

PLANNING PROPOSAL PP0003/13

To amend/introduce the minimum & maximum number of dwellings permitted in Sector 1 and Buffer 1a-1l of the Warriewood Valley Urban Land Release Area

PART 1 OBJECTIVES OR INTENDED OUTCOMES

To amend the minimum and maximum numbers of dwellings permitted in Sector 1 and Buffer Area 1 of the Warriewood Valley Release Area, representing an increase in dwelling density from 25 to 32 dwellings per developable hectare.

To confirm that Buffer 1M has no residential density potential due to significant environmental constraints.

Developable hectare refers to the total area of the site exclusive of environmentally sensitive land, including the creekline corridor land (as measured 25 metres, either side of the creek centreline) expressed in hectares.

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by:

- A series of new maps are provided for this Planning Proposal (See **MAP 3 and 4**) and will require amending Clause 30B of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (1), this paragraph:

Land at Warriewood within Buffer 1a to Buffer 1m inclusive of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)"

Land at Warriewood within Sector 1 including Sector 101 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)"

- Amending Clause 30C of the *Pittwater Local Environmental Plan 1993* as follows:-

Sector 1 (including Sector 101) – not more than ~~210~~ 213 dwellings or less than ~~195~~ 210 dwellings

~~Buffer Area 1 – not more than 176 dwellings or less than 167 dwellings~~

Buffer 1a – not more than 17 dwellings or less than 15 dwellings

Buffer 1b – not more than 24 dwellings or less than 17 dwellings

Buffer 1c – not more than 18 dwellings or less than 13 dwellings

Buffer 1d – not more than 1 dwelling

Buffer 1e – not more than 15 dwellings or less than 11 dwellings

Buffer 1f – not more than 21 dwellings or less than 14 dwellings

Buffer 1g – not more than 23 dwellings or less than 17 dwellings

Buffer 1h – not more than 1 dwelling

Buffer 1i – not more than 39 dwellings or less than 27 dwellings

Buffer 1j – not more than 40 dwellings or less than 26 dwellings

Buffer 1k – not more than 21 dwellings or less than 14 dwellings

Buffer 1l – not more than 67 dwellings or less than 43 dwellings

Buffer 1m – no dwellings

- A new map is provided for this Planning Proposal (See **MAP 3**) and will require amending Clause 30D of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (1), this paragraph:

- (a) This clause applies to land shown edged heavy black on the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #) – Sheet 1.

- A series of new maps are provided for this Planning Proposal (See **MAP 4 and 5**) and will require amending Clause 30E of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of subclause (8), this paragraph:

Buffer 1a to Buffer 1m inclusive of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 2 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”

Sector 1 including Sector 101 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”

PART 3 JUSTIFICATION

Section A Need for the Planning Proposal

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

Yes. The recently adopted *Warriewood Valley Strategic Review Report 2012* was the result of a joint undertaking by the Department of Planning & Infrastructure and Council to review the height and density standards for residential development within the Release Area. The Strategic Review Report has been endorsed by the Director-General of Planning & Infrastructure.

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

Yes. The Planning Proposal is the best means of achieving the intended outcome as the subject lands are already rezoned and the range of dwellings numbers permitted in the subject lands are already stipulated in Clause 30C of Pittwater LEP 1993. Progressing the Planning Proposal is the only mechanism of enabling changes to be made to Clause 30C of Pittwater LEP.

Section B Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

This Planning Proposal is consistent with the objectives of the Sydney Metropolitan Strategy, in line with the State Plan, and the Draft North-East Subregional Strategy, where goals are set for housing and land supply.

Action C1 in the Draft North-East Subregional Strategy calls for ensuring the adequate supply of land and sites for residential development through the MDP. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. This Planning Proposal will increase housing supply and is therefore consistent with such an action.

This Planning Proposal would also be consistent with Action C4 of the Draft North-East Subregional Strategy, which calls for improving housing affordability. Once again, by increasing housing supply the Planning Proposal is consistent with such an action.

As the intended outcome of this Planning Proposal is to allow more dwellings to be built in the Warriewood Valley Release Area, it is subsequently consistent with the objectives and actions contained within the relevant strategic planning framework.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

This Planning Proposal is consistent with the recently adopted *Warriewood Valley Strategic Review Report 2012* which recommends an increase in the numbers of dwellings in the Warriewood Valley Release Area.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (see Appendix 1).

6. Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 2).

C Environmental, social and economic impact

7. 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?

The lands subject of this Planning Proposal have already been zoned for urban development, already having a maximum dwelling yield applying to each sector. The original rezoning of these lands would have considered the likely habitats and threatened species that may exist or be adversely affected by the initial rezoning of this land.

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

This Planning Proposal seeks a modest increase in the number of dwellings permitted in these sectors as forecast under *Warriewood Valley Planning Framework 2010* (adopted by Council on 3 May 2010).

This Planning Proposal is consistent with the recommendations of the *Warriewood Valley Strategic Review Report 2012* which is supported by mapping layers adopted by Council in 2011 as part of the Pittwater Local Planning Strategy and the findings of several environmental studies which considered flooding and water management, traffic and transport, urban design and economic feasibility issues.

Further, any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flooding, bushfire prone land, waste, land contamination, geotechnical hazards, heritage and traffic, through the Pittwater LEP and Pittwater 21 DCP.

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

The lands the subject of this Planning Proposal comprises existing residential sectors within the Warriewood Valley Release Area, which are identified in the State Government's MDP. A suite of studies were undertaken for the original Warriewood Valley urban land release, including consideration of social and economic effects. This Planning Proposal will therefore not have any marked negative social or economic effects.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

As the subject lands form part of the Warriewood Valley Land Release, public infrastructure is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)*. Council has commenced a review of this plan to account for the additional infrastructure required as a result of the additional dwellings now anticipated in the release area.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The following preliminary views were expressed by state and service agencies during the public exhibition of Warriewood Valley Strategic Review prepared by the Department of Planning and Infrastructure and Council which recommends an increase in the numbers of dwellings in the release area.

Response from Department of Education & Communities (DEC):

- Based on up to an additional 500 dwellings, the DEC advises that there is adequate capacity at Narrabeen Sports High School to accommodate senior students.
- For primary students, the Department expects that there would be a need to increase capacity at either Narrabeen North Public School or Mona Vale Public School.

Response from Roads & Maritime Services (RMS):

- The RMS has advised that it supports the Strategic Review's recommendations, provided that:-
 - The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings, and
 - No further development is approved for the area identified as the Southern Buffer until further traffic modelling is carried out on the Pittwater Road/Warriewood Road and Pittwater Road/Mona Vale Road intersections.

Response from Department of Health – Northern Sydney Local Health District (NSLHD):

- NSLHD notes that the northeast is Sydney's most car dependent subregion and recommends that the frequency and the capacity of the public transport system be improved to accommodate the proposed increase in density.
- NSLHD commends the inclusion of pedestrian and cycle links throughout Warriewood, but recommends that cycleways be separated from traffic to allow for safe, active transport and to increase participant numbers.

Response from Office of Environment & Heritage (OEH)"

The OEH generally supports the proposed increase in residential density, provided that flooding issues and bushfire protection issues are adequately considered and that riparian corridors can be retained and protected.

Response from Sydney Water:

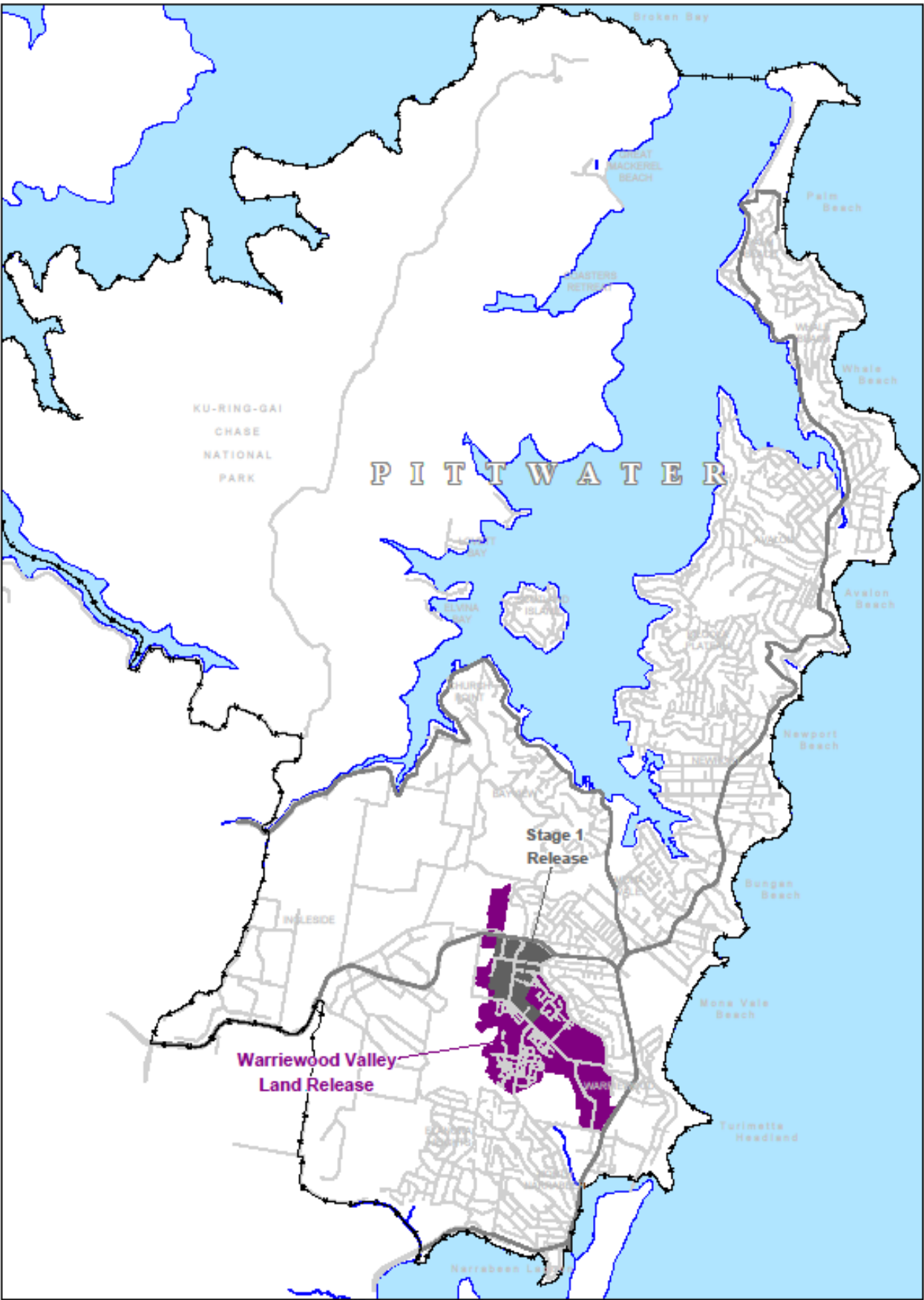
- Sydney Water advises there is capacity in both water and wastewater systems to service the proposed density increase in Warriewood Valley.

Response from Ausgrid:

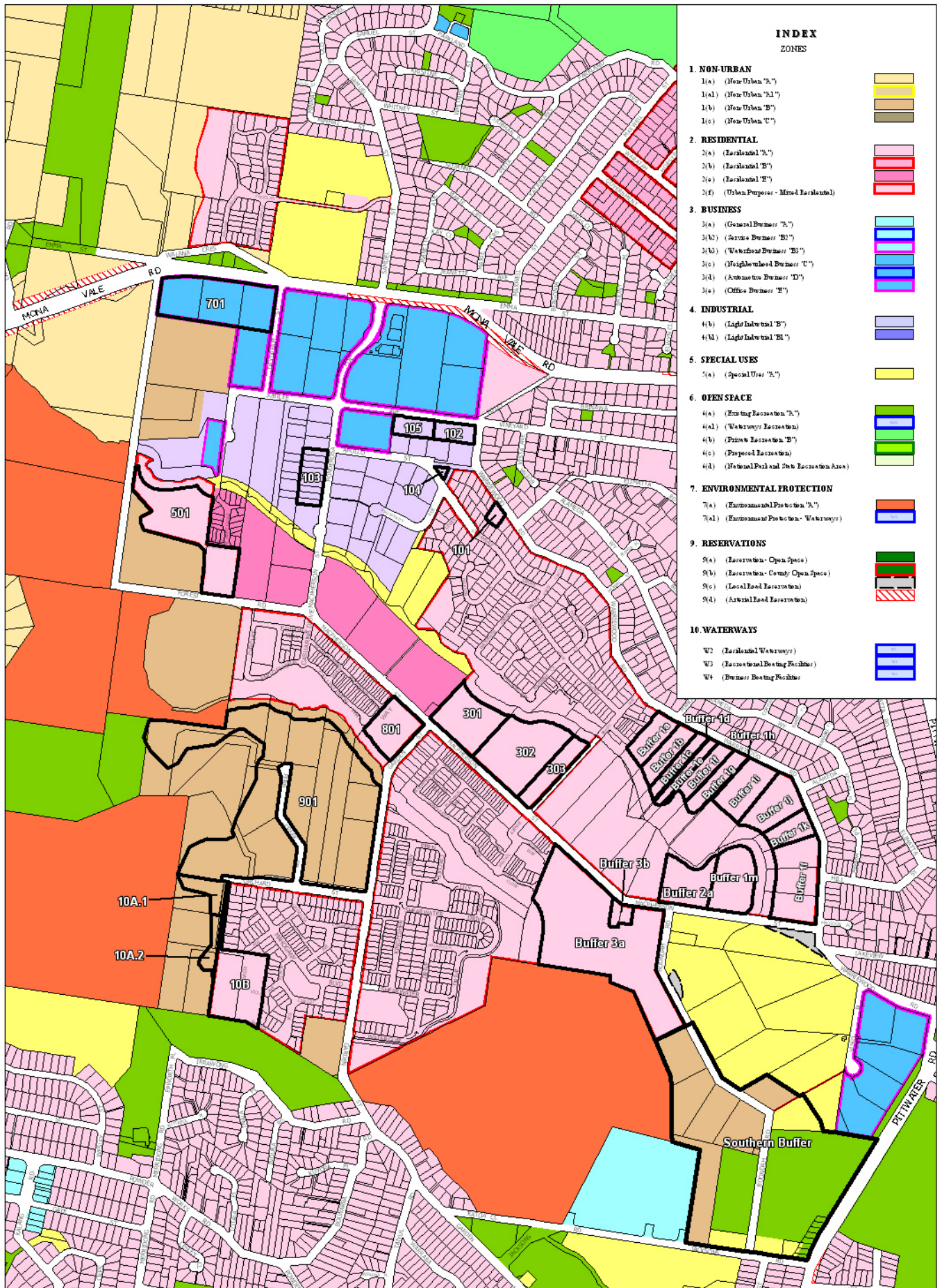
- Ausgrid expects that supply to the proposed development would be able to be provided from the electricity substations at Mona Vale or Narrabeen.

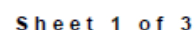
PART 4 MAPPING

Map 1: Location Map – Warriewood Land Release Area



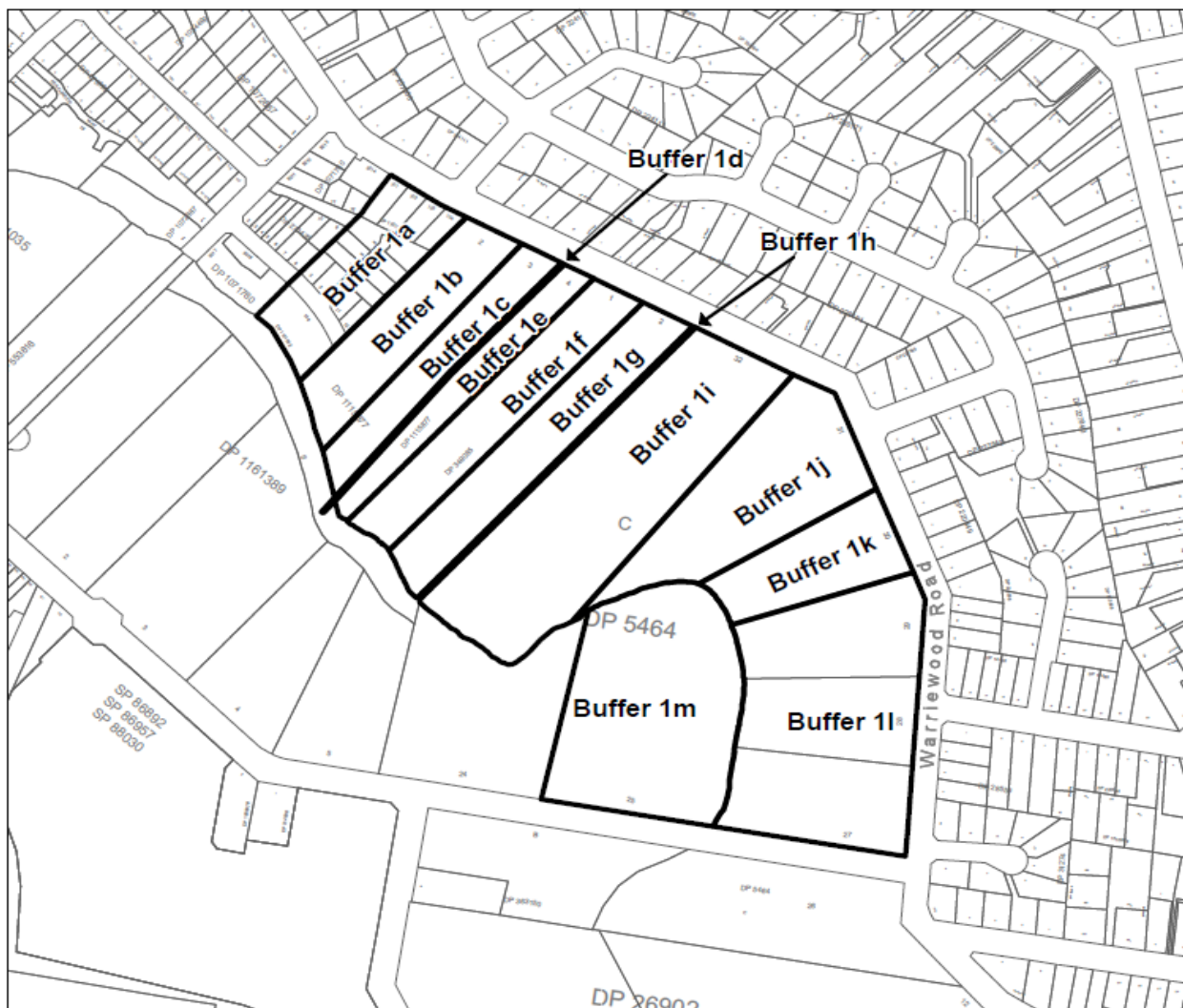
Map 2: Current Sectors – Warriewood Valley Planning Framework 2010



[illegible]

DRAWN BY M TURNBULL DATE: 21.05.13	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993 CLAUSE 30B - "Development of UDP land in Warriewood Valley" CLAUSE 30C - "Dwelling Yield" CLAUSE 30D - "Mitigation of odours from the Warriewood Sewerage Treatment Plant"
PLANNING OFFICER T. STAGNI	
CERTIFICATE PLAN NO. PP830	
COUNCIL FILE NO.	
DEPT. FILE NO.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION
GATEWAY DETERMINATION DATE	
PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON	
GENERAL MANAGER DATE:	

Map 4: Pittwater Local Environmental Plan 1993 Sheet 2



SCALE 1:5000

SUBJECT LAND SHOWN THUS



LOCALITY WARRIEWOOD

Sheet 2 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP830

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

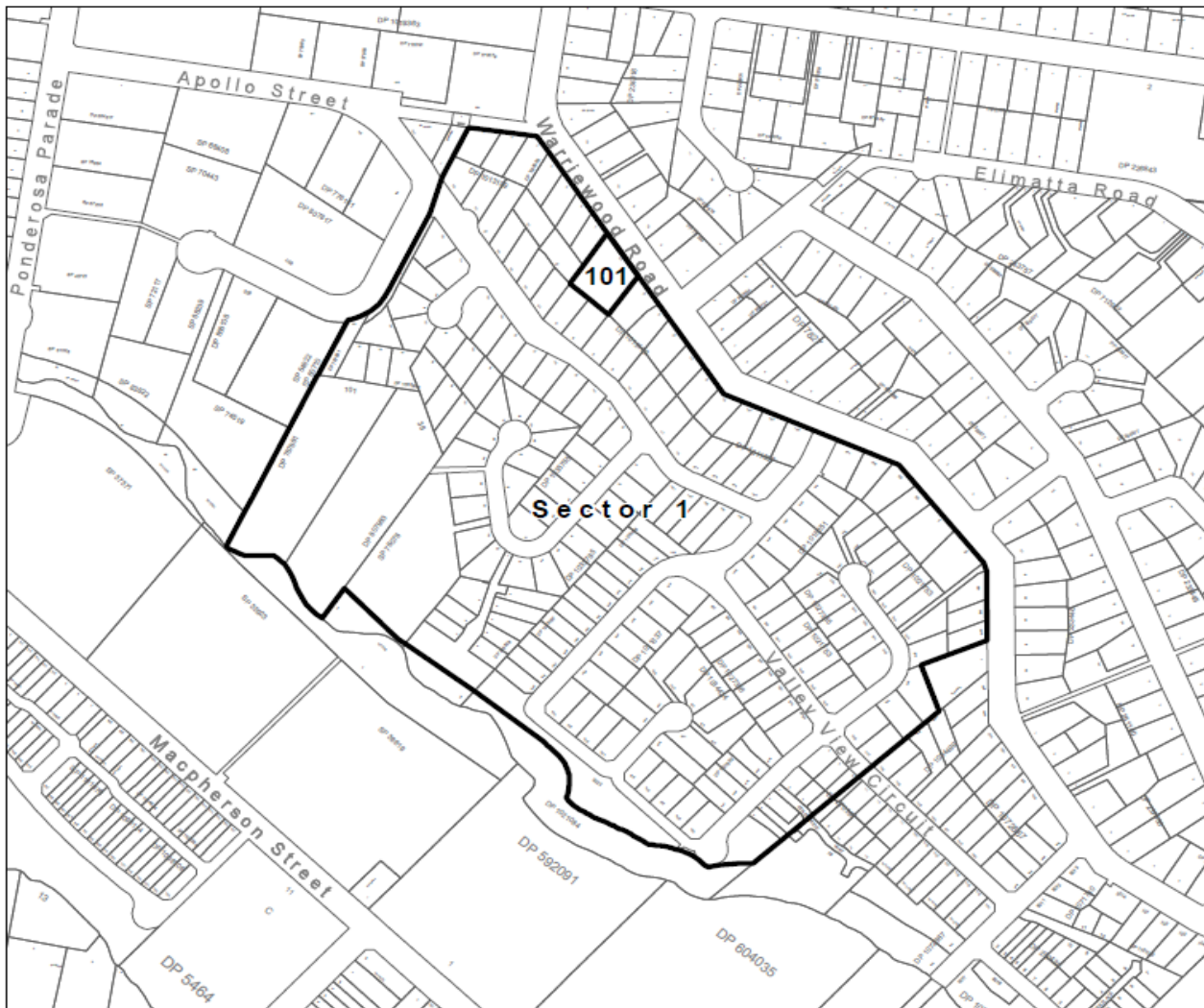
CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION

GENERAL MANAGER

DATE:

Map 5: Pittwater Local Environmental Plan 1993 Sheet 3



SUBJECT LAND SHOWN THUS



SCALE 1:5000

LOCALITY WARRIEWOOD

Sheet 3 of 3

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

PITTWATER

LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP830

COUNCIL FILE NO.

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GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

CLAUSE 30B - "Development of UDP land in Warriewood Valley"

CLAUSE 30C - "Dwelling Yield"

CLAUSE 30E - "Public infrastructure in urban release areas"

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979 AND
REGULATION

GENERAL MANAGER

DATE:

PART 5 COMMUNITY CONSULTATION

The lands the subject of this Planning Proposal has already been zoned for urban development, already having a maximum dwelling yield applying to each sector. This Planning Proposal relates to changes to the maximum dwelling yields permitted in Sector 1 and Buffer Area 1 in Warriewood Valley, consistent with the maximum dwelling yields under the recently adopted *Warriewood Valley Strategic Review Report 2012*. The Warriewood Valley Strategic Review Report was the subject of a comprehensive community consultation process and was endorsed by the Director-General of the Department of Planning & Infrastructure.

Infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment 16)* which is currently being reviewed to account for additional infrastructure required as a result the additional dwellings now anticipated in the release area.

Subsequently, this Planning Proposal is considered a 'low impact' proposal.

In keeping with *A guide to preparing local environmental plans* (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 14 day exhibition period (*this may need 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
- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period

PART 6 PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	6 weeks from Council decision to forward Planning Proposal to Gateway	Mid July 2013
Completion of required technical information		COMPLETED 2012
Government agency consultation		Pre-exhibition consultation COMPLETED 2012
Public exhibition	14 days (<i>pending school holiday period</i>)	August 2013
Consideration of submissions	4 weeks from close of public exhibition	Early September 2013
Consideration of proposal post-exhibition and report to Council	6 weeks from close of public exhibition	October 2013
Submission to Department to finalise LEP		Late October 2013 following Council decision
*RPA to make plan (if delegated)	6 weeks from Council decision	December 2013

**Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under section 59 of the Environmental Planning & Assessment Act in regard to this Planning Proposal. Council's General Manager requests that a Written Authorisation to Exercise Delegation be issued in regard to this Planning Proposal.*

Checklist – Consideration of State Environmental Planning Policies

The following SEPP's are relevant to the Pittwater Local Government Area. The Table identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and if applying, is the Planning Proposal consistent with the provisions of the SEPP.

(Last updated 20 August 2010)

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	YES	YES	
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 22 – Shops and Commercial Premises	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 44 – Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	NO	N/A	
SEPP No 60 – Exempt and Complying Development	YES	YES	
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	

SEPP No 65 – Design Quality of Residential Flat Development	YES	YES	
SEPP No 70 – Affordable Housing (Revised Schemes)	YES	YES	
SEPP 71 – Coastal Protection	NO	N/A	
SEPP (Affordable Rental Housing) 2009	YES	YES	
SEPP (Building Sustainability Index: BASIX) 2004	YES	YES	
SEPP (Exempt and Complying Development Codes) 2008	YES	YES	
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES	
SEPP (Infrastructure) 2007	YES	YES	
SEPP (Major Development) 2005	NO	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A	
SEPP (Rural Lands) 2008	NO	N/A	
SEPP (Temporary Structures) 2007	NO	N/A	
SEPP (Urban Renewal) 2010	NO	N/A	

The following is a list of the deemed SEPP's (formerly Sydney Regional Environmental Plans) relevant to the Pittwater Local Government Area.

Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)	Applicable	Consistent	Reason for inconsistency
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	N/A	

Justification for inconsistency
NIL

Checklist – Consideration of Section 117 Ministerial Directions

1 Employment and Resources

	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	NO	N/A
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

Justification for inconsistency
NIL

2 Environment and Heritage

	Direction	Applicable	Consistent
2.1	Environmental Protection Zones	NO	N/A
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	YES	NO
2.4	Recreation Vehicle Areas	NO	N/A

Justification for inconsistency with Direction 2.3

The Planning Proposal relates to changes to the maximum dwelling yield permitted in Sector 1 and Buffer Area 1 of the Warriewood Valley Release Area. Provisions already exist in Pittwater LEP 1993 for the protection and conservation of environmentally sensitive area and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	NO
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A

Justification for inconsistency with Direction 3.2

The Planning Proposal relates to changes to the maximum dwelling yield permitted in Sector 1 and the former Buffer Area 1 of the Warriewood Valley Release Area. The subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) and have been identified in the MDP. The planning and development of Warriewood Valley is

based on a suite of environmental studies and objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial viability. These objectives form the basis for the planning and implementation of development in Warriewood Valley and have been consistently applied by Pittwater Council and agreed to by the Department of Planning and Infrastructure over the years. In this regard, it did not contemplate opportunities for caravan parks and manufactured home estates.

4 Hazard and Risk

	Direction	Applicable	Consistent
4.1	Acid Sulphate Soils	NO	N/A
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	NO
4.4	Planning For Bushfire Protection	YES	NO

Justification for inconsistency with Direction 4.3

Sections of Narrabeen Creek traverse Buffer 1a to 1m (former Buffer Area 1). The planning and development of Warriewood Valley is based on utilising the creek line corridor to convey the 1% AEP flood event. The subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) which allows for development to occur on the land. Despite this, no vertical structures are permitted on that part of the land comprising the creek line corridor. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

Justification for inconsistency with Direction 4.4

The subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) which allows for residential development to occur on the land. This Planning Proposal is inconsistent with the direction insofar as the NSW Rural Fire Service has not yet been consulted.

5 Regional Planning

	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A

Justification for inconsistency

NIL

6 Local Plan Making

	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Purposes	YES	NO

Justification for inconsistency with Direction 6.3

The Planning Proposal seeks to amend the maximum permissible dwelling yield provisions contained in Clause 30C of the Pittwater LEP. The application of Clause 30C, stipulating the maximum number of dwellings, is well established for the Warriewood Valley Release Area and is not a new provision.

7 Metropolitan Planning

	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES

Justification for inconsistency

NIL