

Expansion of Central Local Park Warriewood (3 dwellings)

Proposal Title : Expansion of Central Local Park Warriewood (3 dwellings)

Proposal Summary : The Planning Proposal seeks to amend the Pittwater Local Environmental Plan (PLEP) 2014 to rezone land to enable the expansion of the southern portion of Central Local Park, Warriewood, and facilitate the development of the remaining land for housing by making associated changes to dwelling yield restrictions and the maximum building height.

PP Number : PP_2017_NBEAC_005_00 Dop File No : 17/08714

Proposal Details

Date Planning Proposal Received :	15-Jun-2017	LGA covered :	Northern Beaches
Region :	Metro(CBD)	RPA :	Northern Beaches Council
State Electorate :	PITTWATER	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	9 Fern Creek Road		
Suburb :	Warriewood	City :	Sydney
Land Parcel :	Lot 5 DP 736961	Postcode :	2102
Street :	11 Fern Creek Road		
Suburb :	Warriewood	City :	Sydney
Land Parcel :	Lot 11 DP 1092788	Postcode :	2102
Street :	12 Fern Creek Road		
Suburb :	Warriewood	City :	Sydney
Land Parcel :	Lot 12 DP 1092788	Postcode :	2102
Street :	13 Fern Creek Road		
Suburb :	Warriewood	City :	Sydney
Land Parcel :	Lot 13 DP 1092788	Postcode :	2102

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to the communications and meetings with Lobbyists has been complied with. Sydney East has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting
Notes : Northern Beaches Council received a Planning Proposal from GLN Planning, on behalf of Council's Property Management and Commercial Business Unit, relating to 9, 11, 12 and 13 Fern Creek Road Warriewood.

Council purchased 9 Fern Creek Road with the intention to expand Central Local Park to create a more linear shaped open space area for the community.

Council waited for the opportunity of using this land as a means to achieve this desired

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shape through a possible land swap. This opportunity came in 2013 when Fraser Property, the owner of adjoining land parcels 11, 12 and 13 Fern Creek Road, put forward a formal land swap proposal to Council which would facilitate the development of 9 Fern Creek Road land holdings as well as achieving Council's preferred open space layout for the area.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives accurately describes the intention of the Planning Proposal. The Planning Proposal aims to:**

- enable the creation of the southern portion of the planned Central Local Park; and
- enable the development of the remaining land for housing in an orderly and economic manner.

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

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

Comment : **The Planning Proposal states that the amendments to Pittwater Local Environmental Plan 2014 are:**

- Rezone part Lots 11 and 12 DP 1092788 and part Lot 5 DP 736961 and Lot 13 DP 1092788 from R3 Medium Density Residential to RE1 Public Recreation;
- amend the height of building map to 8.5m for the land to be rezoned RE1 Public Recreation and 10.5m for the part of Lot 5 DP 736961 zoned R3 Medium Density Residential; and
- amend the dwelling yield provisions contained in Part 6 clause 6.1 (3):
 - sector 901A: Not more than 190 dwellings or less than 154 dwellings; and
 - sector 901C, 901G and 9 Fern Creek Road: Not more than 33 dwellings or less than 26 dwellings.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007

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

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

If No, explain :

Section 117 Directions

Council has identified applicable Section 117 Directions and considers that the proposal is consistent with relevant Directions, however a number of minor inconsistencies exist. Directions of particular relevance are discussed below:

3.1 Residential Zones - This direction is applicable as the planning proposal involves a change in land zoning from R3 Medium Density Residential to RE1 Public Recreation. Part of the site proposed to be rezoned is identified on the Biodiversity Map within Pittwater LEP 2014 and is also part of the Fern Creek Corridor. The proposed rezoning will allow greater protection for these areas of environmental significance where the existing capacity for residential development is constrained.

The proposed changes to the dwelling yield allocation and maximum height will encourage the provision of housing in appropriate locations, make efficient uses of existing infrastructure and minimise the impact of residential development on the environment. The Planning Proposal is considered to achieve the objectives of this direction and the inconsistency is of minor significance.

4.3 Flood Prone Land

This direction is applicable to the Planning Proposal as the subject site includes areas of flood affected land. The proposal is inconsistent due to the proposed increase in density on part of 9 Fern Creek Road.

The Planning Proposal references the 2013 Pittwater Overland Flow Mapping and Flood Study, which has been adopted by Council and indicates that part of the site is affected by mainstream flooding. The proposal confirms it is highly unlikely that it would significantly constrain the development capability of the subject properties or deem them inappropriate for residential use.

As part of the Gateway determination, formal consultation is required with the Office of Environment and Heritage to ensure that the proposal complies with the specific requirements of this Direction. It is considered that the inconsistency with the 117 Direction is of minor significance.

4.4 Planning for Bushfire Protection

The Planning Proposal is inconsistent with S117 Direction 4.4 Planning for Bushfire Protection. The site is identified as bush fire prone land under the Council's Bush Fire Prone Land Map.

Council has undertaken preliminary consultation with NSW Rural Fire Service during the non-statutory notification period. The NSW Rural Fire Service raised no objection to the Planning Proposal subject to a requirement that the future residential subdivision of the land complies with Planning for Bushfire Protection 2006.

As part of the Gateway Determination, formal consultation is required with NSW Rural Fire Service to ensure the proposal complies with the specific requirements of this Direction. Until this occurs the consistency of this proposal with the direction will remain unresolved.

6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as it alters the existing zoning of land for public purposes by rezoning additional land to RE1 Public Recreation without the approval of the Secretary of the Department of Planning and Environment. This inconsistency is considered to be of minor significance as the change in zoning is

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consistent with Council's strategic planning for the area and the Central Local Park will play an important recreational and open space role for the growing community of the area.

The proposal is otherwise consistent with all other S117 Directions.

SEPPS

The Planning Proposal considers the relevance and consistency of all SEPPs. However the minor inconsistencies have been identified and need to be addressed.

SEPP 55 – Remediation of Land

The Planning Proposal is potentially inconsistent with SEPP 55 Remediation of Land. The land is to be rezoned to RE1 Public Recreation to be utilised by the community for recreational purposes. It is recommended that prior to exhibition, a detailed site investigation be undertaken to confirm the appropriateness of the change of land use. The report is to be included with the exhibition documentation. Consultation with the NSW Environmental Protection Authority is also recommended, as part of the exhibition process.

The proposal is otherwise consistent with all other SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal contains maps which adequately show the subject land and explain the proposed changes to the respective LEP maps for each proposed amendment. These maps are adequate for exhibition purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal indicates that community consultation will be undertaken and nominates a 14 day consultation timeframe. A 28 day consultation timeframe is recommended given the nature of the Planning Proposal which involves Council owned land.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Time Line

The Planning Proposal includes a project timeline which estimates the completion of the planning proposal in December 2017. A 9 month timeline is considered appropriate to ensure the RPA has adequate time to complete the exhibition, reporting, legal drafting and making of the plan.

Delegation

Council has requested not to be issued with Written Authorisation to Exercise Delegation of the Minister's powers under s59 on the basis that Northern Beaches does not currently have an elected Council.

It is considered appropriate that an authorisation be granted to Council as the proposal

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is essentially a local planning matter and Council will have elected Councillors by the time this proposal progresses to the s59 stage.

Overall Adequacy

The Planning Proposal satisfies the adequacy criteria by:

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

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Pittwater Local Environmental Plan 2014**

Assessment Criteria

Need for planning proposal :

The Planning Proposal is seeking to change the zoning and development standards to enable the expansion of the southern portion of Central Local Park, Warriewood and enable the development of the remaining land for housing.

The Planning Proposal to amend the LEP and maps is the only means of achieving the intent of the proposal.

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Consistency with strategic planning framework :

A Plan for Growing Sydney:

The following Directions under A Plan for Growing Sydney are considered relevant:

Direction 2.1.1: Accelerate housing supply and local housing choice:

- The Planning Proposal facilitates the development of land zoned R3 Medium Density for housing.
- The Planning Proposal provides new housing in a planned greenfield precinct.

Direction 3.3: Create healthy built environments:

- The Planning Proposal will facilitate an attractive public space through the provision of a Central Local Park. The northern portion of Central Local Park has already been delivered and is approximately 2.13Ha with 1.14Ha exclusive of the inner creek line corridor.
- The southern section will complete Central Local Park. The area of the southern section is approximately 1.8Ha with 9882sqm exclusive of the inner creek line. 9 Fern Creek Road is approximately 11,590sqm.
- Under the Planning Proposal the area of the proposed southern section of Central Local Park is approximately 9882sqm just over 600sqm more than what would have been delivered if 9 Fern Creek was zoned entirely RE1 Public Recreation.
- The two halves of Central Local Park will ultimately be connected via a pedestrian bridge and work as one large green space serving the local residents.

Draft North District Plan:

The Planning Proposal outlines that the proposed amendment to the Pittwater LEP is consistent with the draft North District Plan in that the proposal will:

- contribute to improved housing diversity and choice and responding to peoples need for services in the form of increased open space;
- provide an increase to housing capacity across the district and is specifically met although as a very modest contribution; and
- contribute to enhancing the existing natural environment and protecting biodiversity through expanding the open space.

The Planning Proposal is considered to be consistent with both A Plan for Growing Sydney and the Draft North District Plan.

Local Strategic policies

Warriewood Valley Strategic Review Report 2013:

The proposal is consistent with the Warriewood Valley Strategic Plan, approved by the Department, as it informs dwelling targets and development around the LGA's local centres and provision of public recreation and open space.

Warriewood Valley Landscape Masterplan and Design Guidelines (November 2016):

The Planning Proposal is consistent with the guidelines as it notes that Central Local Park provides for passive recreation opportunities.

Environmental social economic impacts :

ENVIRONMENTAL

The Planning Proposal is unlikely to result in any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

The overall residential development footprint will be reduced and a larger area for the southern portion of Central Local Park will be delivered.

The revised open space layout will facilitate the improvement of the existing biodiversity connection between the Fern Creek Corridor and Ingleside Escarpment. This will enable land that is adjacent to the creek line and identified on the Biodiversity Map, to be better protected by the proposed RE1 Public Recreation zone.

Due to the location of Fern Creek, it is considered that the NSW Office of Water should be consulted as part of the proposal.

SOCIAL

The Planning Proposal would result in an increase of approximately 600sqm public open

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space for the community. The open space will provide recreational opportunities and strengthen the liveability for the local residents.

ECONOMIC

The Planning Proposal will not have any negative economic effects as it will provide residential dwellings in proximity of local jobs and services within 30 minutes of the subject site.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **NSW Rural Fire Service**
Other : **Other**

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

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

If no, provide reasons : **Subject to consultation also including:**
- NSW Environment Protection Authority
- NSW Office of Water

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter to DPE.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Appendix 3 - Preliminary State Agencies Correspondences - RFS & NSW Office of Water.pdf	Proposal	Yes
Appendix 4 - Current PLEP 2014 Maps.pdf	Proposal	Yes
Appendix 5 - Proposed PLEP 2014 Maps.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.3 Home Occupations

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- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
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Additional Information :

It is recommended that the Planning Proposal proceed subject to the following conditions:

1. Prior to public exhibition, the Planning Proposal is to be updated to:
 - a) include additional information confirming the suitability of the proposal in relation to:
 - i. flooding; and
 - ii. potential land contamination;
 - b) clarify that the proposed changes to the Height of Building Map for part of Lot 5 DP 736961 apply to land already zoned R3 Medium Density Residential; and
 - c) provide an explanation for the proposed amendment to Clause 6.1(3) of the LEP in relation to the decrease in dwelling yield for Sector 901A.
 2. The Planning Proposal is to be publicly exhibited for a minimum of 28 days.
 3. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - NSW Environment Protection Authority
 - NSW Office of Water
 - NSW Office of Environment and Heritage
 4. A public hearing is not required.
 5. The Planning Proposal is to be finalised within 9 months from the date of the Gateway Determination.
- It is also recommended that:
6. The Secretary's delegate determines the inconsistency with s117 Directions 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of directions.
 7. The Secretary's delegate not the unresolved inconsistency with s117 Direction Planning for Bushfire Protection.
 8. That a written authorisation to exercise plan making delegations be issued to Northern Beaches Council.

Supporting Reasons :

The Planning proposal is supported because it:

- Is consistent with the NSW strategic planning framework and Council's Strategic plan;
- enables the expansion Central Local Park, Warriewood and allows development of the remaining land for housing. The open space will provide recreational opportunities and strengthen the liveability for the local residents.

Signature:



Printed Name:

Craig Diss

Date:

7/7/17