanding creekline corridor controls have been consistently applied to all relevant land in Warriewood Valley.
	'We request that Narrabeen Creek through lot 2 Macpherson Street should be bordered by reserve on both sides.'	Creekline corridors.	Noted. Council's longstanding creekline corridor controls have been consistently applied to all relevant land in Warriewood Valley. This site would be no exception.
13	Agreement with the detail of submission no. 4.		Noted.
	'...we find the statement "is in keeping with other developments in Macpherson Street, i.e. 3 plus stories" within the proposal for this site as ludicrous.'	Potential scale of any future development.	Noted. Should the Planning Proposal be supported, 22 dwellings is consistent with the density supported by the <i>Warriewood Valley Strategic Review Report</i> (2013) i.e. 32 dwellings per hectare. Further, any future development would be assessed against the relevant development controls that have been consistently applied

NO.	COMMENTS	MATTER	RESPONSE
			to the residential development in Warriewood Valley.

Table 4. Does the Planning Proposal have Strategic Merit?

Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or	The Planning Proposal would contribute to housing supply. One of the actions of the Draft North District Plan is 'Councils to increase housing capacity across the District' (Action L3), with the Northern Beaches Local Government Area expected to 'monitor and support the delivery of Northern Beaches' five-year housing target of 3,400 new dwellings'. However further priorities in the Draft North District Plan include: • Avoid and minimise impacts on biodiversity – the subject Planning Proposal does impact on biodiversity however these impacts are considered to be minimised as previously outlined in this report. • Integrate land use and transport planning to consider emergency evacuation needs – this priority specifically outlines that any relevant Planning Proposal should demonstrate this priority. The subject Planning Proposal does not address this priority. • Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk – the subject Planning Proposal does not address this priority.
Consistent with a relevant local council strategy that has been endorsed by the Department; or	The relevant strategic study is the <i>Warriewood Valley Strategic Review Report (2013)</i>, with which the Planning Proposal is inconsistent. For the purpose of the Strategic Review, a land capability assessment identified land with potential for intensification of development. The land capability assessment considered environmental, economic and social characteristics that influence land use allocation decisions, including biodiversity; topography; proximity to water courses, ridgelines, foreshores and waterbodies; cultural heritage; bushfire risks; geotechnical issues; coastal and estuarine processes; acid sulphate soils; reticulated sewer and water availability. A Composite Capability Map was substantially produced, and 2 Macpherson Street, Warriewood was identified as requiring further investigation to determine whether the site held any potential for intensification. Further detailed investigation of the properties identified on the Composite Capability Map was

	subsequently undertaken. The Hydrology Study (undertaken for the purpose of the <i>Warriewood Valley Strategic Review Report</i> (2013)) detailed the extent of flooding in Warriewood Valley in both the 1% AEP and the Probable Maximum Flood (PMF) event. 'The Hydrology Study identified [2 Macpherson Street, Warriewood] as unsuitable for intensified development due to the flood depth and flow characteristics.' (<i>Warriewood Valley Strategic Review</i>). Map 7 (Developable Land Classification), in the <i>Warriewood Valley Strategic Review Report</i> (2013), 'reflected land capability in terms of flooding, water management, and impacts imposed by climate change and sea level rise', and identified 2 Macpherson Street, Warriewood as Category F. Category F is: • Land below the Probable Maximum Flood plus Climate Change • Additional criteria incorporated during this assessment: Risk to life as a result of flood risk including unsafe flood evacuation, no flood warning is available, flood isolation/entrapment (beyond short durations) or vertical refuge is created, or • Flood impacts off-site It should be noted that one of the criteria of Category F is '...flood isolation/entrapment (beyond short durations)...' whereas the Flood Report (lodged with the Planning Proposal) states that '...the site is unlikely to be isolated for unacceptable periods of time'. The <i>Warriewood Valley Strategic Review Report</i> (2013) states 'The Developable Land Classification identifies significant flood constraints which affect the whole of Buffer 1M. Buffer 1M is not capable of development on its own and therefore is not subject to testing for potential density increase.' Map 8 (Final Outcome of Land Capability Mapping and Hydrology Study), in the <i>Warriewood Valley Strategic Review Report</i> (2013), showed 2 Macpherson Street, Warriewood as 'Not to be tested due to Hydrology Study outcome'. Further, the <i>Warriewood Valley Strategic Review Report</i> (2013) stated the onus to be '...on landowners to bring forward rezoning application supported by necessary studies'.
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	The Planning Proposal submitted states that it responds to the investment in new infrastructure being the upgrade to Macpherson Street, which directly adjoins the subject site. The road upgrade has been incorporated into Council's 2016/2017 Operational Plan, with the works anticipated to be completed approximately 9 months from commencement (commencement is anticipated in January 2017). There is the potential for unexpected delays and/or unforeseen complications during the construction of any development. Any decision to support the Planning Proposal should have regard for the timing of the completion of the new infrastructure and any subsequent development that would rely on that infrastructure. Further, the Planning Proposal has been lodged based on the assumption that the road upgrade will overcome the issue of evacuation in a flood situation. This is not the case. The upgrade will raise the road to the 1% AEP (plus climate change) but does not provide a Probable Maximum Flood evacuation route. This means that should dwellings be permitted on the subject site, any future

	dwelling would potentially need to rely on vertical refuge or shelter-in-place during a Probable Maximum Flood event.
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Table 5. Does the Proposal have Site-Specific Merit, Regarding the Following?

The natural environment (including known significant environmental values, resources or hazards), and	It is considered that in terms of merit, the following is considered worthy: ‘The proposed actions to supplement the removal of exotic trees and weed species with native species characteristic of the local vegetation communities that will provide future fauna habitat, the removal of exotic weeds, the rehabilitation of the bounding banks of Narrabeen Creek and the regeneration of the Riparian Zone...’ (Flora and Fauna Assessment report lodged with the Planning Proposal). The Flora and Fauna Assessment report (lodged with the Planning Proposal) also states that such works will be significant ecological improvements on the current biodiversity within the subject site. No other natural environmental elements relevant to the subject site and Planning Proposal are considered to be of merit.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal, and	The intended outcome of the Planning Proposal is consistent with the current and potential future uses of the land in the vicinity of the subject site, in that such land is zoned R3 Medium Density and has been allocated a dwelling yield based on 32 dwellings per developable hectare. The Planning Proposal therefore has merit in this regard.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	Should the Planning Proposal proceed and subsequently be finalised, any future development consent would require a contribution in accordance with the <i>Warriewood Valley Section 94 Contributions Plan</i> to contribute to the provision of infrastructure and services required to support the development and residents in Warriewood Valley. Council’s Section 94 Officer provides that the proposal to allow up to 22 dwellings on the site will increase the demand for public infrastructure and services. Accordingly, any future DA would be required to make a contribution consistent with the Warriewood Valley Section 94 Contributions Plan.

MINUTES

ORDINARY COUNCIL MEETING

held at Mona Vale Memorial Hall on

TUESDAY 31 JANUARY 2017

(2017/1)

**9.3 PUBLIC EXHIBITION OF SYDNEY ROAD BALGOWLAH PLAZA
REVITALISATION 'REVISED PLAN'**

NOTE: Former Mayor of Manly, Jean Hay AM addressed Council on the Item.

011/17 RESOLVED

D Persson

That the Balgowlah Plaza Revitalisation Revised Draft Plan be placed on public exhibition for a period of 28 days with submissions invited from the community and the results reported back to Council.

9.4 PLANNING PROPOSAL (PP0003/16) FOR 2 MACPHERSON STREET, WARRIEWOOD

NOTE: Walter Gordon addressed Council on the Item.

012/17 RESOLVED

D Persson

That Council:

- A. Not support the planning proposal for 2 Macpherson Street, Warriewood for the following reasons:
 - a. It is inconsistent with the relevant strategic study being the '*Warriewood Valley Strategic Review Report (2013)*', endorsed by the former Director General of the Department of Planning and Infrastructure on 26 June 2013 and adopted by Pittwater Council on 12 June 2013.
 - b. It has not demonstrated adequate strategic merit or site-specific merit in line with the '*NSW Planning & Environment's Planning Proposals: A guide to preparing planning proposals (2016)*'.
 - c. The information submitted to support the planning proposal for 2 Macpherson Street, Warriewood is substantially deficient.
 - d. It is inconsistent with Local Planning Direction '*4.3 Flood Prone Land*' (issued under Section 117(2) of the *Environmental Planning and Assessment Act 1979*) and insufficient justification has been provided to support the inconsistency.
- B. Take no further action on the planning proposal for 2 Macpherson Street, Warriewood and the applicant be duly advised.