

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

EXECUTIVE SUMMARY

Purpose

To report to Council the findings from a staff investigation into the appropriate zoning for land located on the eastern side of Forest Way between Perentie and Dawes Road and land on the southern side of Dawes Road (land as identified on the map - Attachment No.1).

Summary

- Council resolved at its meeting of 24 August 2010 that Council staff investigate and report on the zoning of the E3 Environmental Management Zone – land east of Forest Way (Attachment No.1) following the making of Warringah Local Environmental Plan 2009.
- Future zoning of the subject land has now been investigated and the results contained herein.
- It is recommended that Council resolve to prepare an amending Warringah Local Environmental Plan 2011 (WLEP2011) to zone the subject land (identified in Attachment No.1) R2 Low Density Residential.

Financial impact

The work will be undertaken by staff within existing budget allocation.

Policy impact

Amendment to the WLEP2011 to zone land (as identified in Attachment No.1) R2 Low Density Residential and if required, amend Warringah Development Control Plan (WDCP) to ensure that appropriate development controls apply to the subject land in accordance with the amending WLEP2011.

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

- 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.
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REPORT

Introduction

At its meeting of 24 August 2010 Council resolved that staff were to prepare a report on the E3 Environmental Management Zone – land east of Forest Way (Item C) for Council's consideration following the making of the Warringah LEP 2009.

The discussion of the item ('Item C') from this report (Mayoral Minute 15/2010) is relevant and provides context to the analysis as follows:

Attachment 1: Item C - E3 Environmental Management zone

Matter discussed:

Zoning of land between Perentie and Dawes Roads and land on the southern side of Dawes Road. The land identified for discussion is zoned E3 Environmental Management and is surrounded by land zoned either R2 Low Density Residential and R3 Medium Density Residential.

Summary of discussion:

The land between Perentie and Dawes Roads is wholly developed as seniors housing. Land south of Dawes Road is largely developed with detached dwellings and the subdivision pattern is generally consistent with that of land zoned R2 Low Density Residential in Belrose.

Submissions (Part 5A in Submissions Discussion booklet) request that this land be rezoned either R2 Low Density Residential or R3 Medium Density Residential.

The land is not particularly close to a centre, nor is it identified in the Talk of the Town for further investigation as part of the Housing Strategy. However, it is in reasonable proximity to public transport along Forest Way and is essentially surrounded by residential development. Further investigation as to the most suitable zone for the land appears to be warranted. Such investigation should include consideration of services and infrastructure.

Outcome of discussion:

Council staff are instructed to undertake further investigation into the suitability of the proposed zone for the land and prepare a report back to Council.

As a result of the above resolution and the fact that the standard template WLEP2011 has now been adopted (identifying the subject land as a 'Deferred Matter'), it is now appropriate to investigate and recommend an appropriate zoning for the subject land.

It is recommended that Council resolve to prepare a Planning Proposal for an amending Warringah LEP 2011, to the zone the subject land R2 Low Density Residential, for reasons reported herein.

Characteristics of the Issue

The subject land (Attachment No.1) is identified as a 'Deferred Matter' under WLEP2011, and is not zoned E3 Environmental Management as previously detailed in Mayoral Minute 15/2010. This occurred as the WLEP2011 was adopted subsequent to Mayoral Minute 15/2010.

To clarify, 'Deferred Matter' land under WLEP2011 continues to be assessed against the requirements of WLEP2000, until such a time as NSW Minister for Planning and Infrastructure agrees to an appropriate zoning for the land under WLEP2011.

The subject land is currently located within the B2-Oxford Falls Valley Locality of the WLEP2000. This 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 is environmentally

sensitive and comprises large densely vegetated (multiple hectare) lots, forming part of the Narrabeen Lagoon Catchment.

The subject land however, differs from the characteristics of the majority of land within the B2 Oxford Falls Valley Locality as it consists of smaller residential lots, a retirement village, petrol station and a local restaurant and is surrounded by existing medium and low density residential development. Existing development on the subject land is reminiscent of a low density residential zone.

Means of Addressing the Issue – Recommended WLEP2011 and WDCP Amendments

Formalising the zoning of the subject land under WLEP2011 and via related provisions under WDCP are necessary steps towards establishing one LEP for Warringah. This is also required to clarify how the subject land will be developed into the future. Accordingly, it is recommended that the provisions of the WLEP2011 and WDCP are amended as follows:

- That the subject land currently identified as a 'Deferred Matter' be zoned R2 Low Density Residential under WLEP2011 via the submission of a Planning Proposal to the NSW Minister for Planning and Infrastructure.
- 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.

Investigation into the appropriate zoning and justification for the recommended zone:

This section investigates and justifies why the subject land should be zoned R2 Low Density Residential under WLEP2011.

The subject land and surrounding development

The subject land (Attachment 1) is located in a primarily residential suburb of Belrose and comprises of:

- 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.
- Nineteen (19) properties on the southern side of Dawes Road that predominantly comprise 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 relatively large <700sqm and <900sqm lots and two larger 1690sqm and 1719.1sqm lots.

The land is located adjacent to Forest Way and is surrounded primarily by two (2) storey detached dwelling houses. R3 Medium Density Residential zoned land is located to the north (Paramount Estate) and south (Seaviewrise Estate). These estates were developed under WLEP2000 (B11 locality) as large master planned sites. 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 majority of existing development on the subject land is representative of R2 low density residential development and a continuation of this form of development is recommended via a future R2 low density residential zoning. It is noted here that there would be two non-conforming uses resultant from the recommended zoning, being the aforementioned Caltex Petrol Station and ground floor restaurant. It is recommended that these 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.

Access to local centres and services

The subject land is not a comfortable walking distance to any local shopping centres, with the closest centres being Glenrose (approximately 1.44km distance) and Forest Way (approximately 1.88km distance). Hence, future low density residential is supported over medium or higher density development in this instance, especially in the absence of a housing strategy that will strategically determine the best location for any future increases in housing provisions throughout Warringah.

The Warringah Pedestrian Access and Mobility Plan (PAMP) has also 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.

Public transport and cycling provisions

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 support the recommended R2 low density residential zoning.

Other infrastructure provisions

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.

Timing & consultation requirements

Following Council's submission of the Planning Proposal to the NSW Minister for Planning and Infrastructure, a gateway determination will be issued by the Minister (or delegate) and this will specify whether the planning proposal is to proceed and if so, in what circumstances. Hence, Council can not predict the timing of this process as it is dependant on the NSW Department of Planning and Infrastructure.

With respect to consultation, the recommended planning proposal will outline how Council will undertake public consultation in accordance with the requirements of the EP&A Act (Section 57) and any directions provided by the NSW Minister for Planning and Infrastructure.

Conclusion

A planning proposal to amend WLEP2011 to zone the subject land R2 Low Density Residential is appropriate because:

- Development on the subject land is reminiscent of a low density residential zone and differs from the environmentally sensitive characteristics of the majority of land within the WLEP200 B2 Oxford Falls Valley Locality.
- The land is currently developed with low density housing, a retirement village, petrol station and a local restaurant and is surrounded by existing medium and low density residential development.

Group Manager Strategic Planning

The subject land identified for zoning R2 Low Density Residential under WLEP2011



