

Zoning land at Belrose for low density residential

Proposal Title : **Zoning land at Belrose for low density residential**

Proposal Summary : **The planning proposal seeks to zone land at Belrose to R2 Low Density Residential and allocate a minimum lot size, maximum building height and land slip risk for the subject land under Warringah Local Environmental Plan (LEP) 2011.**

The subject land is currently deferred from Warringah LEP 2011 and is located within the B2 Oxford Falls Valley locality under Warringah LEP 2000. The land was proposed to be zoned E3 Environmental Management when the Warringah LEP was exhibited in 2009.

This planning proposal will bring the land into Warringah's comprehensive LEP.

PP Number : **PP_2012_WARRI_006_00** Dop File No : **12/12168**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed with conditions.**

The planning proposal should be amended, prior to public exhibition, to address the below matters:

- a) the relationship of the rezoning with the strategic review,**
- b) the strategic justification for undertaking this rezoning ahead of the review,**
- c) further justify zoning the subject land R2 Low Density Residential,**
- d) address the suitability of the R3 Medium Density Residential zone for the subject land, given the site's proximity to adjoining R3 zoned land, and**
- e) identify how the proposal will address the matter of non-conforming uses.**

The statement of objectives should be amended to:

- a) advise that the planning proposal also allocates a minimum lot size, maximum building height and land slip risk information for the subject land, and**
- b) advise that the subject land is currently deferred from Warringah LEP 2011.**

The planning proposal be exhibited for at least 28 days.

The planning proposal be completed within nine months of the Gateway Determination.

Consultation is required with NSW Rural Fire Services, consistent with Direction 4.4 Planning for Bushfire Protection.

In its discussion on Direction 3.1 Residential Zones, Council should address matters concerning the permissibility of seniors housing on the site.

No further consideration of s117 Directions is required.

Supporting Reasons : **The proposal should be allowed to proceed as the site is a discrete area surrounded by the primarily residential suburb of Belrose and an urban zone is appropriate for the land. This is essentially a local matter although there are concerns about the planning proposal**

Zoning land at Belrose for low density residential

is premature before the strategic review has been completed.

To ensure that the R2 Low Density Residential zone is the most appropriate zone for the subject land, if the planning proposal proceeds Council should be asked to provide further justification for the proposed zoning.

Panel Recommendation

Recommendation Date : 16-Aug-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the following:
 - (a) the relationship of the proposed rezoning with the Oxford Falls Valley and Belrose North strategic review
 - (b) the strategic justification for undertaking the rezoning ahead of the outcomes of the strategic review being finalised,
 - (c) further justification for zoning the subject land R2 Low Density Residential, and
 - (d) how the planning proposal will address the matter of non-conforming uses.
2. Prior to undertaking public exhibition, Council is to amend the 'statement of objectives' in the planning proposal to advise that:
 - (a) the subject land is currently deferred from Warringah LEP 2011, and
 - (b) the planning proposal will allocate minimum lot size, maximum building height and land slip risk controls for the subject land.
3. In relation to Section 117 Direction 3.1 Residential Zones, Council should address matters concerning the permissibility of seniors housing on the site. This should be done prior to placing the planning proposal on public exhibition.
4. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Zoning land at Belrose for low density residential

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Nest McGaffin

Date: _____

21.8-12