

PLANNING PROPOSAL

**TO ZONE "DEFERRED MATTER LAND EAST OF FOREST WAY,
IN THE VICINITY OF DAWES & PERENTIE ROADS, BELROSE,
R2 LOW DENSITY RESIDENTIAL
UNDER THE WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011**

Version 24 July 2012

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1. Introduction

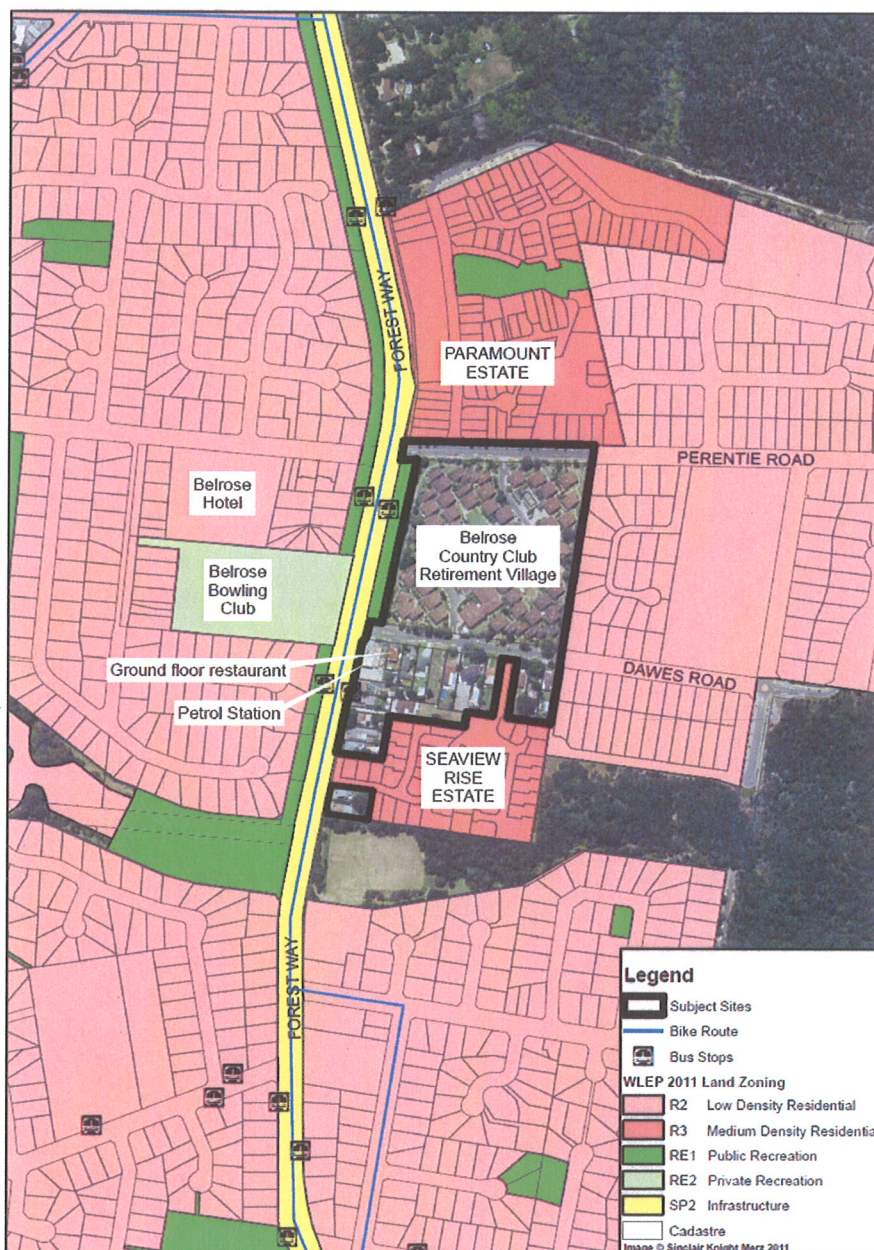
In making Warringah Local Environmental Plan 2011 (WLEP2011) certain land was deferred from the plan.

The purpose of the planning proposal is to zone "Deferred Matter" land east of Forest Way in the vicinity of Dawes and Perentie Roads, Belrose, legally described as:

- SP 34380, SP 36103, SP 58895 & SP 60916;
- SP 78470, SP 32095, SP 32915, SP69773, SP 74135 & SP 84163;
- Lot 2 DP 522842;
- Lots 14,15,16,17,18,19,21,22,& 23 DP 20287;
- Lot 13 DP 710415; and
- Lots 10, 11, 14, 15, 16, 17, 18 & 19 DP 737253 (as identified in Figure 1) (subject land)

R2 Low Density Residential under WLEP2011.

Figure 1 - Subject Land East of Forest Way in the vicinity of Dawes and Perentie Roads, Belrose



The subject lands function is predominantly for low density residential housing; however this established function is not reflected by current planning controls.

The planning proposal seeks to address this inconsistency and appropriately zone the land reflective of its function and purpose under WLEP2011.

2. Site Context and Location

The subject land and other areas of land east of Forest Way are currently covered by the planning requirements of the WLEP2000, B2-Oxford Falls Valley Locality. This is because land that is currently identified as ‘Deferred Matter’ under the new WLEP2011 continues to be assessed against the planning requirements of WLEP2000.

Figure 2: Warringah LEP2000 – Localities and the Subject Site

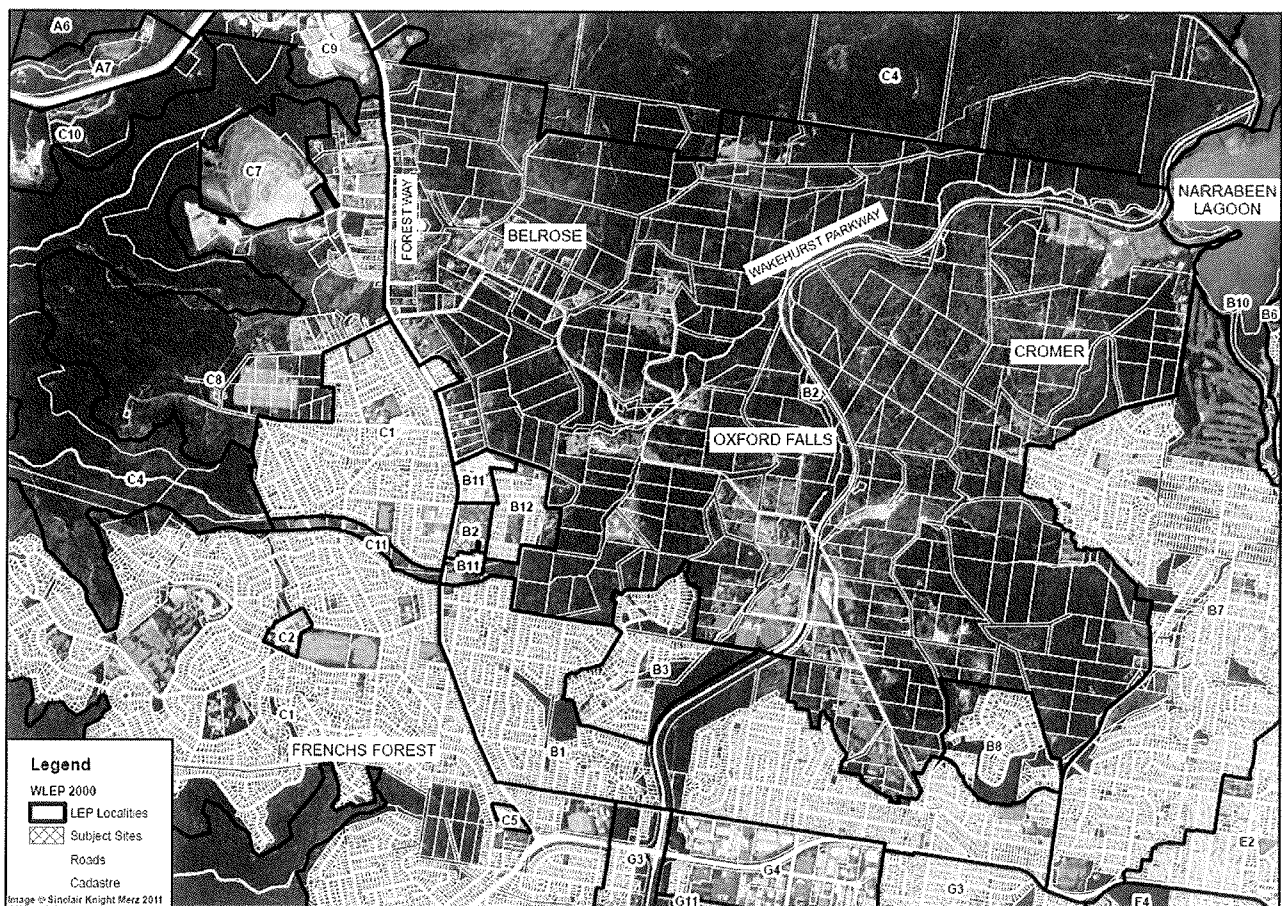
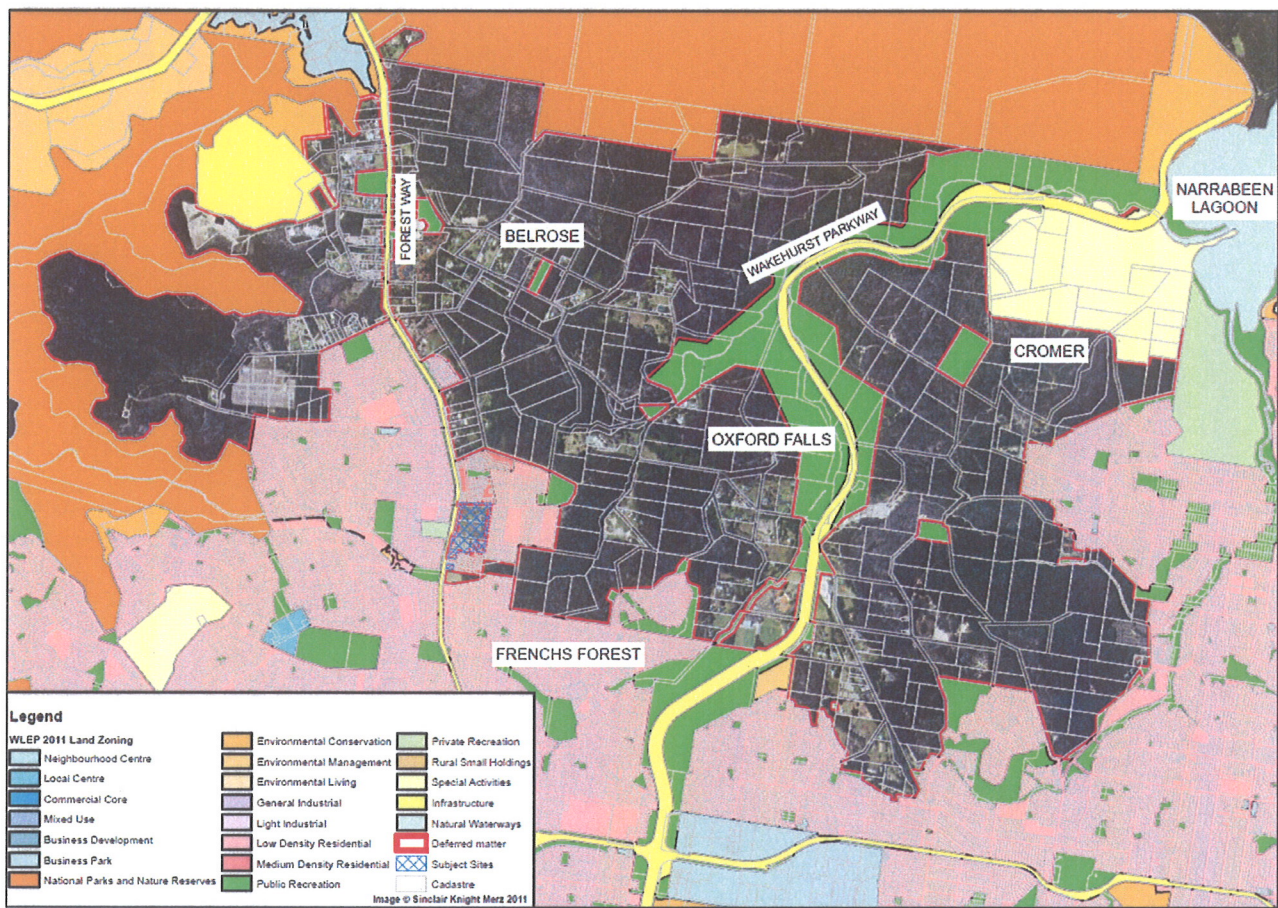


Figure 3: Warringah LEP2011 – Zoning and Deferred Matters



WLEP 2000, B2-Oxford Falls Valley Locality covers a large and diverse area of land (approximately 1452 hectares) between Forest Way and Narrabeen Lagoon. The majority of the B2- Oxford Falls Locality (excluding the subject land) is environmentally sensitive and comprises large densely vegetated (multiple hectare) lots, forming part of the Narrabeen Lagoon Catchment.

Figures 2 and 3 (above) illustrate that the subject land differs from the characteristics of the majority of land within the B2 Locality, as it is located in the primarily residential suburb of Belrose and existing development on the land is representative of low density residential housing comprising the following:

- Nineteen (19) properties on the southern side of Dawes Road that predominantly consist of existing one and two storey residential dwellings, with the exception of a Caltex Petrol Station (No.153 Forest Way) and two storey dwelling with a ground floor restaurant (No.3 Dawes Road). Lot sizes range from one 467.9sqm lot, a number of larger <700sqm and <900sqm lots and two 1690sqm and 1719.1sqm lots.
- Belrose Country Club Retirement Village, to the north of Dawes Road. This development consists of approximately 298 retirement units and other facilities associated with the village such as a community centre, library, swimming pool, village bus, auditorium, restaurant, medical consulting room, tennis courts etc.

The subject land is located adjacent to Forest Way and is surrounded primarily by two storey detached dwelling houses. WLEP2011, R3 Medium Density Residential zoned land is located to the north (Paramount Estate) and south (Sea View Rise Estate) of the subject land. These estates were previously developed under WLEP2000 (B11 locality) as large master planned sites. WLEP2011, R2 Low Density Residential zoned land is located to the east and west of the site, with

the exception of Belrose Bowling Club & Belrose Hotel that are located generally opposite the subject land on the western side of Forest Way.

The land is in reasonably close proximity to public transport with existing dwellings a maximum of 260m walking distance to two bus stops on Forest Way, serviced by Forest Way Coachlines which runs buses at a minimum every half an hour (during peak hour) to and from Chatswood and the City. It is noted however, that the subject land is not a comfortable walking distance to a local shopping centre, with the closest centres being Glenrose (approximately 1.44km distance) and Forest Way (approximately 1.88km distance).

It is therefore evident that the subject land not only has an established residential function, but is surrounded by land with a residential zoning.

3. Background

- WLEP 2011 came into force on 9 December 2010. The subject land is identified as a 'Deferred Matter' under WLEP2011 and continues to be assessed against the requirements of WLEP2000.
- Planning requirements of WLEP2000, B2-Oxford Falls Valley Locality are currently applicable to the subject land.
- Council Report dated 27 March 2012 (Appendix 2) investigated the appropriate zone for the subject land under WLEP2011. In accordance with the recommendations of this report, Council resolved on 27 March 2012 to prepare a Planning Proposal to amend the WLEP2011 to zone the subject land R2 Low Density Residential.

4. The Planning Proposal

Section 55 (2) Environmental Assessment & Planning Act 1979 outlines what a planning proposal must include. To comply with these requirements, this planning proposal comprises four (4) main parts;

- Part 1 - Objectives or Intended Outcomes
- Part 2 - Explanation of Provisions
- Part 3 - Justification
- Part 4 - Community Consultation

Part 1 - Objectives or Intended Outcomes

The subject lands function is predominantly for low density residential housing, however this established function is not reflected by current planning controls. The planning proposal will address this inconsistency by zoning the land R2 Low Density Residential, reflective of its function and purpose under WLEP2011.

Part 2 - Explanation of Provisions

The planning proposal involves amendments to WLEP2011 to zone the currently 'Deferred Matter' land legally described as:

- SP 34380, SP 36103, SP 58895 & SP 60916;
- SP 78470, SP 32095, SP 32915, SP69773, SP 74135 & SP 84163;
- Lot 2 DP 522842;
- Lots 14,15,16,17,18,19,21,22,& 23 DP 20287;
- Lot 13 DP 710415; and
- Lots 10, 11, 14, 15, 16, 17, 18 & 19 DP 737253 (Figure 1),

R2 Low Density Residential under WLEP2011.

The planning proposal will involve amendments to the following WLEP2011 maps:

- Land Zoning Map LZN 007: Remove the 'Deferred Matter' status of the subject land and instead zone the land R2 Low Density Residential. (Appendix 6)
- Lot Size Map LSZ 007: Provide a minimum subdivision lot size of 600m² for the subject land. This will reflect lot sizes of existing and surrounding residential development and is appropriate for the social, economic and environmental characteristics of the subject land. (Appendix 4)
- Height of Buildings Map HOB 007: Provide a maximum building height of 8.5m on the subject land. This maintains the same height provisions under WLEP2000 for the subject land. (Appendix 5)
- Land Slip Risk Map LSR 007: Provide a landslip risk rating for the subject land, based upon the certified Landslip risk map – sheet LSR_007 in Appendix 1. The subject land is to be mapped part Area A – Slope <5 degrees and part Area B – Flanking Slopes 5 degrees to 25 degrees.

Part 3 – Justification

A. Need for the Planning Proposal

Is the planning proposal the result of any strategic study or report?

Council resolved to prepare a planning report to zone the subject land R2 low density residential under WLEP2011, based on the recommendations of a zoning investigation report on the subject land, dated 27 March 2012 (Appendix 2).

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

The planning proposal is the only way of formalising the zoning of the subject land, which is currently identified as a 'Deferred Matter' under WLEP2011, as a necessary step towards establishing one LEP for Warringah.

Is there a community benefit?

Formalising the zoning of the subject land under WLEP2011 will be of benefit to the wider community, as this would be a further step towards establishing one LEP for Warringah.

B. Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?

Yes. The primary function of the subject land is low density residential housing, which is consistent with the surrounding land uses. However, WLEP identifies the land as being deferred. The planning proposal seeks to address this inconsistency and bring the subject land in line with the regional context of the area.

Is the planning proposal consistent with the local council's community plan or other strategic plan?

Strategic Community Plan 2011

The Warringah Strategic Community Plan 2011 is Council's primary forward planning document. The plan contains Goal (3.2) - *Socially and environmentally responsible urban development* as follows:

- *Plan appropriately for future housing in Warringah, balancing State Government growth targets, the changing demographic profile of the community, local needs and expectations and the need to reduce carbon emissions and resource consumption and the challenges of infrastructure limitations.*
- *Ensure housing development is sensitive to the natural and built environments.*

The zoning of the land is consistent with its established function and aligns with Council's and the State Government's broad planning objectives.

Is the planning proposal consistent with applicable state planning policies?

The following State Environmental Planning Policy has been considered as relevant to this planning proposal.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Schedule 6 of WLEP2011 specifies that land identified as "Deferred Matter" (including the subject land) is, for the purposes of SEPP (Exempt and Complying Development Codes) 2008, taken to be in Zone E3 Environmental Management. If the subject land becomes zoned R2 Low Density Residential, the requirements of the SEPP will be applicable with respect to the R2 Low Density Zoning of the subject land, and the impact of this is considered appropriate for existing and future development of the subject land.

Is the planning proposal consistent with Ministerial Directions?

Section 117 of the EP&A Act enables the Director General of NSW DoPI to issue directions regarding the content of LEPs to the extent that they must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. A review of relevant S117 Directions (Appendix 3) has determined that the proposal to amend WLEP2011 to zone the subject land R2 Low Density Residential is consistent with all relevant Section 117 Directions.

C. Environmental, Social and Economic Impact

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?

Records indicate that the subject land does not contain critical habitat, threatened species populations, ecological communities or their habitats. Properties Nos 133 & 135 Forest Way, Belrose are however located within 40m of an identified threatened species. Any future development application for these properties would need to consider the developments impacts on identified threatened species. Given these properties currently contain residential dwellings, the recommended low density residential zoning will have no additional adverse impacts on the threatened species adjoining these sites.

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

Bushfire prone land

Existing residential properties Nos 133 & 135 Forest Way, Belrose, are identified as being Bushfire Prone Land. These properties currently contain residential dwellings and bushfire considerations for future development shall remain unchanged by the recommended WLEP2011 R2 low density zone.

In accordance with the EP&A Act Section 117 Directions, when preparing the planning proposal, Council must consult with the Commissioner of the NSW Rural Fire Service regarding these properties. This will occur following this Planning Proposals Gateway Determination, if deemed necessary by the NSW Department of Planning and Infrastructure.

Flooding, acid sulphate soils, land slip and European or Aboriginal heritage

No flood prone land, acid sulphate soils, landslip potential or European or Aboriginal heritage, have been identified on the subject land that would affect the recommended zoning.

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

Clarifying the zoning of the subject land under WLEP2011 will be of benefit to property owners and the wider community, as this would be a further step towards establishing one WLEP containing planning controls for Warringah, instead of WLEP2000 & WLEP2011.

In respect to any economic impacts, zoning of the subject land to R2 Low Density Residential under WLEP2011 will result in similar residential development to that which currently exists on the subject land.

There would be two non-conforming uses however, being the aforementioned Caltex Petrol Station and ground floor restaurant. It is recommended that these two properties also be zoned R2 low-density residential and rely on existing use rights under the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979), should they apply.

Therefore, no additional economic impacts are envisaged as a result of the recommended zoning.

D. State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Infrastructure provisions such as water, electricity and sewer have already been established for the existing development on the subject land. Traffic generation from the proposed zoning will also be negligible as the recommended zoning does not encourage a greater density of development above that which currently exists.

The land is in reasonable proximity to public transport with existing dwellings a maximum of 260m walking distance to two bus stops on Forest Way, serviced by Forest Way Coachlines which runs buses at a minimum every half an hour (during peak hour) to and from Chatswood and the City. The Warringah Bike Plan also identifies a future priority two (2) off-road shared path running along Forest Way, providing access to local shopping centres and other local facilities. The public transport and bicycle route provisions in relation to the subject land support the recommended R2 low density residential zoning.

The Warringah Pedestrian Access and Mobility Plan (PAMP) has strategically identified and prioritised Warringah wide pedestrian routes and suggested improvements to pedestrian access within 20 focus areas, including 14 town/local centres. The subject land is not in close proximity to a local centre nor identified in the PAMP for any prioritised pedestrian works. This is consistent with the recommended R2 Low Density Residential zoning, instead of a medium or higher density residential zoning.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The planning proposal has not sought the views of State and Commonwealth Public Authorities as it involves a low impact zoning proposal, with the recommended change in zoning more accurately reflecting the established residential function of the land.

Part 4 – Community Consultation

Council will exhibit the planning proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act.

Council also proposes to undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the planning proposal in a local newspaper and on Council's website at the start of the exhibition period.
- Exhibit the planning proposal for a period of twenty eight (28) days from the date it appears in the newspaper and on Council's website.
- Notify the owners and adjoining property owners of the exhibition of the planning proposal.