



SUBJECT: Rezoning of 23B Macpherson Street, Warriewood

Meeting: Planning an Integrated Built Environment Committee

Date: 20 July 2009

STRATEGY: Land Use & Development

ACTION: Coordinate land use planning component of land release

PURPOSE OF REPORT

The purpose of this report is to inform Council of a request to commence a site-specific rezoning that will permit a retail facility on the subject site. This report seeks Council's endorsement to commence the statutory process and prepare a draft LEP.

1.0 THE SITE

- 1.1 This report focuses on 23B Macpherson Street, Warriewood (being Lot 11 Sec C DP 5464). It is located at the south-western corner of the Macpherson Street-Garden Street intersection. The site is at the eastern end of Sector 8, and is currently vacant (see Attachment 1 for Locality map).
- 1.2 This site, along with other sites within proximity of the Macpherson Street-Garden Street intersection, had been earmarked as the location for a focal neighbourhood centre for the Warriewood Valley Land Release.

2.0 BACKGROUND

- 2.1 The Ingleside/Warriewood Urban Land Release Area Demographic and Facility/Service Needs Studies (December 1994) and the subsequent 1997 Warriewood Valley Urban Land Release Draft Planning Framework identified the potential for limited retailing that provides convenience to the incoming population of Warriewood Valley.

It also identified that a retail centre be established in the vicinity of the Macpherson Street-Garden Street intersection, as it is spatially central to the residential and commercial/ industrial areas, and school in Warriewood Valley. This intention is expressed in the development controls applying to Warriewood Valley, firstly in DCP 29 and now in Pittwater 21 DCP (being control C6.15 Warriewood Valley Focal Neighbourhood Centre).

- 2.2 In September 2003, Council considered an application to rezone land in Sector 8 including the subject site, together with the masterplan for the sector. That masterplan indicatively sited the retail centre on the rear portion of the subject site, with frontage to Garden Street and an internal road.

Council, in adopting the masterplan for Sector 8, resolved to rezone the Sector 8 lands from Non Urban 1(b) to 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP 1993. The rezoning came into effect on 14 May 2004. The majority of the rezoned land has been developed as medium density residential, with the exception of the subject site.

2.3 Over the years, interested parties have discussed a retail centre proposal on this site with Council officers to no avail.

2.4 In 2008, Mirvac (the owners at the time) lodged a Development Application (N0400/08) for subdivision to create 25 lots and construction of dwellings thereon, which was inconsistent with the approved masterplan as it did not incorporate a retail facility.

The application was subsequently amended to create 1 superlot and 2 residue lots, and to create 22 allotments and construct a new road and 21 dwellings on the proposed superlot. One of the residue lots is earmarked for a retail development, and would be subject to a future DA.

The site has since been sold to the new owners who are proceeding with the amended application (N0400/08). This is still being assessed by Council.

2.5 The new owners have also advised Council that they wish to develop a retail facility on the site and are progressing documentation necessary to lodge a DA. Accordingly, the proponent has submitted a concept plan of the proposal (Attachment 2).

3.0 ISSUES

3.0 The subject site is zoned 2(f) (Mixed Residential – Urban Purposes), and lists “Residential buildings; associated community and urban infrastructure” as being permitted in the zone. These are the only forms of development permitted in the 2(f) zone however, neither term has been defined in Pittwater LEP 1993.

Council officers recently sought opinion to clarify if a retail facility is permissible under the zone. The legal advice concluded it is unclear whether a retail facility can be construed as “associated community and urban infrastructure” and may not be permitted in the zone. This ambiguity was not Council’s intention as some form of retail (in the form of a ‘focal neighbourhood centre’) had been planned for as part of the Warriewood Valley Land Release, and had indicated the preferred location to be this site or in the vicinity of the Macpherson Street-Garden Street intersection.

To provide certainty it is recommended that Council proceed to rezone the subject site to expressly permit a retail facility on the site. In this regard, the owner of the site has formally requested Council to rezone the site.

3.1 In 2006, Council commissioned HillPDA to assess whether there is a demand for a focal neighbourhood centre in Warriewood Valley. At the time, HillPDA concluded there is demand for a supermarket and associated specialty retail in Warriewood Valley, particularly in the preferred location.

3.2 Recent planning reforms regarding the preparation of LEPs was introduced on 1 July 2009, intended to simplify the Plan-Making (LEP) process. A diagram of the new LEP process is shown on Attachment 3. Under this process, it is noted that the community consultation is undertaken after Council and the Department of Planning (DoP) has considered and subsequently approved to proceed with the rezoning. Additionally, DoP will determine the level of community consultation including whether it is exhibited for a minimum 14 or 28 days.

- 3.3 Given the matters raised above, Council officers have prepared the 'Planning Proposal' document which will be submitted to DoP. The Planning Proposal provides justification for the rezoning and will form the basis of the LEP. The Planning Proposal will be the document that will be exhibited during the community consultation process.

Under the new process, DoP needs to issue approval to progress the LEP process and will advise Council how the community will be consulted, including the length of time.

4.0 FORWARD PATH

- 4.1 If Council agrees with the recommendation, a request will be made to the Department of Planning in regard to the Planning Proposal (Attachment 4), to formally commence the LEP process. Additionally, the owner will be advised of Council's resolution.
- 4.2 Council will be advised of the outcome of the request and, when available, the form of community consultation that will be undertaken (as advised by DoP).
- 4.3 If progressed, a report will be presented to Council on the outcome of the community consultation process.

5.0 SUSTAINABILITY ASSESSMENT

5.1 Supporting & Connecting our Community (Social)

- 5.1.1 Progressing the plan-making process to permit a retail facility on this site will bring to fruition development of the site as originally planned. This enables completion of the Sector 8 development, providing a retail facility limited to serving the daily shopping needs of residents in the Warriewood Valley Release Area that will enhance the health and wellbeing of the community.

5.2 Valuing & Caring for our Natural Environment (Environmental)

- 5.2.1 Progressing the plan-making process to permit a retail facility on this site will bring to fruition development of the site as originally planned and includes evaluating the likely impacts of future development of this site, including environmental impacts on the natural environment, economic and social impacts in the locality.

The development opportunities being provided in this sector will seek to introduce initiatives that aim to reduce our ecological footprint, protect our biodiversity.

5.3 Enhancing our Working & Learning (Economic)

- 5.3.1 Progressing the plan-making process to permit a retail facility on this site will bring to fruition development of the site as originally planned. The development opportunities being provided in this sector facilitates local business and employment opportunities,

It is intended that the proposal serves the daily shopping needs of residents in the Warriewood Valley Release Area.

5.4 Leading an effective & Collaborative Council (Governance)

- 5.4.1 Progressing the plan-making process to permit a retail facility on this site will bring to fruition development of the site as originally planned under the Warriewood Valley Urban Land Release Draft Planning Framework 1997. Developing this site for a retail facility is generally consistent with the masterplan (for this site and Sector 8) approved by Council in 2003.

Collaboration with landowners and community participation will be undertaken to ensure that decision-making is ethical, accountable and transparent.

5.5 Integrating our Built environment (Infrastructure)

- 5.5.1 Progressing the plan-making process to permit a retail facility on this site will bring to fruition development of the site as originally planned under the Warriewood Valley Urban Land Release Draft Planning Framework 1997.

The development opportunity being provided on this site aims to enhance the liveability and amenity of our villages by locating an appropriate mix of land use and development in well connected, effective transport route.

6.0 EXECUTIVE SUMMARY

- 6.1 Council, in its initial planning of the Warriewood Valley Land Release, had envisaged the provision of a retail facility (of limited scale) at a central location within Warriewood Valley. This location, being in the vicinity of the Macpherson Street-Garden Street intersection, had been expressed in the Warriewood Valley Urban Land Release Draft Planning Framework and subsequently, in Pittwater 21 DCP.
- 6.2 The proponent has requested Council rezone the subject site to permit a retail facility (of limited scale) on the site, enabling a subsequent Development Application for a retail facility to be submitted for this site.
- 6.3 This report recommends the commencement of the LEP process to permit a retail facility specifically on the subject site, as it is consistent with the recommendations of the Warriewood Valley Urban Land Release Draft Planning Framework.

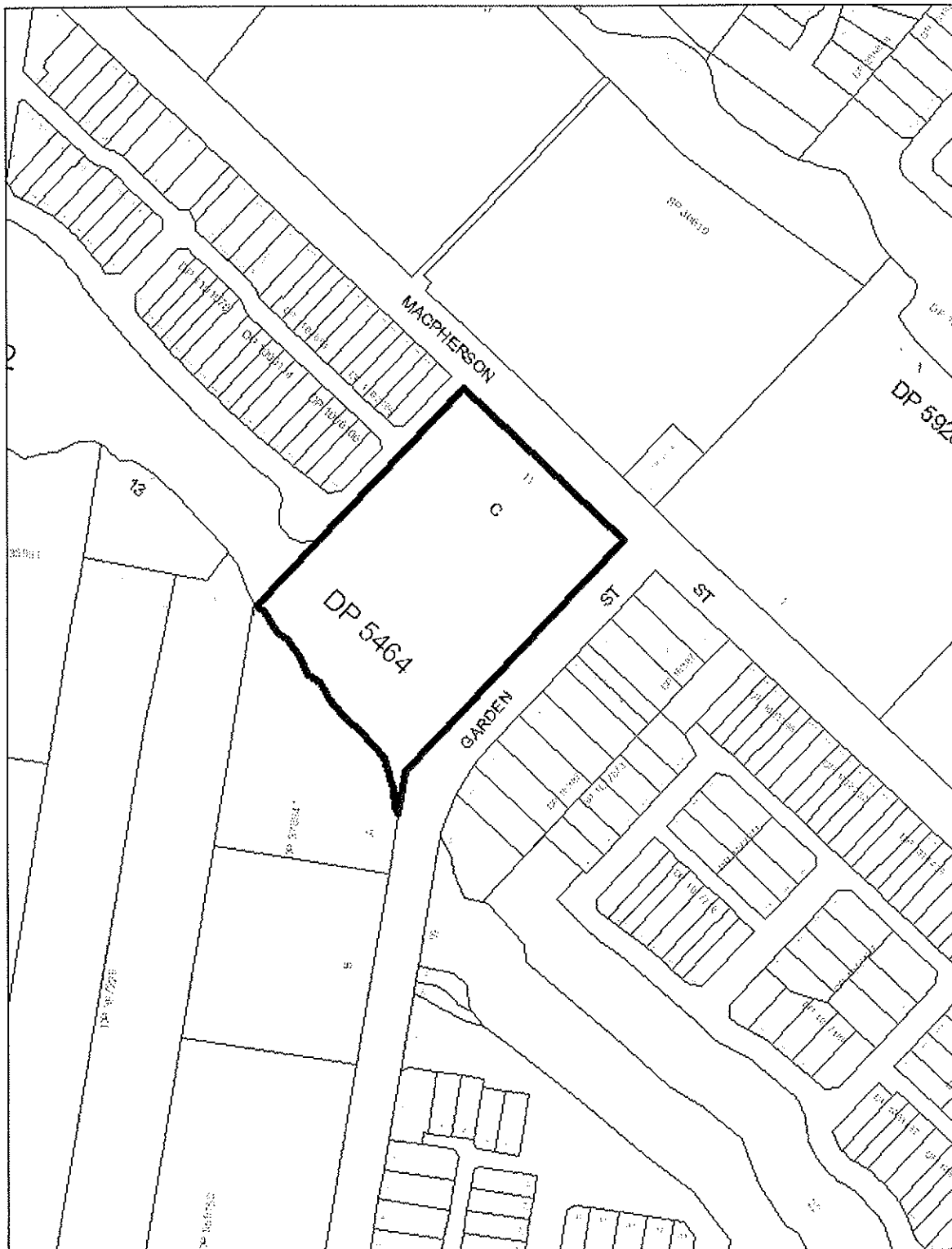
RECOMMENDATION

- 1 That Council endorse progression of the statutory rezoning process to permit a retail facility development on 23B Macpherson Street, Warriewood, as set out in Attachment 4.
- 2 That Council be advised of the directions issued by the Department of Planning in relation to the community consultation to be conducted for this rezoning.
- 3 That the outcomes of the community consultation process be reported to Council.
- 4 That Council advise the owner of the subject site that, prior to finalisation of the rezoning process, the Applicant take advantage of Council's formal pre-lodgement meeting process to discuss issues regarding the proposal with relevant Council officers.

Report prepared by Liza Cordoba, Principal Officer Land Release

Lindsay Dyce
MANAGER, PLANNING AND ASSESSMENT

LOCALITY MAP



CONCEPT PLAN

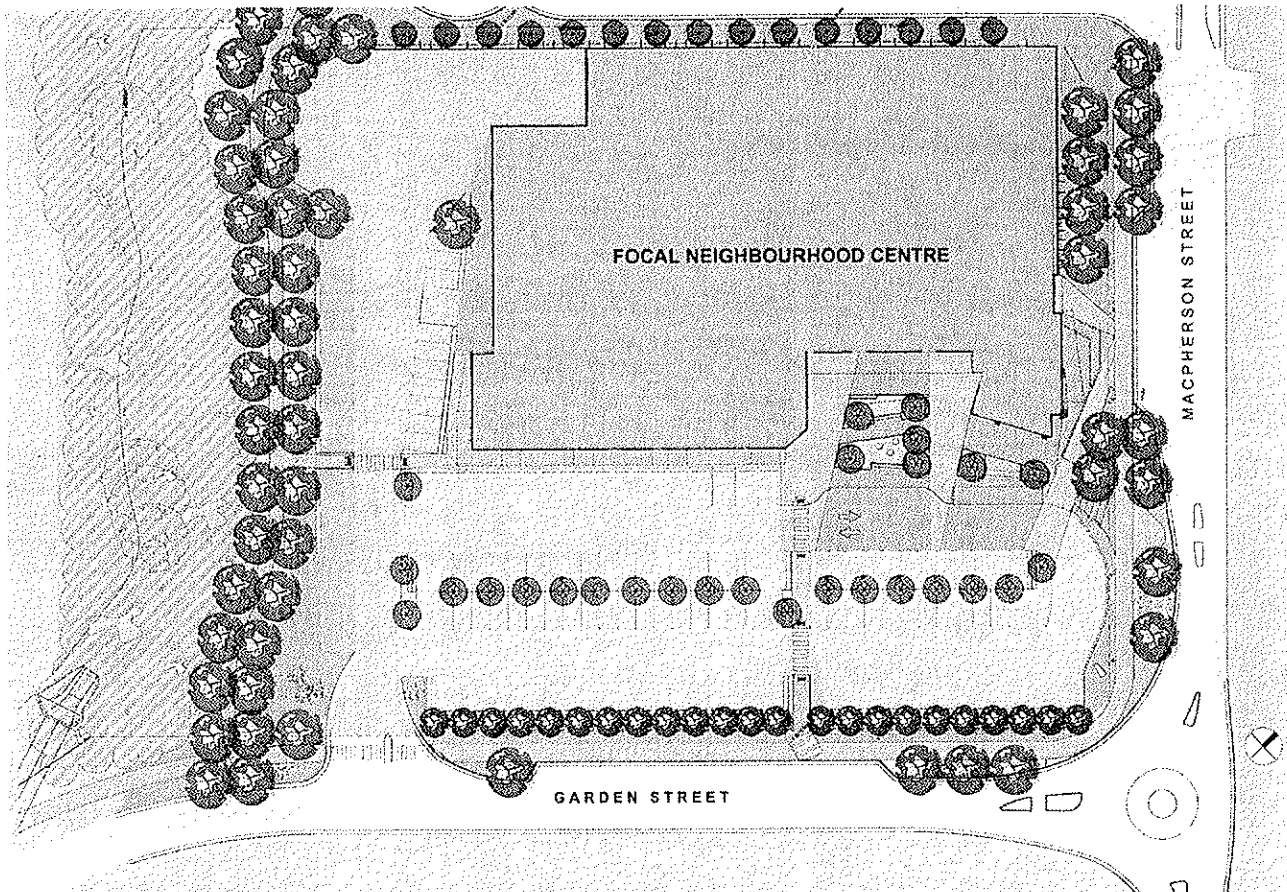
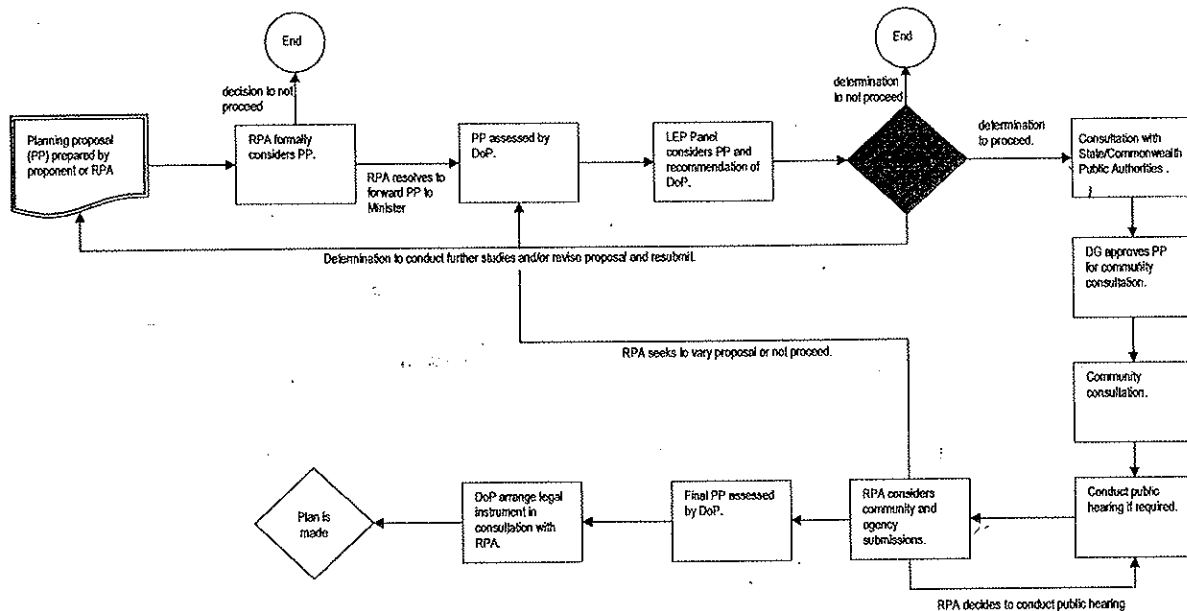


DIAGRAM SHOWING NEW PROCESS - HOW A LOCAL ENVIRONMENTAL PLAN IS MADE (Under Recent Changes to PART 3 of the EP&A ACT)

Figure 5 – Process to make a local environmental plan



KEY

RPA means Relevant Planning Authority (such as Council)

Extracted from "A guide to preparing local environmental plans" prepared by Department of Planning (July 2009)