

Amend the minimum & maximum dwellings permitted in Sector I and Buffer 1a-1f of the Warriewood Valley Urban Land Release Area.

Proposal Title : Amend the minimum & maximum dwellings permitted in Sector I and Buffer 1a-1f of the Warriewood Valley Urban Land Release Area.

Proposal Summary : The planning proposal seeks:

1. To specify maximum dwelling numbers for Sector 1 and Buffer Area 1, from 25 to 32 dwellings per developable hectare; and

2. To specify zero residential dwellings for Buffer 1m due to significant environmental constraints on site.

PP Number : PP_2013_PITTW_003_00

Dop File No :

13/10977

Proposal Details

Date Planning 20-Jun-2013

Proposal Received :

LGA covered :

Pittwater

Region : Sydney Region East

RPA :

Pittwater Council

State Electorate : PITTWATER

Section of the Act :

55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 61 Warriewood Rd

Suburb : Warriewood

City : New South Wales

Postcode : 2102

Land Parcel : Sector ID - Buffer 1a (refer to Tag 1a)

Street : 53 Warriewood Rd

Suburb : Warriewood

City : New South Wales

Postcode : 2102

Land Parcel : Lot 2 DP 1115877, Sector ID - Buffer 1b

Street : 53a Warriewood Rd

Suburb : Warriewood

City : New South Wales

Postcode : 2102

Land Parcel : Lot 3 DP 1115877, Sector ID - Buffer 1c

Street : 53b Warriewood Rd

Suburb : Warriewood

City : New South Wales

Postcode : 2102

Land Parcel : Lot 3 DP 942319, Sector ID - Buffer 1d

Street : 53c Warriewood Rd

Suburb : Warriewood

City : New South Wales

Postcode : 2102

Land Parcel : Lot 4 DP 1115877, Sector ID - Buffer 1e

Street : 49 Warriewood Rd

Suburb : Warriewood

City : New South Wales

Postcode : 2102

Land Parcel : Lot 1 DP 349085, Sector ID - Buffer 1f

Amend the minimum & maximum dwellings permitted in Sector I and Buffer 1a-1l of the Warriewood Valley Urban Land Release Area.

Street :	45 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 2 DP 349085, Sector ID - Buffer 1g		
Street :	43 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 2 DP 972209, Sector ID - Buffer 1h		
Street :	41 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 32 Section C DP 5464, Sector ID - Buffer 1i		
Street :	31 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 31 Section C DP 5464, Sector ID - Buffer 1j		
Street :	29 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 30 Section C DP 5464, Sector ID - Buffer 1k		
Street :	23, 25 & 27 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 29 Section C DP 5464, Lot 28 Section C DP 5464 and Lot 27 Section C DP 5464, Sector ID - Buffer 1l		
Street :	2 MacPherson St		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 25 Section C DP 5464, Sector ID - Buffer 1m		
Street :	Sector 1 & 101 Warriewood Rd		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2101
Land Parcel :	Lot 82 DP 1137140, Sector ID - 101		

DoP Planning Officer Contact Details

Contact Name : **Lee McCourt**
 Contact Number : **0285754129**
 Contact Email : **lee.mccourt@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Tija Stagni**
 Contact Number : **0299701318**
 Contact Email : **Tija_Stagni@pittwater.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Amend the minimum & maximum dwellings permitted in Sector I and Buffer 1a-1I of the Warriewood Valley Urban Land Release Area.

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	115
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.		

Supporting notes

Internal Supporting Notes : **This is one of three planning proposals that Pittwater Council has submitted for Warriewood Valley.**

This planning proposal seeks to specify the maximum number of dwellings that can be constructed on each parcel of land in Sector 1 and Buffer 1a-1I. The proposed dwelling controls will result in medium density development consistent with current zoning and increase total potential dwellings on the land by 115 dwellings.

The Warriewood Valley Strategic Review Report, which was recently endorsed by the Department and Council, identified that generally the subject land has capacity for increased density and have a safe evacuation route in PMF events. However, with regards to Buffer 1m (2 Macpherson Street) it was identified that there was no development potential due to environmental constraints on site.

The planning proposal also seeks to amend Clause 30E (4) pertaining to a State Infrastructure Contribution (SIC) for the release area. As outlined in correspondence to Pittwater Council 14 October 2011 (Objective File 11/15752), no SIC is required for any current or future development applications within Warriewood Valley Release Area. The issue of a potential SIC was not further considered in the Warriewood Valley Strategic Review and it is recommended that Council be advised that Clause 30E (4) should not apply to development in Warriewood Valley Release Area.

Council's request for delegation to finalise the planning proposal, which is of local planning significance, is supported.

Note:
Meriton P/L submitted on 7 June 2013 a draft planning proposal application to Pittwater Council for some of the land that is subject to this planning proposal. Meriton's application seeks to amend the PLEP 1993 to increase the permissible residential densities, to

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accommodate residential apartment buildings. These sites are:

1) 2 Macpherson St and 23, 25 & 27 Warriewood Rd (Sector Buffer 1l & 1m) where residential apartment buildings are proposed and range in height from three storeys at the street frontage to five storeys at the rear of the site. These sites are covered by this planning proposal.

2) 18 Macpherson St (sector 302) where residential apartment buildings are proposed ranging in height from three storeys at the street frontage to four storeys at the rear of the site. (Refer to PP_2013_PITTW_001_00). This site is covered in one of the planning proposals.

Meriton's proposal has a floor space ratio of 0.8:1 or 80 dwellings per hectare. The proposal exceeds the height and density controls recommended by the Strategic Review, particularly for Sector 1m which was identified as having no development potential due to environmental constraints.

Following a non-statutory exhibition of Meriton's proposal, Council Officers are preparing a report for Council. If Council does not support Meriton's proposal it is likely Meriton will pursue a pre-gateway review.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to add maximum dwelling numbers for Sector 1 and Buffer 1a-1l into relevant clause of PLEP 1993.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The proposal seeks to make the following amendments to PLEP 1993:

1. Amend Clause 30B to add Map 3 & 4 to the existing Map series.
2. Amend Clause 30C - Dwelling Yield by inserting the following:
Sector 1 (including Sector 101) - not more than 213 dwellings
Buffer 1a - not more than 17 dwellings
Buffer 1b - not more than 24 dwellings
Buffer 1c - not more than 18 dwellings
Buffer 1d - not more than 1 dwellings
Buffer 1e - not more than 15 dwellings
Buffer 1f - not more than 21 dwellings
Buffer 1g - not more than 23 dwellings
Buffer 1h - not more than 1 dwellings
Buffer 1i - not more than 39 dwellings
Buffer 1j - not more than 40 dwellings
Buffer 1k - not more than 21 dwellings
Buffer 1l - not more than 67 dwellings
Buffer 1m - no dwellings
3. Amend Clause 30C to remove reference to Buffer Area 1.
4. Amend Clause 30D to add Map 3 to the existing Map series.
5. Amend Clause 30E to add Map 4 & 5 to the Map series.

Amend the minimum & maximum dwellings permitted in Sector I and Buffer 1a-1l of the Warriewood Valley Urban Land Release Area.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous

Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Direction 4.4 Planning for Bushfire Protection is applicable to the planning proposal as some of the subject land is identified on Pittwater Council's Bushfire Prone Land Map. Council will be required to consult with the NSW Rural Fire Service.

Inconsistencies with s117 Directions identified by Council are considered to be minor and have been justified in the planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to consult with the community through:

- 14 day exhibition period (to be extended if the exhibition occurs during the December to January school holiday period);**
- Notification in local newspaper at commencement of exhibition period;**
- Notification on Council's website for the duration of the exhibition;**
- Notification in writing to affected and adjoining landowners at commencement of exhibition period; and**

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- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period.

These arrangements are considered satisfactory.

Council should be required to consult NSW Rural Fire Service, as the subject land is identified as bushfire prone land.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP :

The planning proposal proposes to amend the current Pittwater Local Environmental Plan (PLEP) 1993. The draft Pittwater SILEP was exhibited from 16 March 2013 until 10 May 2013 and will be re-exhibited with a Parliamentary Counsel draft instrument later this year. Council intends to incorporate the subject proposal into its SILEP.

Assessment Criteria

Need for planning proposal :

The planning proposal is a result of the recently endorsed Warriewood Valley Strategic Review 2012, which was a joint project between the Department of Planning and Infrastructure and Pittwater Council to review the height and density standards for residential development within the Release Area.

The planning proposal is the best means of achieving the intended outcome as the subject lands are already rezoned and the existing range of dwelling numbers permitted in the subject lands are already stipulated in Clause 30C of the Pittwater LEP.

Consistency with strategic planning framework :

The planning proposal is consistent with the objectives of draft Metropolitan Strategy for Sydney, the NSW State Plan and draft North-East Subregional Strategy.

The planning proposal is consistent with Action C1 in the draft North-East Subregional Strategy which aims to ensure adequate supply of land for residential development through the Metropolitan Development Program (MDP).

The planning proposal is consistent with the recently adopted Warriewood Valley Strategic Review Report 2012 which recommends an increase in the number of dwellings in the Warriewood Valley Release Area.

Environmental social economic impacts :

The planning proposal is consistent with the recommendations of the Warriewood Valley Strategic Review Report.

The broader environmental, economic and social impacts of residential development on the subject land were considered when the Warriewood Valley was released for urban development in 1970s.

The known environmental constraints of the subject land (which were identified as part of the land capability exercise undertaken for the Strategic Review) will need to be considered during development application process.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the planning proposal proceed subject to following conditions:**

Amend the minimum & maximum dwellings permitted in Sector I and Buffer 1a-1I of the Warriewood Valley Urban Land Release Area.

1. The planning proposal be exhibited for 14 days;
2. The planning proposal be completed within 9 months of the gateway determination;
3. Prior to undertaking public exhibition, Council is to update the planning proposal to make it clear that clause 30E(4) State Infrastructure Contribution (SIC) does not apply to current or future residential development in the Warriewood Valley Release Area;
4. Inconsistencies with s117 Directions are minor and have been justified;
5. Consultation is required with NSW Rural Fire Services consistent with Direction 4.4 Planning for Bushfire Protection;
6. No further studies are required to be carried out;
7. The proposal is considered to be of local significance and Council's request for delegation is support.

Supporting Reasons :

The planning proposal seeks to facilitate increased dwelling density within the Warriewood Valley Land Release Area based on the recommendations of the Warriewood Valley Strategic Review Report 2012. It is considered appropriate that the planning proposal proceed at this time.

Signature:

D. Pitney

Printed Name:

DAVID PITNEY

Date:

7/8/13