

Council Resolution, 27 March 2012

Item 8.9 - Investigation into the Appropriate Zone for Land that is Currently a 'Deferred Matter' under WLEP 2011 – Land East of Forest Way

(BP REF 115)

76/12 RESOLVED

- A. That council staff prepare a Planning Proposal for an amending Warringah Local Environmental Plan 2011 (WLEP2011) to zone land (as identified in Attachment No.1) R2 Low Density Residential.
- B. That once prepared, Council staff refer the Planning Proposal to the NSW Minister for Planning and Infrastructure.
- C. That should the NSW Minister for Planning and Infrastructure require additional information to enable the amending WLEP2011 to proceed, this be provided by Council staff, as required.
- D. That upon receipt of the NSW Minister for Planning and Infrastructure Gateway Determination, and in accordance with any directions contained therein, Council authorises the public exhibition and consultation requirements to progress the Planning Proposal.
- E. That if NSW Minister for Planning and Infrastructure supports the Planning Proposal, Council staff review, and if required prepare amendments to the WDCP to ensure that appropriate low density residential development controls apply to the subject land in support of a future amending WLEP2011 to zone land (as identified in Attachment No.1) R2 Low Density Residential.

(THIS ITEM WAS DEALT WITH BY EXCEPTION.)

Appendix 3: Consideration of S117 Directions of the Environmental Planning and Assessment Act, 1979

The following is a list of relevant Section 117(2) Directions under the EP&A Act 1979 for the subject planning proposal. This list provides an analysis of how and if the recommended amendments to WLEP2011 comply with these Directions:

<u>Section 117 Direction</u>	<u>Issue date/ date effective</u>	<u>Planning Assessment</u>	<u>Compliance with S117 Direction? Yes or No?</u>
<u>2.1 Environment Protection Zones</u>	1 July 2009	The land is not environmentally sensitive or within an environmental protection zone. The land's current function supports urban uses (principally housing). Further the land is surrounded by urban land.	Yes
<u>2.3 Heritage Conservation</u>	1 July 2009	The objective of this direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance. The subject land does not contain and is not in close proximity to any items, areas, objects or places of environmental or indigenous heritage significance. Therefore this S117 Direction is not relevant to this planning proposal.	Yes
<u>3.1 Residential Zones</u>	1 July 2009	The objectives of this direction are: (1) <i>to encourage a variety and choice of housing types to provide for existing and future housing needs,</i> (2) <i>to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i> (3) <i>to minimise the impact of residential development on the environment and resource lands.</i> It is recommended that the subject land (which is currently developed as predominantly low density residential) be zoned under WLEP2011 as R2 Low Density Residential. This will make efficient use of existing infrastructure and services and is in line with the current level of access to and from the subject site to infrastructure and services, minimising environmental impacts. A future Warringah Housing Strategy shall strategically determine how Warringah is to encourage a variety and choice of housing types to provide for exiting and future housing needs across Warringah.	Yes
<u>3.3 Home Occupations</u>	1 July 2009	The objective of this direction is to encourage the carrying out of low-impact small businesses with in dwelling houses. Home businesses are permitted with consent under the recommended WLEP2011 R2 Low Density Residential zone.	Yes
<u>3.4 Integrating Land Use and</u>	1 July 2009	This direction ensures that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:	Yes

Section 117 Direction	Issue date/ date effective	Planning Assessment	Compliance with S117 Direction? Yes or No?
<u>Transport</u>		A. <i>improving access to housing, jobs and services by walking, cycling and public transport, and</i> B. <i>increasing the choice of available transport and reducing dependence on cars, and</i> C. <i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> D. <i>supporting the efficient and viable operation of public transport services, and</i> E. <i>providing for the efficient movement of freight.</i> Adequate access is provided in the form of public transport (buses) within 260m of the subject land and an off-road shared path for cycling along Forest Way. The Warringah Pedestrian Access and Mobility Plan has not recognised the subject land as a high priority for pedestrian infrastructure as it is not in close proximity to a local centre or other key pedestrian attractors. Hence, existing access provisions support the recommended low density residential zoning.	
<u>4.4 Planning for Bushfire Protection</u>	1 July 2009	The objectives of this direction are: A. <i>to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i> B. <i>to encourage sound management of bush fire prone areas.</i> In the preparation of a planning proposal Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made, Only properties Nos 133 & 135 Forest Way, Belrose which are located on the subject land are identified as being Bushfire Prone Land. Hence, the NSW Rural Fire Service will be consulted following receipt of a gateway determination.	Yes
<u>6.1 Approval and Referral Requirements</u>	1 July 2009	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The recommended planning proposal shall undertake appropriate steps to comply with this S117 Direction.	Yes
<u>7.1 Implementation of the Metropolitan Plan for Sydney 2036</u>	1 February 2010	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. Planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan"). Zoning the land consistent with its established function will facilitate its orderly use from a statutory planning perspective. This zoning change is consistent with local and state planning objectives.	Yes