

NORTHERN BEACHES COUNCIL

PLANNING PROPOSAL

Amend the Land Zoning Map and Height of Buildings Map within Pittwater Local Environmental Plan 2014 applying to part Lots 11, 12 and 13 DP 1092788 and Lot 5 DP 736961

Amend the dwelling yield provisions within Pittwater Local Environmental Plan 2014 Part 6 Clause 6.1(3).

TABLE OF CONTENTS

PART 1: OBJECTIVES OR INTENDED OUTCOMES.....	3
PART 2: EXPLANATION OF PROVISIONS.....	4
PART 3: JUSTIFICATION	5
SECTION A NEED FOR THE PLANNING PROPOSAL.....	5
SECTION B RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	6
SECTION C ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT.....	14
SECTION D STATE AND COMMONWEALTH INTERESTS	15
PART 4: MAPPING	16
PART 5: COMMUNITY CONSULTATION.....	17
PART 6: PROJECT TIMELINE.....	18
APPENDIX 1: CONSIDERATION OF SEPPS.....	19
APPENDIX 2: CONSIDERATION OF SECTION 117 DIRECTIONS	21
APPENDIX 3: PRELIMINARY STATE AGENCY RESPONSES	24
APPENDIX 4: CURRENT LEP MAPS	27
APPENDIX 5: PROPOSED LEP MAPS AMENDMENT	28

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The principal objective of the Planning Proposal is to amend Pittwater LEP 2014 to enable the creation of the southern portion of the planned Central Local Park. A secondary objective is to enable the development of the remaining land for housing in an orderly and economic manner.

These two objectives will be achieved by amending the following provisions of Pittwater LEP 2014:

1. The Land Zoning Map to 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.
2. 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.
3. The dwelling yield provisions contained in Part 6 Clause 6.1(3).

Council is not seeking delegation to exercise the LEP making powers delegated under Section 59 of the *Environmental Planning and Assessment Act 1979* in regard to this Planning Proposal.

PART 2: EXPLANATION OF PROVISIONS

The Table below outlines the proposed amendment to Pittwater LEP 2014 and a description of the proposed amendment.

Table 1: Proposed amendments to Pittwater Local Environmental Plan 2014

	Proposed Amendment	Description
1	Amendments to the Land Zoning Map – Sheet LZN_012	Rezone part Lot 11 DP 1092788 from R3 Medium Density Residential to RE1 Public Recreation
		Rezone part Lot 12 DP 1092788 from R3 Medium Density Residential to RE1 Public Recreation
		Rezone part Lot 5 DP 736961 from R3 Medium Density Residential to RE1 Public Recreation
		Rezone Lot 13 DP 1092788 from R3 Medium Density Residential to RE1 Public Recreation
2	Amendment to Height of Buildings Map – Sheet HOB_12	Amend maximum height applying to part Lot 11 DP 1092788 proposed to be zoned RE1 Public Recreation from 10.5m to 8.5m
		Amend maximum height applying to part Lot 12 DP 1092788 proposed to be zoned RE1 Public Recreation from 10.5m to 8.5m
		Amend maximum height applying to part Lot 5 DP 736961 proposed to be zoned R3 Medium Density Residential from 8.5m to 10.5m
		Amend maximum height applying to Lot 13 DP 1092788 proposed to be zoned RE1 Public Recreation from 10.5m to 8.5m
3	Amendments to Part 6, Clause 6.1(3)	The text related to Sectors 901A; 901C and 901 G; and 9 Fern Creek Road in the table in Part 6 Clause 6.1(3) is to be amended as follows:
		Sector 901A Not more than 192 dwellings or less than 156 dwellings
		Sector 901C & 901G Not more than 28 dwellings or less than 23 dwellings
		9 Fern Creek Road No dwellings
		Sector 901A Not more than 190 dwellings or less than 154 dwellings
		Sector 901C, 901G and 9 Fern Creek Rd Not more than 33 dwellings or less than 26 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 Planning Proposal is not the result of a specific strategic study or report.

However, the Planning Proposal is supported by numerous existing studies such as the Warriewood Valley Strategic Review Report 2013 and Warriewood Valley Strategic Addendum Report 2014.

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

Yes. A Planning Proposal is the best and only means to achieve the objectives and intended outcomes to enable amendments to be made to the mapping within Pittwater Local Environmental Plan 2014 and dwelling yield provisions in Part 6 Clause 6.1(3) of Pittwater Local Environmental Plan 2014.

Section B Relationship to Strategic Planning Framework

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

A Plan for Growing Sydney

A Plan for Growing Sydney (APfGS) released in December 2014 is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, the need for 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies the Government's vision for Sydney which is for a strong global city and a great place to live.

To achieve this vision, the Government has set down goals that Sydney will be:

- a competitive economy with world-class services and transport;
- a city of housing choice with homes that meet our needs and lifestyles;
- a great place to live with communities that are strong, healthy and well connected; and
- a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

To achieve these goals, APfGS sets out directions and actions as well as priorities for each subregion. The relevant directions with respect to this Planning Proposal are outlined below, with a commentary on the Planning Proposal's consistency.

APfGS aims to provide new housing stock around public transport nodes and within areas close to public transport, retail and commercial centres and community facilities.

The site is within Sector 9 of Warriewood Valley Release Area. The Planning Proposal facilitates Council's preferred open space layout for the area as well as unlocking housing opportunities.

The Planning Proposal is consistent with the APfGS in the following ways:

Goal and Direction APfGS	Planning Proposal Consistency
<i>Goal 2 A City of housing choice, with homes that meet our needs and lifestyles.</i> APfGS focuses on providing increased and diverse housing in well-serviced areas. 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.
<i>Goal 3 Sydney's great place to live.</i> 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 approx. 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 approx. 1.8Ha with 9882m ² exclusive of the inner creek line.

Goal and Direction APfGS	Planning Proposal Consistency
	9 Fern Creek Road is approximately 11,590m². Excluding the inner creek line the area of 9 Fern Creek Road is approx. 9273m². Under the Planning Proposal the area of the proposed southern section of Central Local Park is approx. 9882m² just over 600m² 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. The Central Local Park will contribute to a healthy built environment and increased liveability for residents in Warriewood.

Towards our Greater Sydney 2056

In November 2016, the Greater Sydney Commission released a draft amendment to the Metropolitan Strategy for public comment. This draft amendment entitled “*Towards our Greater Sydney 2056*” (draft Metropolitan Strategy). The Commission is required to complete a review of the current Metropolitan Strategy by the end of 2017. The draft Metropolitan Strategy is a step in that review process and has been exhibited together with the draft District Plans (discussed below) so that both can be finalised concurrently.

The Planning Proposal remains consistent with the draft Metropolitan Strategy. Since release of the current Metropolitan Strategy, projections for growth have been revised upwards, with the middle scenario now requiring 725,000 additional dwellings between 2016-2036 (a 9% increase).

Whilst acknowledged as a very modest contribution, the Planning Proposal will contribute to achieving this growth within a planned urban release area. Regardless of the degree of contribution there is nothing within the Planning Proposal that is contrary to or inconsistent with the objectives of “*Towards our Greater Sydney 2056*”.

Assessment Criteria

A Guide to preparing planning proposals (2016) establishes Assessment Criteria to be considered in the justification of a Planning Proposal. The Assessment Criteria is considered below.

Consideration of the Planning Proposal against the Assessment Criteria of 'A Guide to preparing planning proposals'.

Criteria	Assessment
(a) Does the proposal have strategic merit? Is it:	
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	In November 2016, the Greater Sydney Commission released the draft North District Plan (Draft NDP) for public comment. The draft NDP is one of six draft District Plans developed by the Greater Sydney Commission for each of Sydney's planning districts. The Plan outlines a range of priorities and actions that are broadly categorised as creating: • A productive city; • A liveable city; and • A sustainable city. The Planning Proposal contributes to the creation of a 'liveable' and 'sustainable' city. In terms of liveability, it is considered that the Planning Proposal contributes to improved housing diversity and choice, creating great places to live and responding to peoples need for services in the form of increased open space. Action L3: Councils to increase housing capacity across the District is specifically met albeit as a very modest contribution. In terms of sustainability, it is considered that the future development of the open space component will enhance the existing natural environment by improving the landscape and protecting and enhancing biodiversity. Both of these attributes are overarching priorities in the sustainability priorities and actions in the North District plan. In terms of the future development of the housing it is considered that the they can be designed and implemented (via the development application process) with acceptable impacts on the existing natural environment. In terms of productivity, the Planning Proposal does not permit employment land however the planned residential component has access to local jobs, goods and services within 30 minutes of the subject site.
Consistent with the 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> (Review Report). The Review Report carried out by the former Pittwater Council and NSW Department of Planning and Infrastructure was endorsed by the Director General of the Department on 1 May 2013, and was adopted by Council on 12 June 2013.

Criteria	Assessment
	The focus of the Review Report was to investigate, amongst other things, intensification of residential densities in the as-yet undeveloped lands, particularly those identified as having the potential for intensification of development having regard to the land capability assessment undertaken as part of the Review Report. 9 Fern Creek was identified as having potential for intensification of development.¹ However, it was excluded from an allocated dwelling yield at the time. Following the adoption of the Strategic Review, further investigations were carried out under the <i>Warriewood Valley Strategic Review Addendum Report 2014</i>. The subject sites were all given a Land Capability classification identifying their suitability for development. 9 Fern Creek Road was identified as having the potential for a maximum density of 32 dwellings/ha and a minimum of 25 dwellings/ha, however 9 Fern Creek Road was not allocated a dwelling yield as the parcel was purchased by Council for recreation purposes. The Planning Proposal is consistent with the Warriewood Valley Strategic Review Report 2013 and the Warriewood Valley Strategic Review Addendum Report 2014.
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.	In this case the Criteria is not applicable to the Planning Proposal.
(b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant values, resources or hazards),	The Planning Proposal involves, amongst other things, the rezoning of R3 Medium Density Residential land to RE1 Public Recreation Land. The Planning Proposal will enable the creation of the southern portion of Central Local Park with a greater publicly owned riparian zone buffer between future residential development and Fern Creek. Part of the site is identified on the Biodiversity Map within Pittwater LEP 2014 generally following the creekline and riparian corridor. The Planning Proposal will provide greater protection to the land identified on the Biodiversity Map by bringing it into Council ownership.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The Planning Proposal is consistent with the adjoining land uses. To the north of the site is the northern half of Central Local Park. The proposed RE1 Public

¹ Page 3-4 Warriewood Valley Strategic Review Report 2013

Criteria	Assessment
	Recreation land will complete the southern section of the planned Central Local Park. The surrounding zoned residential land is generally undeveloped however when ultimately developed will all be of a similar density and built form.
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.	The Planning Proposal will deliver the Central Local Park that will serve the nearby community. The future residential development will be served by existing services to the site. The specific infrastructure requirements will be assessed at DA stage however it is not anticipated that the residential development will create any additional demand for infrastructure and services not already planned and catered for. The development is anticipated under the current Warriewood Valley Section 94 Contributions Plan Amendment 16 – Revision 2. As background, there is a Memorandum of Understanding (MOU) between Frasers (land owner) and Council (land owner) that was signed in October 2015 outlining amongst other things, the undergrounding of the overhead powerlines, road construction and stormwater construction. Following on from the MOU a Deed of Agreement was signed between Frasers and Council and represented the final agreed position between both parties. Council at its meeting 19 March 2016 outlined the infrastructure provisions that Council and Frasers have agreed to: • Frasers will fund and construct both the extension of Fern Creek Road and the construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9. • Frasers will fund and construct the section of stormwater infrastructure that is required to be located within the Fern Creek Road extension. • Council will fund and construct the section of stormwater infrastructure between Fern Creek Road (as constructed by Frasers) and Fern Creek. • The cost of undergrounding the high voltage power lines that current run along the parties' common boundary at 9 and 12 Fern Creek Road will be shared equally. The details relating to these arrangements will be

Criteria	Assessment
	captured in a Planning Agreement. A draft Planning Agreement was submitted in January 2017 as part of the updated Planning Proposal information however it was subsequently withdrawn in April 2017.

Accordingly, it is considered that the Planning Proposal has strategic merit as well as site-specific merit in accordance with this assessment criterion above.

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

Warriewood Valley Landscape Masterplan & Design Guidelines (November 2016)

The Warriewood Valley Landscape Masterplan & Design Guidelines (November 2016) details Council's intention that the Central Local Park be generally linear in shape, with a central bulge either side of Fern Creek, connected by a pedestrian/cyclist bridge, and providing for passive recreation opportunities.

Warriewood Valley Strategic Review Report 2013 and the Warriewood Valley Strategic Review Addendum Report 2014

The Warriewood Valley Strategic Review Report 2013 (Strategic Review). The Review Report carried out by the former Pittwater Council and NSW Department of Planning and Infrastructure was endorsed by the Director General of the Department on 1 May 2013, and was adopted by Council on 12 June 2013.

The focus of the Review Report was to investigate, amongst other things, the intensification of residential densities in the as-yet undeveloped lands, particularly those identified as having the potential for intensification of development having regard to the land capability assessment undertaken as part of the Review Report. 9 Fern Creek was identified as having potential for intensification of development.²

More specifically the Warriewood Valley Strategic Review Addendum Report 2014 is the basis for the proposed dwelling yields for the subject land. The Addendum Report indicated that 9 Fern Creek Road is suitable to be developed at a density range of 25-32 dwellings per hectare, however at the time 9 Fern Creek Rd was excluded from an allocated dwelling yield due to its identification as recreation.

The developable area for 9 Fern Creek Road (Lot 5 DP 736961) under the Planning Proposal is 5374.3m², Therefore, at 25 – 32 dwellings/Ha the range of a maximum of 17 dwellings and a minimum of 13 dwellings for 9 Fern Creek Road is a reasonable and logical methodology to determine the dwelling capacity of the land based on densities established by the various environmental investigations and reviews undertaken as part of the Warriewood Valley Strategic Review Addendum Report 2014.

² Page 3-4 Warriewood Valley Strategic Review Report 2013

The proposed allocation of dwelling yields over the four sites is summarised in Table 2 below as well as the current minimum and maximum yields compared to what is proposed against each property.

Table 2: Allocation of Current and Proposed Dwelling Yields

Property Description	Existing Min Dwelling Yield (PLEP 2014)	Existing Max Dwelling Yield (PLEP 2014)	Developable Area (m2) under Planning Proposal	Min Dwelling Yield (indicative individual Lot based on developable area of Planning Proposal)	Max Dwelling Yield (indicative individual Lot based on developable area of Planning Proposal)	Net Increase or Decrease of dwellings (indicative individual lots)	As proposed under the Planning Proposal amendment	Dwelling yields identified in WVS Review Report or WVSR Addendum Report
11 Fern Creek Rd (Lot 11 DP 1092788) 901G	Not more than 28 dwellings or less than 23		3174	3	3	Decrease of 12 dwellings (max) and decrease of 10 dwellings (min)	Not more than 33 dwellings or less than 26 dwellings***	10/ha min and max
12 Fern Creek Rd (Lot 12 DP 1092788) 901C			4075.8	10	13			25/ha min 32/ha max
9 Fern Creek Rd (Lot 5 DP 736961)			5374.3	13	17	Increase of 17 dwellings (max) and increase of 13 dwellings (min)		25/ha min 32/ha max
13 Fern Creek Rd (Lot 13 DP 1092788) (part) 901A	2*	2*	0	0**	0**	Decrease 2 dwellings (max and min)	0	25/ha min 32/ha max
Total	25	30	9024.1	26	33	3 dwelling maximum increase overall		

*Warriewood Valley Strategic Review Addendum Report – Table 6 *Pro-rata yield for individual parcels in sector 901A* Page 46

**Pittwater LEP 2014 will be amended to reduce the dwelling yield in 901A from 'Not more than 192 dwellings or less than 156 dwellings' to 'Not more than 190 dwellings or less than 154 dwellings'.

***The Planning Proposal proposes that Sectors 901C, 901G and 9 Fern Creek Road be developed together therefore the minimum dwelling yield and maximum dwelling yield are shown combined for the 3 sectors.

There is a potential maximum dwelling yield increase of 3 dwellings over what is currently permitted under Pittwater LEP 2014 for Sectors 901C, 901G and 9 Fern Creek Road if any future development develops at the maximum dwelling yield of 33 dwellings. The potential maximum 3 dwelling increase is unlikely to have any material effect on the capacity of infrastructure. Further, the additional 3 dwellings will still remain below the RMS cap of 2544 dwellings recommended as part of traffic modelling previously undertaken.

Table 3 below summarises the allocation of proposed dwellings on each lot on a pro rata basis. Warriewood Valley Strategic Review Addendum Report (2014) will be amended to reflect the pro rata yields.

Table 3: Allocation of Proposed Dwelling Yields (Pro Rata)

Property Description	Developable Area (m2)	Minimum Dwelling Yield	Maximum Dwelling Yield	Dwelling yields identified in WVSR Addendum Report
Lot 11 DP 1092788	3174	3	3	10/ha min and max
Lot 12 DP 1092788	4075.8	10	13	25/ha min 32/ha max
Lot 5 DP 736961	5374.3	13	17	25/ha min 32/ha max
Lot 13 DP 1092788	0	0	0	25/ha min 32/ha max
Total		26	33	

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

Consistency with the applicable State Environmental Planning Policies and Deemed State Environmental Planning Policy is discussed below. (see **Appendix 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

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

Section C Environmental, social and economic impact

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

The Planning Proposal involves, amongst other things, the rezoning of R3 Medium Density Residential land to RE1 Public Recreation Land. The overall development footprint (as reflected by the R3 Medium Density Residential zone under Pittwater LEP 2014) will be reduced and a larger area for the southern portion of Central Local Park will be delivered.

The revised open space layout will also facilitate the improvement of the existing biodiversity connection between the Fern Creek corridor and the Ingleside Escarpment and enable land identified with constraints adjacent to the creekline, including land identified on the Biodiversity Map, to be greater protected by the proposed RE1 Public Recreation zone. It is therefore unlikely that this Planning Proposal will result in adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

Any future development applications will require assessment under Section 79C of the *Environmental Planning and Assessment Act 1979* and will be subject to the provisions and development controls under Pittwater LEP 2014 and Pittwater 21 DCP.

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

Two potential environmental issues that have not been adequately canvassed or addressed are - land contamination and overland flow flooding.

Land Contamination - it is recommended, that a contaminated land assessment be required as part of the conditions of the Gateway determination given the land is to be rezoned to RE1 Public Recreation to be utilised by the community for recreational pursuits. The contaminated land assessment should be drafted in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land*.

Flooding - as detailed above in Section B 6 Ministerial Direction Section 117 Directions 4.3 Flood Prone Land the applicant will be directed to assess the impact of overland flow flooding and address its consistency with the s.117 Directives for 4.3 Flood Prone Lands. It is recommended that the additional information be required as part of the conditions of the Gateway determination.

Any future development application will require assessment under Section 79C of the *Environmental Planning and Assessment Act 1979* and will be subject to the provisions and development controls under Pittwater LEP 2014 and Pittwater 21 DCP, including those related to bushfire prone land, waste management, biodiversity, geotechnical hazards, heritage and traffic. Development planning and construction issues would need to be addressed in detail in any future development application for the site.

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

The main social effect of the Planning Proposal is a positive one resulting in increased local open space in Council's preferred configuration for Central Local Park. The Planning Proposal would result in an increase of approximately 600m² more public open space for the community compared to what would be achieved on the current lot (9 Fern Creek Road) in Council's ownership.

Further, the future open space will add to the recreational enjoyment of the community strengthening liveability for the residents of Warriewood Valley.

The main economic effect is unlocking the development opportunities in Sector 9 which is important to ensuring the timely delivery of infrastructure under the *Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 2*.

As this Planning Proposal will facilitate the extension of Central Local Park and enable residential development in a form similar to adjoining properties it is unlikely to have any negative social or economic effects.

Section D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Local infrastructure, to meet the needs of the current and expected future population of the Warriewood Valley community, is planned for and funded through the *Warriewood Valley Section 94 Contributions Plan Amendment 16 Revision 2*.

The Planning Proposal proposes a maximum of 3 additional dwellings. The extra dwellings are considered minor and will be accommodated under existing infrastructure provisions. Further the additional 3 dwellings will still remain below the RMS cap of 2544 dwellings recommended as part of traffic modelling previously undertaken.

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

The formal views of relevant State and Commonwealth public authorities will be sort following a Gateway determination during the statutory exhibition period.

The preliminary views of the NSW Rural Fire Service and Office of Water during the non-statutory exhibition period are provided at **Appendix 3**.

Council will formally consult with NSW Rural Fire Services and Office of Water and any other relevant authority again during the statutory exhibition period.

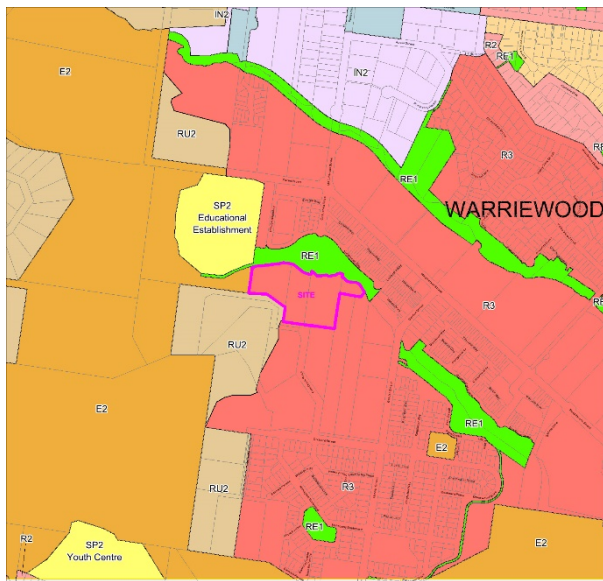
PART 4: MAPPING

The current Land Zoning Map (Sheet LZN_012) and Height of Building (Sheet HOB_12) are contained at **Appendix 4**.

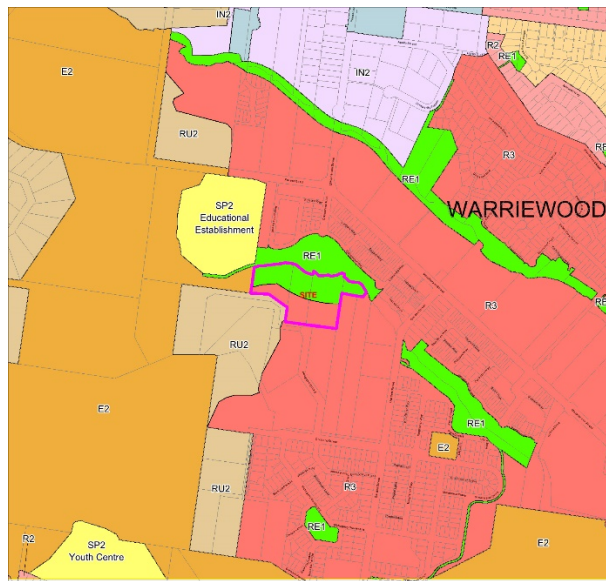
The proposed amended maps for Land Zoning Map (Sheet LZN_012) and Height of Building (Sheet HOB_12) are contained at **Appendix 5**.

For information purposes, an excerpt of the maps are reproduced below.

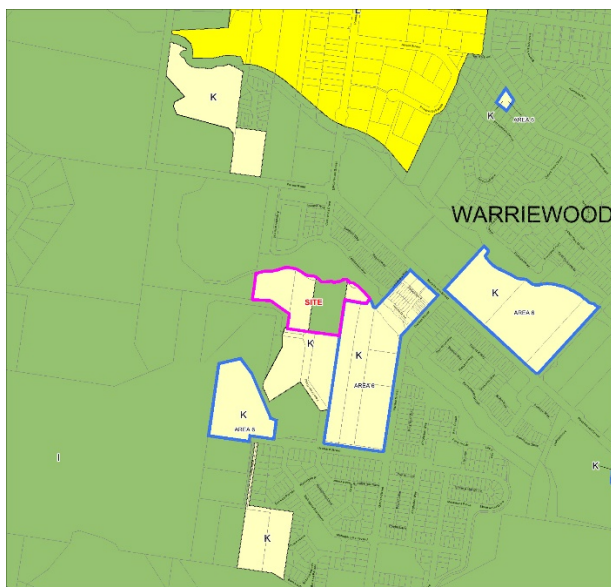
Land Zoning Map



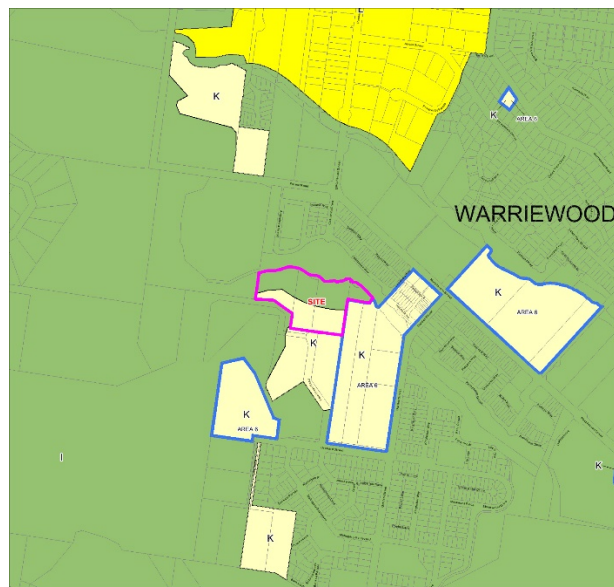
Existing Land Use Zoning Map



Proposed Land Use Zoning Map



Existing Height of Building Map



Proposed Height of Building Map

PART 5: COMMUNITY CONSULTATION

The Planning Proposal has undergone non-statutory consultation in accordance with Council policy. Landowners were notified within the Warriewood Valley suburb (1757 in total) as well as the Warriewood Residents Association. An advertisement was placed in the Manly Daily (25 March 2017) and a site notice was displayed at the site throughout the notification period. The application documents were made available electronically on Council's website and in hard copy in Customer Service Centres at Manly, Dee Why, Mona Vale and Avalon. Six written responses were received from the community.

Notification letters were sent to the following State Agencies:

- NSW Rural Fire Service
- NSW Office of Water
- Ausgrid

The Proposal was also referred to the following Council Business Units:

- Parks & Reserves
- Transport & Urban – Traffic Engineering
- Natural Environment and Climate Change

The responses received from members of the community, State agencies and internal Council Business Units are detailed in the Council report 30 May 2017.

Further, Council has undertaken significant community consultation during the course of the negotiations for the land swap that has culminated with this Planning Proposal.

Council will coordinate the public exhibition and stakeholder consultation phases of the Planning Proposal but it will not seek delegation of the local environmental plan preparation and making functions. This is due to Council wishing to avoid any perceived conflict of interest of Council having a commercial stake in the completion of the local environmental plan. Greater transparency will be achieved if the Department of Planning and Environment undertakes these functions.

This Planning Proposal is considered a 'low impact' proposal and generally consistent with the pattern of surrounding land uses.

In keeping with "*A guide to preparing local environmental plans*" (Department of Planning and Environment, 2016) the following consultation is considered appropriate:

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

PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date 2017
Date of Gateway determination	6 weeks from Council decision to forward Planning Proposal to Gateway	Documentation to be forwarded to the DPE 14 days after Council decision. Gateway determination expected by mid-July
Completion of required technical information – preliminary Land Contamination report and Flood Study	6 weeks from date of Gateway determination	Early September
Government agency consultation	Any required formal consultation will occur concurrent with public exhibition	Mid October
Public exhibition	14 days	Mid-October
Consideration of submissions	2 weeks from close of public exhibition	End October
Consideration of proposal post-exhibition and report to Council	4 weeks from close of public exhibition	Mid November
Date of submission to DP&E for rezoning preparation and LEP amendment to be made	Following Council decision to finalise LEP	End November
DPE Preparation of LEP	To be determined by DPE	Mid December
Notification of LEP/LEP comes into force	1 week from DPE making plan	End December

Appendix 1: Consideration of SEPPS

Consistency with the applicable State Environmental Planning Policies and Deemed State Environmental Planning Policy is discussed below.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency or otherwise
SEPP No 1 – Development Standards	NO	N/A	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 19 – Bushland in Urban Areas	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 36 – Manufactured Home Estates	NO	N/A	
SEPP No 39 – Spit Island Bird Habitat	NO	N/A	
SEPP No 44 Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	YES	NO	Council recommends as a condition of Gateway that a contaminated land assessment be prepared in accordance with the provisions of <i>SEPP No 55 – Remediation of Land</i>
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	
SEPP No 65 – Design and Quality of Residential Flat Development	YES	YES	
SEPP No 70 – Affordable Housing (Revised Schemes)	YES	YES	
SEPP No 71 – Coastal Protection	NO	N/A	
SEPP (Affordable Rental Housing) 2009	YES	YES	
SEPP (Building Sustainability	YES	YES	

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency or otherwise
Index: BASIX) 2004			
SEPP (Exempt and Complying Development Codes) 2008	YES	YES	
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES	
SEPP (Infrastructure) 2007	YES	YES	
SEPP (Major Development)	NO	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	NO	N/A	
SEPP (Rural Lands) 2008	NO	N/A	
SEPP (Transitional Provisions) 2011	NO	N/A	
SEPP (State and Regional Development) 2011	NO	N/A	
SEPP (Sydney Drinking Water) 2011	NO	N/A	
SEPP (Sydney Region Growth Centres) 2006	NO	N/A	
SEPP (Three Ports) 2013	NO	N/A	
SEPP (Western Sydney Employment Area) 2009	NO	N/A	
SEPP (Western Sydney Parklands) 2011	NO	N/A	
SEPP (Urban Renewal) 2010	NO	N/A	

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

Title of deemed SEPP, being Sydney regional Environmental Plan (SREP)	Applicable	Consistent	Reason for inconsistency
SREP No 20 – Hawkesbury-Nepean River (No 2 – 1997)	YES	YES	

Appendix 2: Consideration of Section 117 Directions

1 Employment and Resources

	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	NO	N/A
1.2	Rural Zones	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

Justification for inconsistency with NIL

2 Environment and Heritage

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

Justification for inconsistency with NIL

3 Housing, Infrastructure and Urban Development

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

Justification for inconsistency with NIL

4 Hazard and Risk

	Direction	Applicable	Consistent
4.1	Acid Sulphate 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	NO

Justification for Inconsistency with Direction 4.3

The northern portion of Planning Proposal proposes rezoning from R3 Medium Density to RE1 Public Recreation. This will reduce the risk to property damage by not having buildings in the flood zone. Further the s.117 Directive does not refer to height of buildings therefore the change to the height of buildings map proposed under the Planning Proposal is consistent with the s.117 Direction.

The potential inconsistency arises with the proposed density allocation on part of 9 Fern Creek Road.

Since the Strategic Review 2013, the 2013 Pittwater Overland Flow Mapping and Flood Study (Cardno) identified that overland flow flooding traverses sections of the subject properties. In addition the 2013 Narrabeen Lagoon Flood Study (BMT WBM) has also been adopted by Council and needs to be considered. The likely impact from overland flow flooding has not been addressed in this application however it is highly unlikely that the development capability of the subject properties will now identify these properties to be significantly constrained that residential accommodation is deemed to be an inappropriate land use for these properties. Nonetheless, the applicant should address the impact of overland flow flooding to facilitate consistency with the 117 Direction. This information should be provided and exhibited (as part of the statutory public exhibition) with the Planning Proposal.

It is recommended that the applicant assess the impact of overland flow flooding and address its consistency with the s.117 Directives for 4.3 Flood Prone Lands. This additional information will be requested as part of the conditions of the Gateway determination.

Justification with Inconsistency with Direction 4.4

Lot 11 DP1092788 of the Planning Proposal is identified as Bush Fire Prone under Council's Bush Fire Prone Lands Map.

This Planning Proposal is inconsistent with this direction in so far as consultation after Gateway has not yet occurred with the NSW Rural Fire Service. Consultation will be undertaken during the statutory exhibition period. Notwithstanding, Council has undertaken preliminary consultation during its non-statutory notification period with NSW Rural Fire Service and their response is summarised at **Appendix 1**. The NSW Rural Fire service raised no object to the Planning Proposal subject to a requirement that the future residential subdivision of the land complies with *Planning for Bushfire Protection 2006*.

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	
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	NO	
5.8	Second Sydney Airport: Badgerys Creek	NO	
5.9	North West Rail Link Corridor Strategy	NO	
5.10	Implementation of Regional Plans	YES	YES

Justification for inconsistency: NIL

6 Local Plan Making

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

Justification for inconsistency with Direction 6.3

The Planning Proposal seeks to amend the existing dwelling yield provision applying to the subject land. The application of the dwelling yield provisions within the Pittwater LEP 2014 is well established for the Warriewood Valley Release Area. The dwelling yield provisions in Part 6 of the Pittwater LEP 2014 were translated from Pittwater LEP 1993 and are not new provisions. This Planning Proposal merely amends Part 6.

7 Metropolitan Planning

	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	N/A

Justification for inconsistency: Nil

Appendix 3: Preliminary State Agency Responses

NSW Rural Fire Services – Response to non-statutory exhibition (March-April 2017)



NSW RURAL FIRE SERVICE



The General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660

Your reference: PP0002/16
Our reference: L13/0004

18 April 2017

Attention: Sylvania Mok

Dear Sir/Madam,

Re-notification (Non-Statutory) of Planning Proposal PP0002/16. No. 9, 11, 12 & 13 Fern Creek Road, Warriewood

Reference is made to Council's correspondence dated 22 March 2017 seeking comment in relation to the amended and additional information relating to the above Planning Proposal.

The New South Wales Rural Fire Service (NSW RFS) has previously commented on this Planning Proposal, dated 28 September 2016, raising several concerns. Based upon an assessment of the additional information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future residential subdivision of the land complies with *Planning for Bush Fire Protection 2006*. This includes, but is not limited to:

- Provision of Asset Protection Zones (APZs) in accordance with Table A2.4;
- Access to be provided in accordance with the design specifications set out in section 4.1.3; and
- Services to be provided in accordance with section 4.1.3.

With regard to these requirements, the following comments are made in relation to the submitted concept plan - *Sector 8 & 9 Open Space Masterplan* dated 6 May 2015:

- The NSW RFS supports the creation of the open recreation space as part of the Central Local Park and the management of the Park to the standard of an asset protection zone; and
- The NSW RFS supports the new east-west Fern Creek Road extension and connection to Garden Street, thereby creating a through road. And the western connection from the cul-de-sac to the existing fire trail.

If you have any queries regarding this advice, please contact Garth Bladwell, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,

Jason Maslen
Acting Manager, Planning and Environment Services (East)

Postal address

NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address

NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E csc@rfs.nsw.gov.au
www.rfs.nsw.gov.au

Office of Water - Response to non-statutory exhibition (March-April 2017)

----- Forwarded message -----

From: **Gina Potter** <gina.potter@dpi.nsw.gov.au>

Date: 29 March 2017 at 10:24

Subject: Re: Planning Proposal PP0002/16 - 9,11,12&13 Ferncreek Road, Warriewood - additional information received

To: Cheryl Williamson <Cheryl.Williamson@northernbeaches.nsw.gov.au>

Hi Cheryl,

Any works within 40m of the watercourse will be integrated.

DPI Water requirements for this site, in accordance with our current Guidelines, are for a minimum 10m setback from the top of bank (both sides) and that outlet structures and instream works be in accordance with our guidelines.

<http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>

regards,

Gina Potter | Water Regulation Officer

Water Regulation Group

NSW Trade & Investment | Level 11, 10 Valentine Avenue Parramatta | Locked Bag 5123, Parramatta 2124

T: [+61 2 8838 7566](tel:+61288387566) | F: +61 2 8838 7554

E: gina.potter@dpi.nsw.gov.au

Appendix 4: Current LEP Maps

Appendix 5: Proposed LEP Maps Amendment
