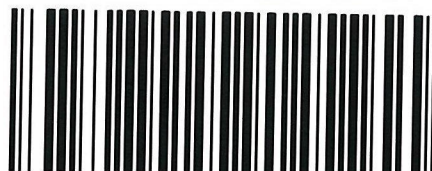




PITTWATER COUNCIL



PCU057157

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PO Box 882
Mona Vale NSW 1660
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Kelly Wilkinson, Executive Strategic Planner
8:00am to 5:30pm Monday-Thursday, 8:00am to 5:00pm Friday
Phone 9970 1283

20 November 2014

LEE MULVEY, REGIONAL DIRECTOR – METROPOLITAN DELIVERY (CBD)
NSW PLANNING & ENVIRONMENT
LEVEL 3, 4-6 BLIGH STREET
SYDNEY NSW 2000

Dear Mr Mulvey

**PLANNING PROPOSAL TO AMEND THE LOT SIZE MAP IN THE PITTWATER LOCAL
ENVIRONMENTAL PLAN (LEP) 2014 (PP0002/14)**

At its meeting of 17 November 2014, Council resolved to endorse a draft Planning Proposal and the commencement of the statutory process to amend the Lot Size Map in the Pittwater LEP 2014, and to send the draft Planning Proposal to NSW Planning & Environment with a request for a Gateway Determination.

We subsequently request that the draft Planning Proposal (enclosed) be referred to the LEP Review Panel for a Gateway determination.

Further, due to the nature of the draft Planning Proposal, Council's General Manager, the Council's sub-delegate, seeks to exercise his delegation for the making of the LEP.

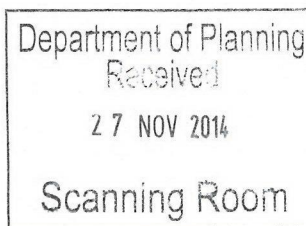
Please find enclosed a copy of:

- The draft Planning Proposal
- The draft Lot Size Maps, as well as site identification maps
- The Council report and minute
- A completed 'Information Checklist' (Attachment 1 of 'A guide to preparing planning proposals')
- A completed 'Evaluation Criteria for the Delegation of Plan Making Functions' form (Attachment 4 of 'A guide to preparing local environmental plans')

If you have any questions in relation to this matter, please contact Kelly Wilkinson, Executive Strategic Planner on 9970 1283.

Yours sincerely

Andrew Pigott
MANAGER – PLANNING & ASSESSMENT





PLANNING PROPOSAL PP0002/14

To amend the Lot Size Map in the Pittwater Local
Environmental Plan (LEP) 2014

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PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 to:

- Ensure properties that have a split zone also have a split minimum lot size
- Ensure that properties that should have a minimum lot size are identified on the Lot Size Map
- Remove properties from the Lot Size Map where a minimum lot size is unnecessary
- Ensure the correct minimum lot size applies to properties identified on the Lot Size Map

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 1979* (EP&A 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

PART 2: EXPLANATION OF PROVISIONS

1	Amend the Lot Size Map for the following properties that have a split zone. These properties should have a split minimum lot size:																																																
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4 WIRREANDA ROAD NORTH, INGLESIDE	Whole property																																																																														
281 POWDERWORKS ROAD, INGLESIDE	Whole property																																																																														
85A REDNAL STREET, MONA VALE	Whole property																																																																														
4 JACKSONS ROAD, WARRIEWOOD	Whole property																																																																														
14 WALTER ROAD, INGLESIDE	Whole property																																																																														
32A INGLESIDE ROAD, INGLESIDE	Whole property																																																																														
32A INGLESIDE ROAD, INGLESIDE	Whole property																																																																														
32A INGLESIDE ROAD, INGLESIDE	Whole property																																																																														
39 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure																																																																														

	41 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	43 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	45 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	47 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	49 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	52 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	54 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	60 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	1186 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1158 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1156 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1064 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1060 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1058 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1056 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1054 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	470 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	468 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	466 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	464 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	17B THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	17A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	192 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	190 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	188 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	186 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	184 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	182 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	180 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	178 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	176 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	168A BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	166 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	164 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	160 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
	1187 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	9 WARATAH ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1185 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
	1131 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
	1129 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
	1129 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation

	703 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	701 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	1 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	2 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	3 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	4 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	5 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	6 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	521 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
	517 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
	25A PLATEAU ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	509 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
	507 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
	2 BILGOLA AVENUE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	1 ELANORA ROAD, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
	67 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	69 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	71 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	73 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	92 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	15 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	17 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	19 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	21 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	23 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	25 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	27 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	31 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	55 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	59 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	59 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	63 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	65 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	67 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	69 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	73 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	75 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation

	77 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
	30 WALANA CRESCENT, MONA VALE	Part zoned SP2 Infrastructure
	119 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	119 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	91 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	127 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	129 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	5 CHILTERN ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	165 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	167 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	15 WIRREANDA ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	17 WIRREANDA ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	178 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	176 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	172 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	166 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	164 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	80-82 MONA VALE ROAD, MONA VALE	Part zoned SP2 Infrastructure
	2 OLD BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
	1A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	1B THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	3 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	7A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	9 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	11 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	15 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	22 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	20 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	20 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	18 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	16 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	14 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	12 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	10 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	8 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
	32 THE STRAND, WHALE BEACH	Part zoned RE1 Public Recreation
	237 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
	237A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
	92 WAKEHURST PARKWAY, NORTH NARRABEEN	Part zoned SP2 Infrastructure
	92 WAKEHURST PARKWAY, NORTH NARRABEEN	Part zoned SP2 Infrastructure
	96 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
	98 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
	102 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
	104 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
	106 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure

3 WARATAH ROAD, PALM BEACH	Part zoned SP2 Infrastructure
251 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
249 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
247 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
245A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
245 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
243B WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
243A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
73 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
69 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
67 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
65 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
174 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
176 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
505 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
35A PLATEAU ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
56 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
58 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
14A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 MANOR ROAD, INGLESIDE	Part zoned SP2 Infrastructure
46 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
42-44 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
166 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
170 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1062 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
54 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
ACCESS STRIP	Part zoned SP2 Infrastructure
25B PLATEAU ROAD, AVALON BEACH	
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure

	1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	241 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
	241 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
	20 ADDISON ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	100 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
	36-60 LAUREL ROAD WEST, INGLESIDE	Part zoned SP2 Infrastructure
	36-60 LAUREL ROAD WEST, INGLESIDE	Part zoned SP2 Infrastructure
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	51,52A,52B ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	513-535 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
	34 LAUREL ROAD EAST, INGLESIDE	Part zoned SP2 Infrastructure
	34 WARATAH ROAD, INGLESIDE	Whole property
	127A,134,142-144,146,148 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure

4	Amend the Lot Size Map to apply the correct minimum lot size to the following properties:	
	Property	Description
	87 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q
	75 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q
	10 BAROONA ROAD, CHURCH POINT	LSZ-Q
	12 ILYA AVENUE, BAYVIEW	LSZ-Q
	165 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	163 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	151 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	149A MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	147 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	6 TAMINGA STREET, BAYVIEW	LSZ-Q
	9 TAMINGA STREET, BAYVIEW	LSZ-Q
	10 TAMINGA STREET, BAYVIEW	LSZ-Q
	11 TAMINGA STREET, BAYVIEW	LSZ-Q
	12 TAMINGA STREET, BAYVIEW	LSZ-Q
	13 TAMINGA STREET, BAYVIEW	LSZ-Q

The proposed Lot Size Map (map sheets 007, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

PART 3: JUSTIFICATION

Section A Need for the Planning Proposal

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

The Planning Proposal stems from the preparation of the Pittwater LEP 2014 in line with the *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument).

On 5 November 2007, Council resolved to commence the statutory process to prepare a new LEP for Pittwater in line with the Standard Instrument.

In August 2011, Council adopted the *Pittwater Local Planning Strategy*, which was prepared to establish an equitable, consistent and transparent policy framework for local level planning to guide land use planning and decision-making into the future.

The *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the Local Government Area (LGA). The *Pittwater Local Planning Strategy* provided the basis for preparing the Pittwater LEP 2014.

Having established that the planning regime in Pittwater was adequate to meet our targets, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

The draft Pittwater LEP was placed on public exhibition on two occasions – between 16 March and 10 May 2013, and between 2 and 29 November 2013. During the second public exhibition of the draft Pittwater LEP a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map. These were reported to Council on 20 December 2013 with a recommendation that the Lot Size Map be amended to rectify such omissions.

On 20 December 2013, Council resolved to adopt the draft Pittwater LEP, and all proposed amendments, and endorsed it being forwarded to the Department of Planning & Environment for finalisation.

During the process of finalising the Pittwater LEP 2014 the required amendments to the Lot Size Map (as identified during the second public exhibition and reported to Council on 20 December 2013) were not made.

A comprehensive review of the Lot Size Map (as in effect on 27 June 2014), was undertaken to ensure a robust Lot Size Map. Subsequently, further required amendments were identified and are proposed to be made to the Lot Size Map.

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

A Planning Proposal is the best means of achieving the objectives outlined in this Planning Proposal.

The alternative would be to initiate a Section 73A (Expedited amendments of environmental planning instruments); however it is preferable to inform the community, particularly affected

land owners, of the changes proposed to the Lot Size Map. No public exhibition is required under Section 73A.

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)?

The Planning Proposal is considered to be consistent with the objectives or actions contained within the regional or sub-regional strategy.

As the *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the LGA, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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

The Planning Proposal is considered to be consistent with the *Pittwater Local Planning Strategy*.

As the *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the LGA, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (see **Appendix 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions (see **Appendix 2**).

Section 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?

As the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993, there will not be any change from the previous planning regime in relation to subdivision, and, subsequently, it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of amending the Lot Size Map.

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

As the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993, there will not be any change from the previous planning regime in relation to subdivision, and, subsequently, it is unlikely that other environmental effects will result from amending the Lot Size Map.

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

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993, all care was taken within the bounds of the Standard Instrument, to ensure that the new LEP for Pittwater provides for development outcomes (including social and economic outcomes) generally consistent with the previous Pittwater LEP 1993 where appropriate.

Notwithstanding this, the draft Pittwater LEP was placed on public exhibition on two occasions to gauge the views of the Pittwater community. Community Engagement Outcome Reports were prepared following each public exhibition to demonstrate how all submissions received were considered and subsequent amendments were made to the draft Pittwater LEP 2014 where appropriate.

With regard to the economic effects of the Planning Proposal, two properties were inadvertently given an increased development potential in the form of applying a minimum lot size that was smaller than that which applied under the previous Pittwater LEP 1993. As this was undertaken in error and it was always the intention to undertake a 'like for like' approach to preparing the new LEP for Pittwater, amending the minimum lot size for these properties to be consistent with the subdivision controls under the previous Pittwater LEP 1993 is considered to be fair and equitable.

Section D State and Commonwealth interests

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

No public infrastructure is required as a result of amending the Lot Size Map.

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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

When the draft Pittwater LEP was placed on public exhibition on both occasions, letters were sent to relevant Commonwealth and State public authorities for comment. Any submissions received in relation to the Lot Size Map would have been considered and addressed in the Community Engagement Outcome Reports prepared following each public exhibition.

For the purpose of this Planning Proposal, no formal consultation has been undertaken to date. Once a Gateway Determination is issued, consultation with all required public authorities will be undertaken.

PART 4: MAPPING

The proposed Lot Size Map (map sheets 007, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

PART 5: COMMUNITY CONSULTATION

The Planning Proposal is considered a 'low impact' proposal as the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993.

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

- A 28-day public exhibition
- Notification in writing to all affected land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the Manly Daily at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Information about the amendments to the Lot Size Map on Council's website for the duration of the public exhibition

PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	5 weeks from Council decision to forward Planning Proposal to Gateway	Week commencing 22 December 2014
Completion of required technical information	<i>Due to the nature of the Planning Proposal it is not anticipated that additional technical information will be required</i>	-
Government agency consultation	Formal consultation, as required by the Gateway Determination, will be undertaken concurrent to the public exhibition	February 2015 (not in January due to school holidays)
Public exhibition	28 days	February 2015
Consideration of submissions	2 weeks following the public exhibition	February-March 2015
Consideration of Planning Proposal post-exhibition and report to Council	4 weeks following the public exhibition	March-April 2015
Submission to Department of Planning & Environment	Following Council decision to finalise draft Pittwater LEP	March-April 2015
RPA to make plan (if delegated)	2 weeks from receipt of final draft Lot Size Map and/or final draft instrument	April-May 2015
Notification of LEP/LEP comes into force	1 week from RPA making the plan	May 2015

Appendix 1: Consideration of SEPPS

The following SEPP's are relevant to the Pittwater LGA. The table below identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the SEPP.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	NO	-	-
SEPP No 14 – Coastal Wetlands	NO	-	-
SEPP No 21 – Caravan Parks	YES	Yes, though if not, it is noted that the SEPP will prevail	-
SEPP No 26 – Littoral Rainforests	NO	-	-
SEPP No 30 – Intensive Agriculture	NO	-	-
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	-	-
SEPP No 33 – Hazardous and Offensive Development	NO	-	-
SEPP No 44 – Koala Habitat Protection	NO	-	-
SEPP No 50 – Canal Estate Development	NO	-	-
SEPP No 55 – Remediation of Land	NO	-	-
SEPP No 62 – Sustainable Aquaculture	NO	-	-
SEPP No 64 – Advertising and Signage	NO	-	-
SEPP No 65 – Design Quality of Residential Flat Development	NO	-	-
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	-	-
SEPP 71 – Coastal Protection	NO	-	-
SEPP (Affordable Rental Housing) 2009	NO	-	-
SEPP (Building Sustainability Index: BASIX) 2004	NO	-	-
SEPP (Exempt and Complying Development Codes) 2008	NO	-	-

SEPP (Housing for Seniors or People with a Disability) 2004	NO	-	-
SEPP (Infrastructure) 2007	NO	-	-
SEPP (Major Development) 2005	NO	-	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	-	-
SEPP (Miscellaneous Consent Provisions) 2007	NO	-	-
SEPP (State and Regional Development) 2011	NO	-	-

If there are any inconsistencies with any applicable SEPP, it is noted that the SEPP will prevail to the extent of the inconsistency.

The following is a list of the deemed SEPPs (formerly Sydney Regional Environmental Plans) relevant to the Pittwater LGA. The table below identifies which of the relevant deemed SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the deemed SEPP.

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	-	-

Appendix 2: Consideration of Section 117 Directions

1 Employment and Resources

	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	YES	YES
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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

2 Environment and Heritage

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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

3 Housing, Infrastructure and Urban Development

	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

4 Hazard and Risk

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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

5 Regional Planning

	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchment	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	-	-
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	-	-
5.7	Central Coast (Revoked 18 June 2010)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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 Provisions	NO	N/A

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

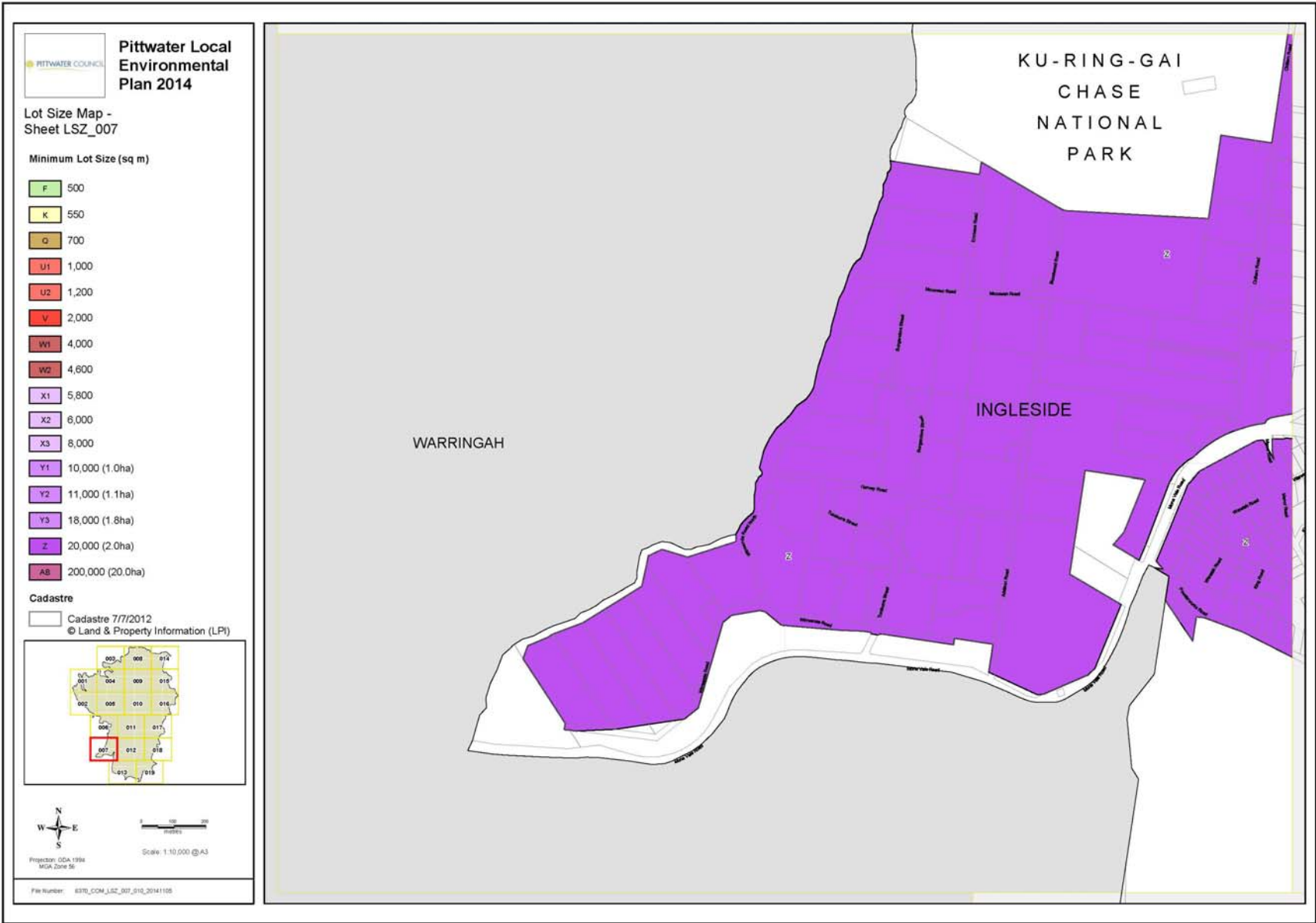
7 Metropolitan Planning

	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

Appendix 3: Proposed Lot Size Map





Pittwater Local Environmental Plan 2014

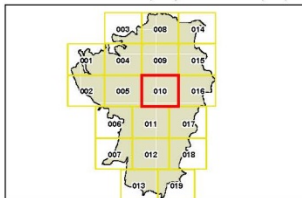
Lot Size Map - Sheet LSZ_010

Minimum Lot Size (sq m)

F	500
K	550
Q	700
U1	1,000
U2	1,200
V	2,000
W1	4,000
W2	4,600
X1	5,800
X2	6,000
X3	8,000
Y1	10,000 (1.0ha)
Y2	11,000 (1.1ha)
Y3	18,000 (1.8ha)
Z	20,000 (2.0ha)
AB	200,000 (20.0ha)

Cadastral

Cadastral 7/7/2012
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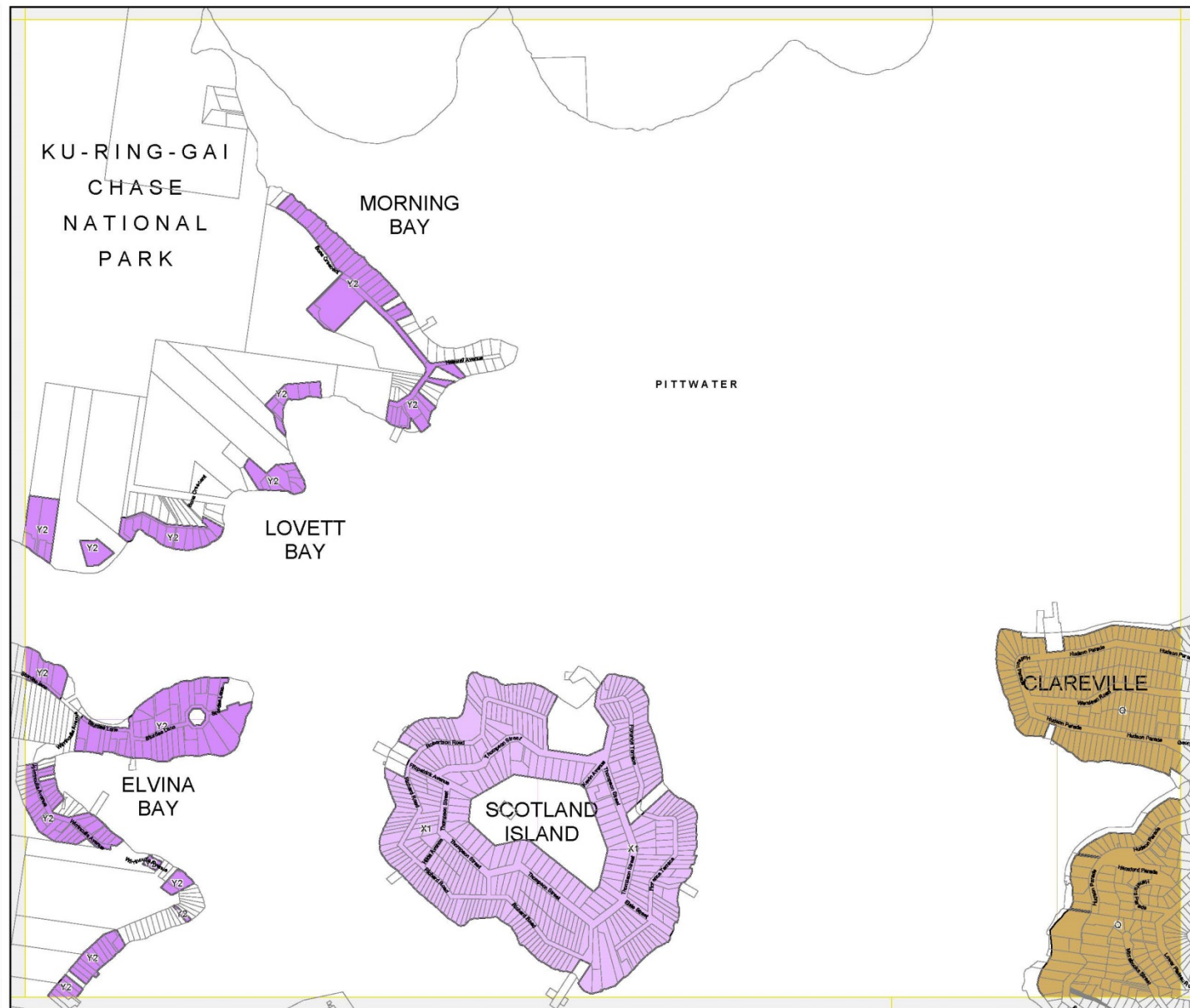


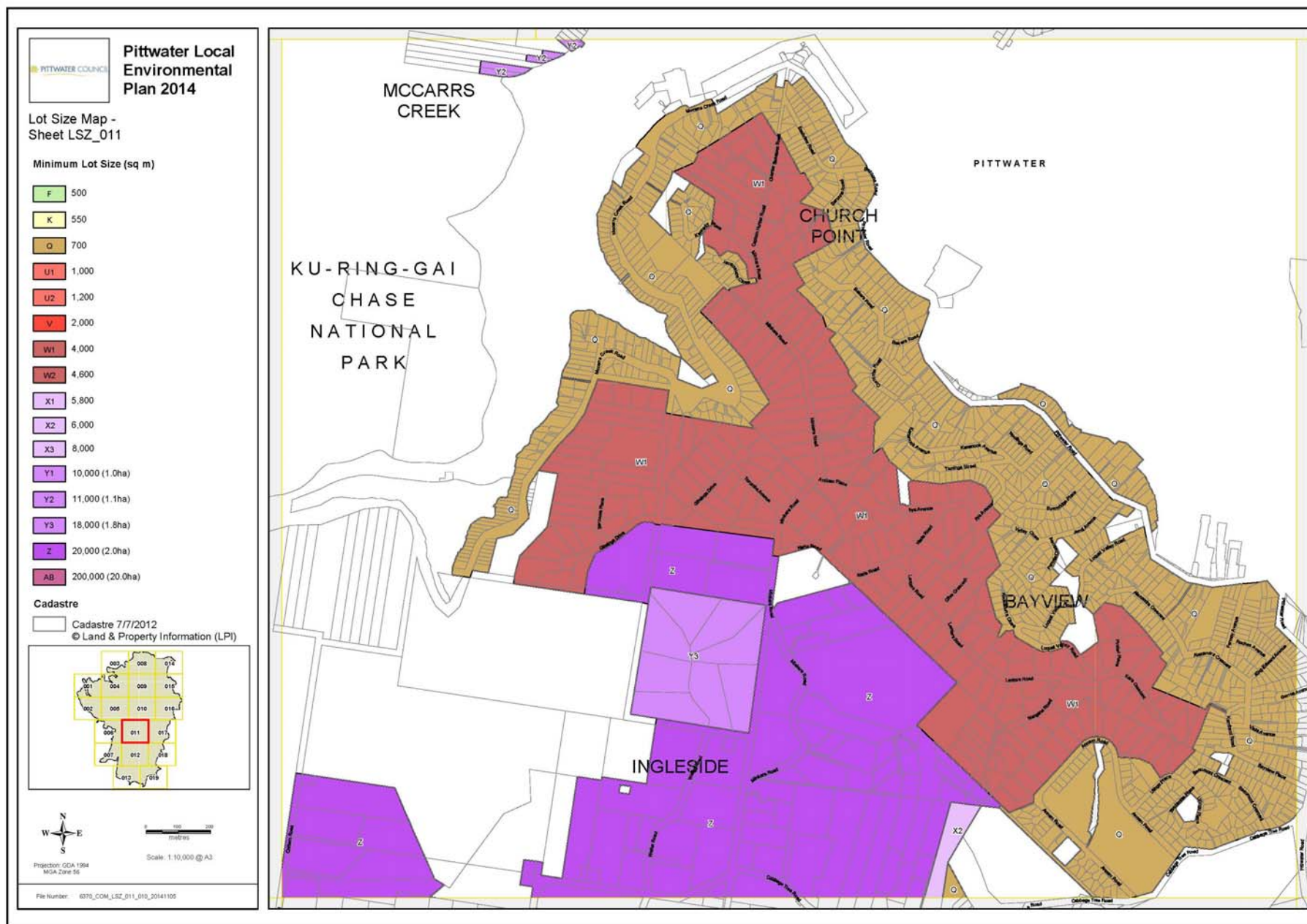
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MGA Zone 56

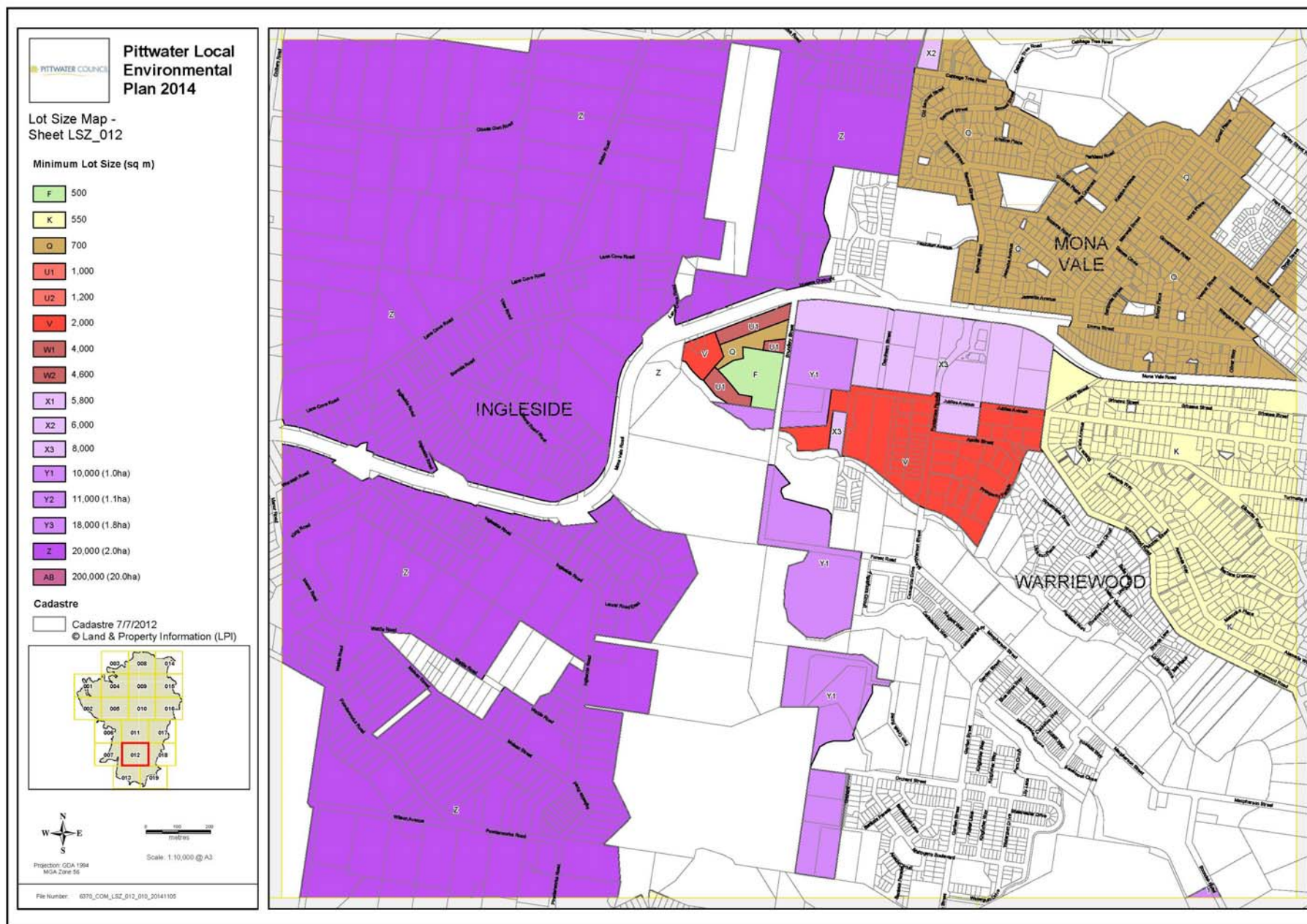
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File Number: 6370_C0M_LSZ_010_20141105









Pittwater Local Environmental Plan 2014

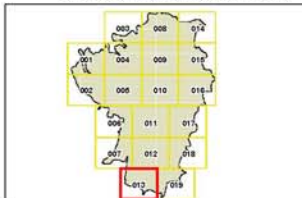
Lot Size Map - Sheet LSZ_013

Minimum Lot Size (sq m)

F	500
K	550
Q	700
U1	1,000
U2	1,200
V	2,000
VV1	4,000
VV2	4,600
X1	5,800
X2	6,000
X3	8,000
Y1	10,000 (1.0ha)
Y2	11,000 (1.1ha)
Y3	18,000 (1.8ha)
Z	20,000 (2.0ha)
AB	200,000 (20.0ha)

Cadastral

Cadastral 7/7/2012
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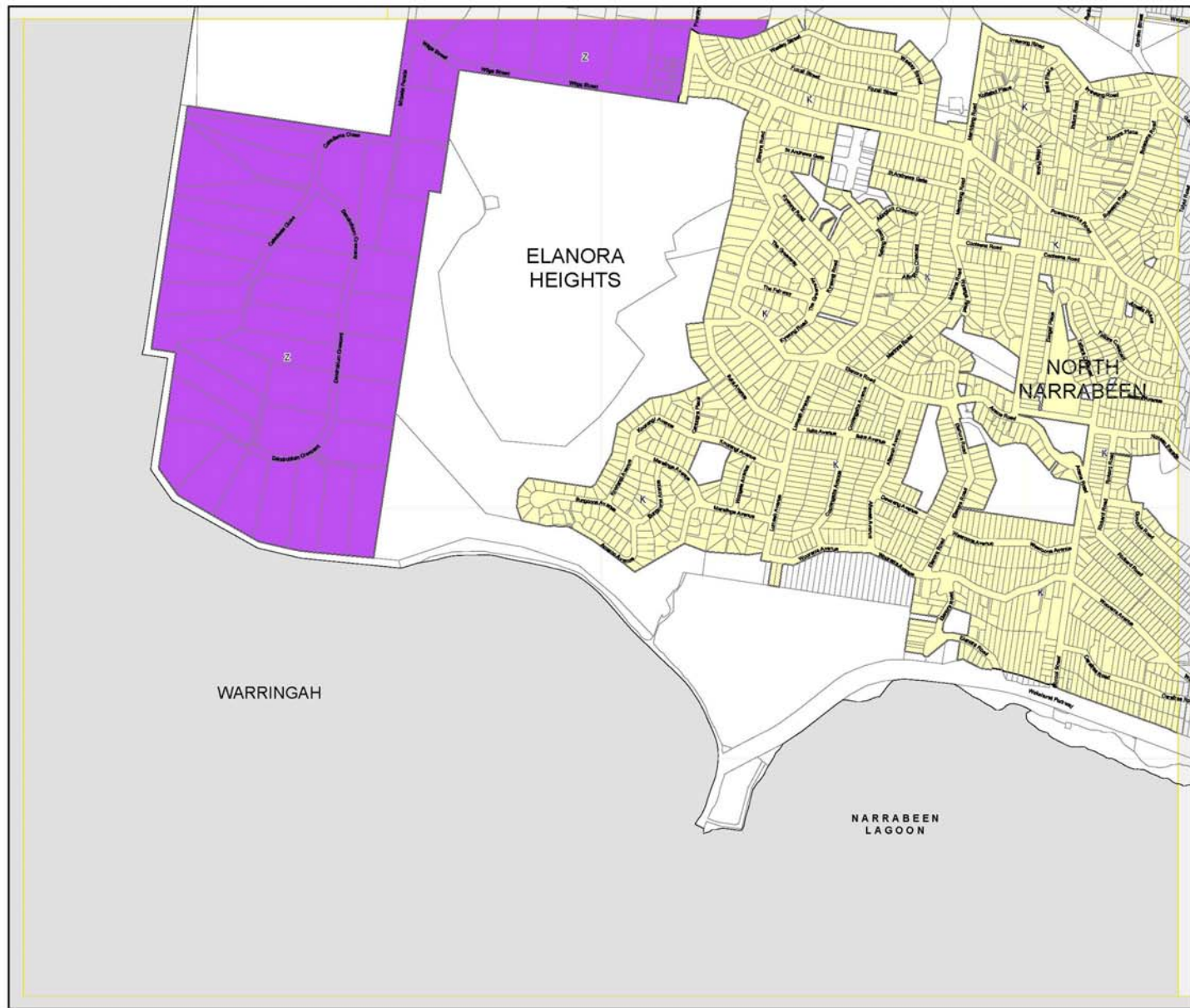


Projection: GDA 1984
MGA Zone 56



Scale: 1:10,000 @ A3

File Number: 6370_COM_LSZ_013_010_20141105





Pittwater Local Environmental Plan 2014

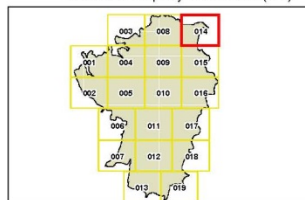
Lot Size Map -
Sheet LSZ_014

Minimum Lot Size (sq m)

F	500
K	550
Q	700
U1	1,000
U2	1,200
V	2,000
W1	4,000
W2	4,600
X1	5,800
X2	6,000
X3	8,000
Y1	10,000 (1.0ha)
Y2	11,000 (1.1ha)
Y3	18,000 (1.8ha)
Z	20,000 (2.0ha)
AB	200,000 (20.0ha)

Cadastre

Cadastre 7/7/2012
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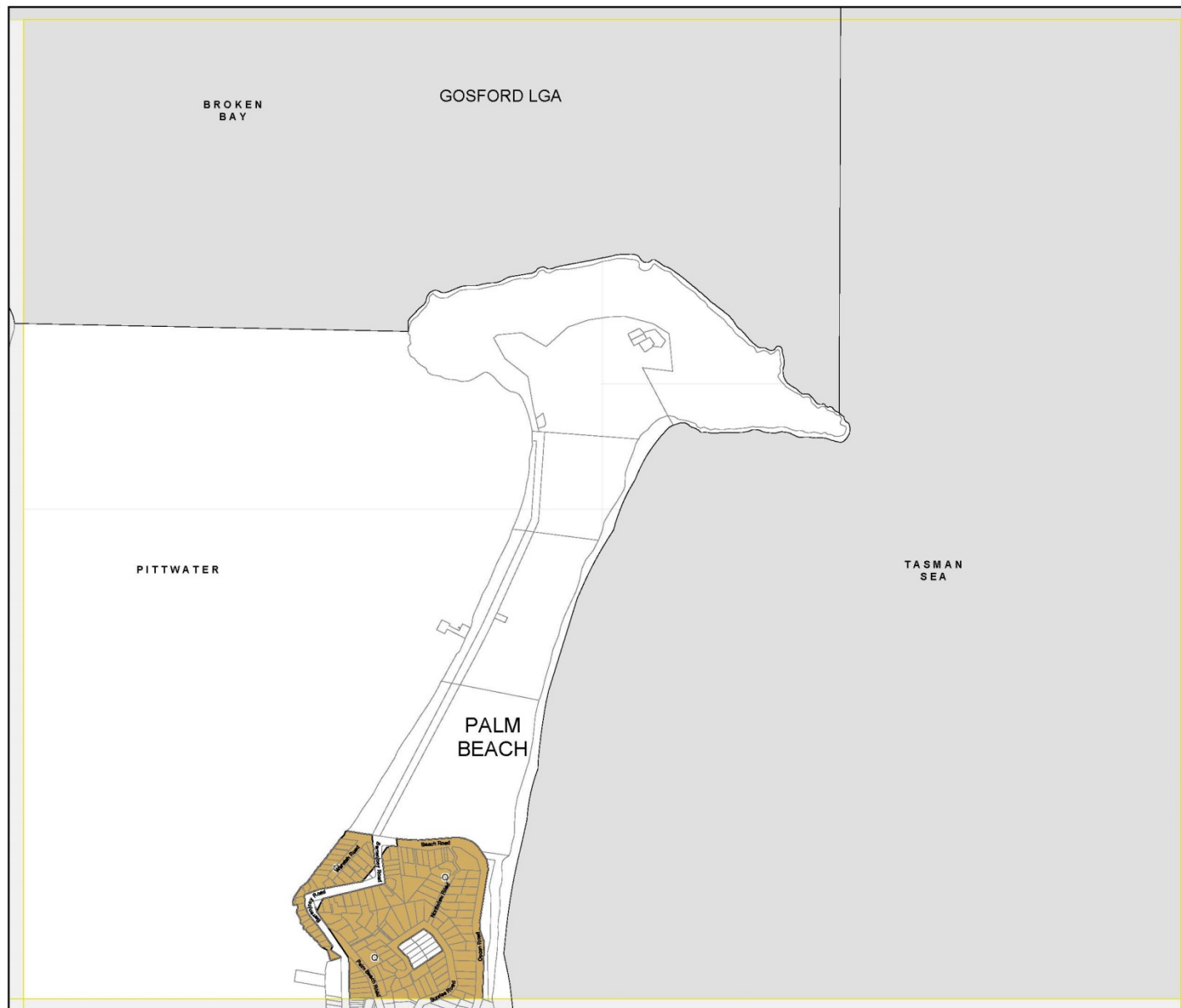


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Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

File Number: 6370_CDM_LSZ_014_010_20141105





Pittwater Local Environmental Plan 2014

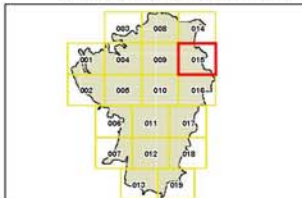
Lot Size Map - Sheet LSZ_015

Minimum Lot Size (sq m)

F	500
K	550
Q	700
U1	1,000
U2	1,200
V	2,000
V1	4,000
V2	4,600
X1	5,800
X2	6,000
X3	8,000
Y1	10,000 (1.0ha)
Y2	11,000 (1.1ha)
Y3	18,000 (1.8ha)
Z	20,000 (2.0ha)
AB	200,000 (20.0ha)

Cadastral

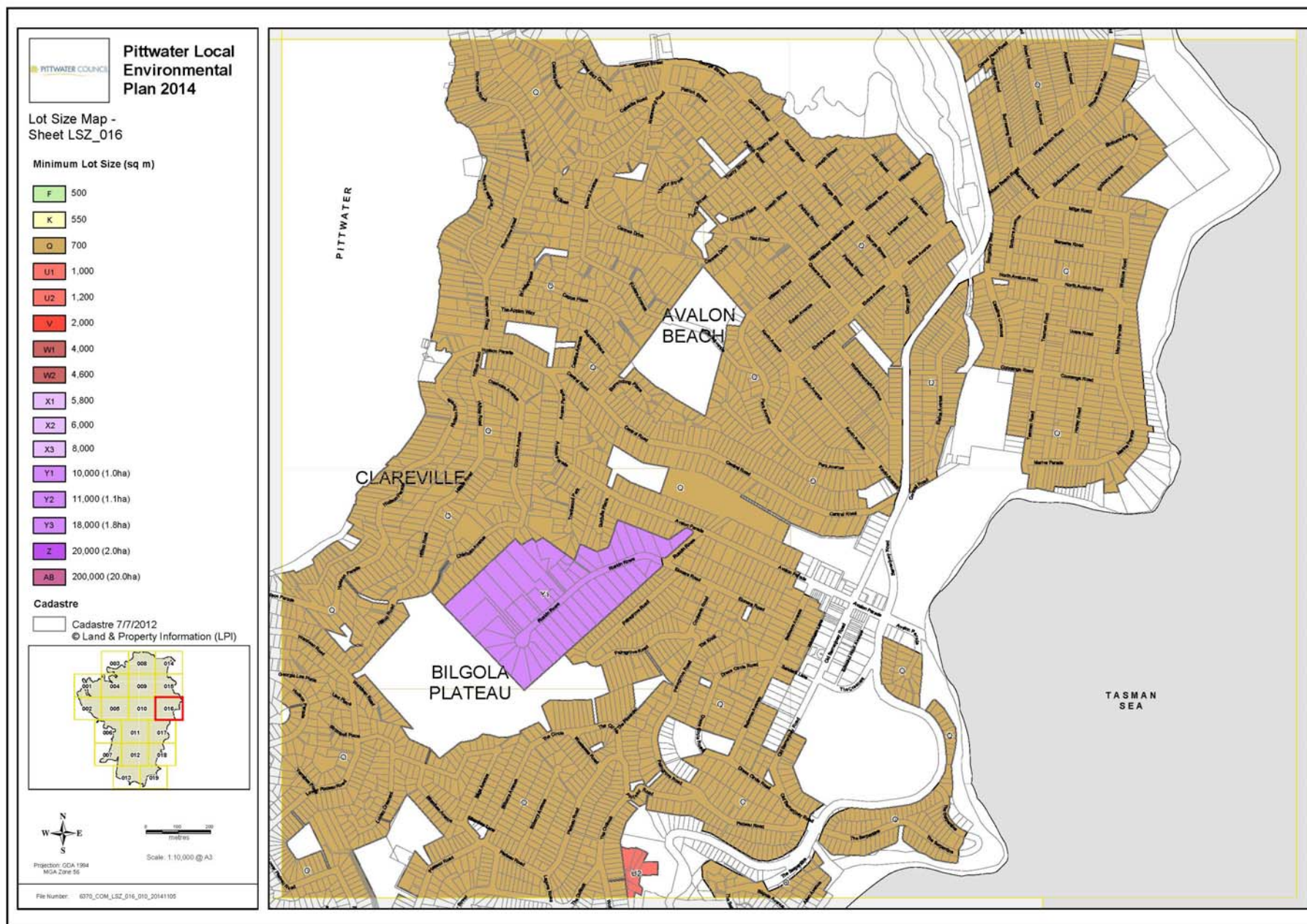
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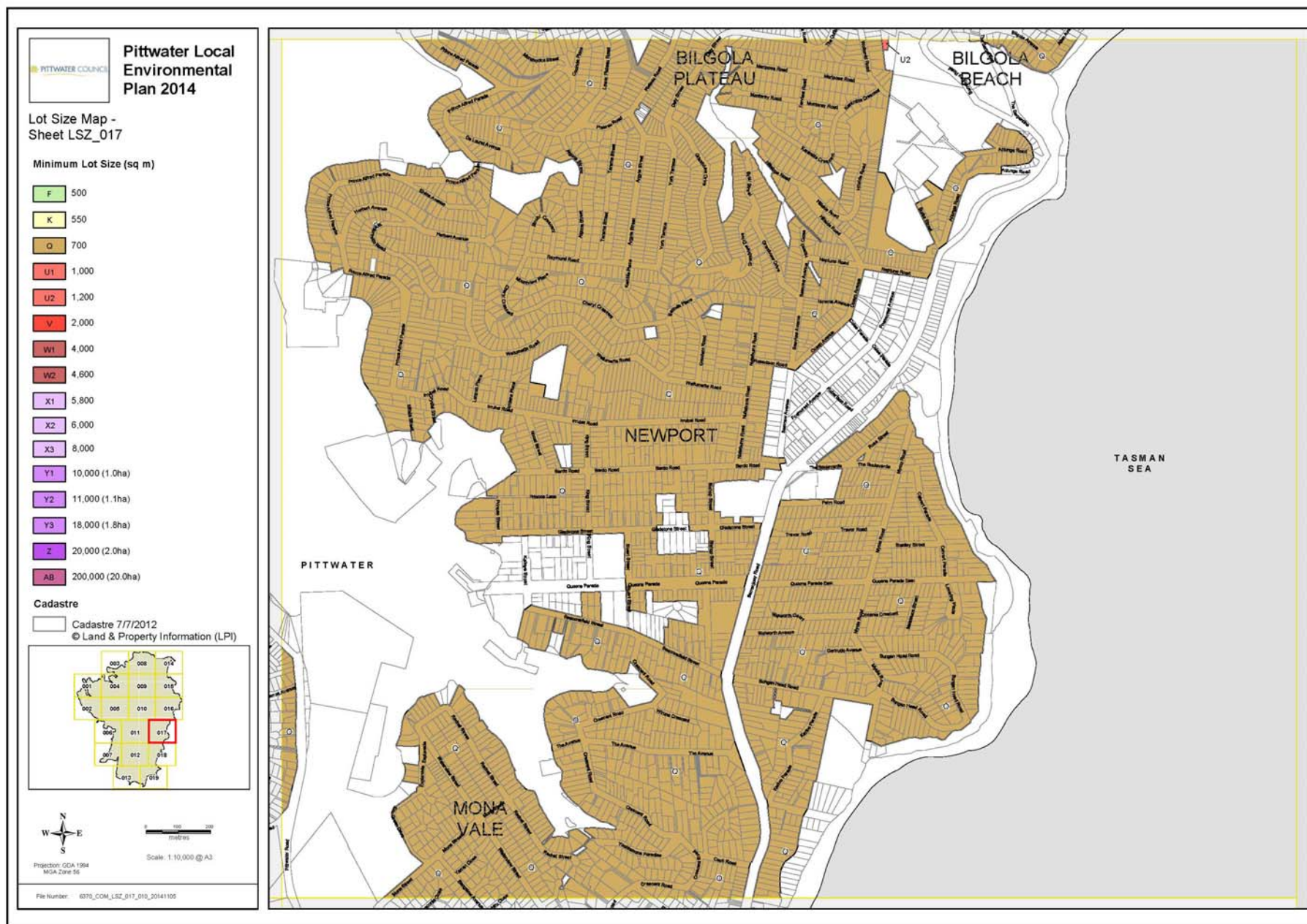


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MGA Zone 55

File Number: 6370_COM_LSZ_015_010_20141105









Pittwater Local Environmental Plan 2014

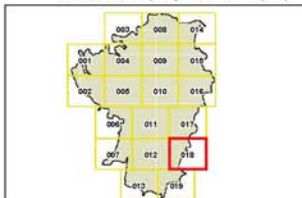
Lot Size Map - Sheet LSZ_018

Minimum Lot Size (sq m)

F	500
K	550
Q	700
U1	1,000
U2	1,200
V	2,000
V1	4,000
V2	4,600
X1	5,800
X2	6,000
X3	8,000
Y1	10,000 (1.0ha)
Y2	11,000 (1.1ha)
Y3	18,000 (1.8ha)
Z	20,000 (2.0ha)
AB	200,000 (20.0ha)

Cadastral

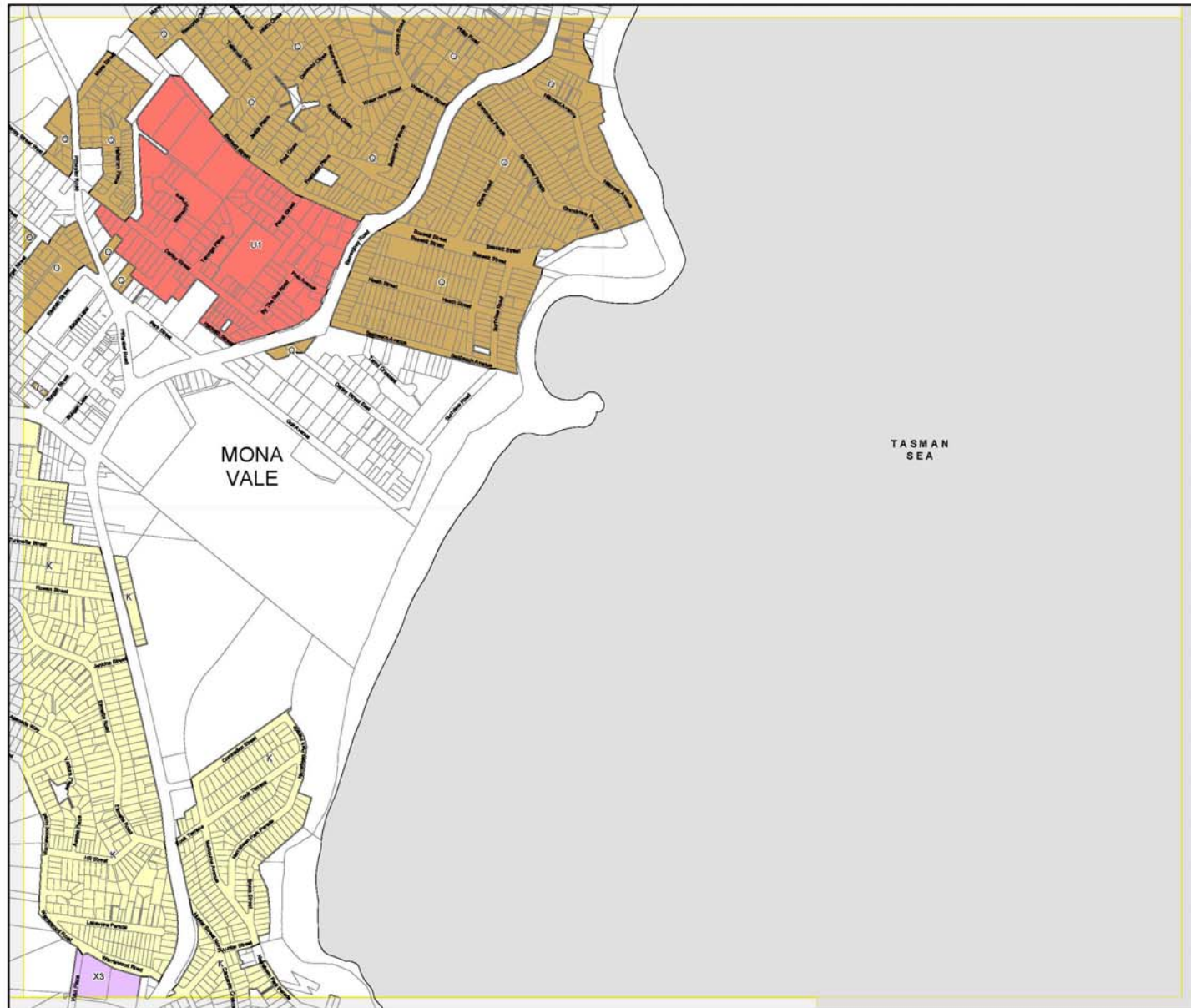
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Projection: GDA 1984
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Scale: 1:10,000 @ A3

File Number: 6370_COM_LSZ_018_010_20141105





Pittwater Local Environmental Plan 2014

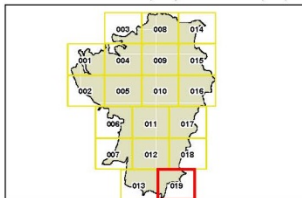
Lot Size Map - Sheet LSZ_019

Minimum Lot Size (sq m)

F	500
K	550
Q	700
U1	1,000
U2	1,200
V	2,000
V1	4,000
V2	4,600
X1	5,800
X2	6,000
X3	8,000
Y1	10,000 (1.0ha)
Y2	11,000 (1.1ha)
Y3	18,000 (1.8ha)
Z	20,000 (2.0ha)
AB	200,000 (20.0ha)

Cadastre

Cadastre 7/7/2012
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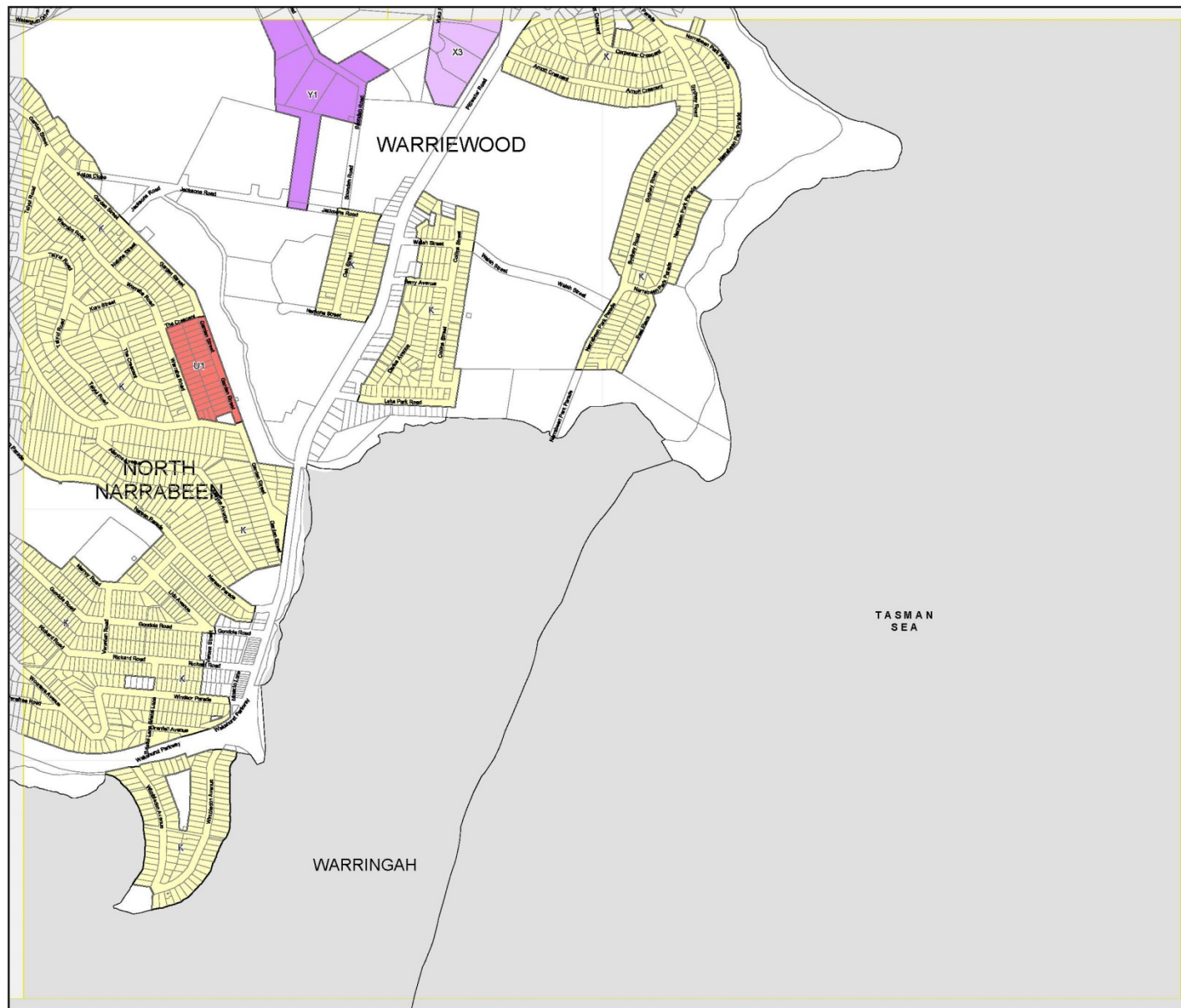


0 100 200
metres

Projection: GDA 1994
MGA Zone 56

Scale: 1:10,000 @ A3

File Number: 6370_CDM_LSZ_019_010_20141105





SUBJECT: Amendments to the Pittwater Local Environmental Plan (LEP) 2014

Meeting: Sustainable Towns & Villages Committee

Date: 17 November 2014

COUNCIL DECISION (By Exception)

1. That Council endorse the Planning Proposal to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse the commencement of the statutory process to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 and endorse sending the Planning Proposal to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination.
3. That, following receipt of a Gateway Determination, a statutory public exhibition be undertaken.

(Cr Hegarty / Cr Griffith)

SUBJECT: Amendments to the Pittwater Local Environmental Plan (LEP) 2014

Meeting: Sustainable Towns & Villages Committee **Date:** 17 November 2014

STRATEGY: Land Use & Development

ACTION: Prepare new Standard Instrument Local Environment Plan (LEP)

PURPOSE OF REPORT

The purpose of this report is:

- To update Council on the status of amendments to the Pittwater Local Environmental Plan (LEP) 2014.
- To seek Council's endorsement of the attached Planning Proposal, which intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, for sending to the Department of Planning & Environment (DP&E) for a Gateway Determination.

1.0 BACKGROUND

- 1.1 On 21 July 2014, Council was informed that the Pittwater Local Environmental Plan (LEP) 2014 came into effect on 27 June 2014.
- 1.2 Following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP 2014 being made.
- 1.3 Council was informed of some key changes, which included:
 - The removal of zone objectives that addressed minimising unnecessary impacts on the natural environment and/or the desired character of the locality.
 - The removal of height controls for 'secondary dwellings', 'rural worker's dwellings' and the second dwelling within a 'dual occupancy (detached)' in Clause 4.3 (Height of buildings).
 - The removal of the ability to undertake 'Structures associated with vehicular and pedestrian access including garages, carports, stairs, paths, inclinator and the like' on certain land intended to be acquired for public purposes; expressly land zoned 'SP2 Infrastructure' and marked "Classified road" (Clause 5.1A Development on land intended to be acquired for public purposes).
 - Adding the ability to do an 'extension' and an 'alteration' in the foreshore area (Clause 7.8 Limited development on foreshore area).
 - Removing reference to the 'E4 Environmental Living' zone from Clause 7.12 (Location of sex services premises), in relation to deciding whether to grant development consent to development for the purposes of sex services premises and considering whether the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land zoned 'E4 Environmental Living'.
 - The removal of Sector and Buffer Area labels and the creek line corridors on the Urban Release Area Map.
 - The replacement of the Lot Size Map as adopted by Council on 20 December 2013, with the draft Lot Size Map as exhibited during the second public exhibition.

- 1.4 Council was subsequently informed that amendments to the Pittwater LEP 2014, incorporating required amendments to the Lot Size Map, would be undertaken.
- 1.5 At a Council meeting on 16 June 2014, the following resolution was made in relation to the Pittwater LEP 2014:

That a delegation consisting of the Mayor, available Councillors, the General Manager and staff seek an urgent meeting with the Minister for Planning and DP&I staff to gain an understanding and justification for the changes made to the draft Pittwater LEP 2014 by the DP&I and why state Government policies in regard to Local Government planning decisions, community consultation and risk management in foreshore areas have not been followed.

2.0 ISSUES

2.1 Meeting with the Hon. Robert Stokes MP

- 2.1.1 On 15 July 2014, a meeting with the Hon. Robert Stokes MP (Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) and DP&E staff, was held with the Mayor, Councillor Ferguson, Councillor Young, the General Manager, and Council staff to discuss issues with some of the changes made to the Pittwater LEP 2014.
- 2.1.2 The meeting was productive and DP&E staff advised that a letter to Council, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan, had been drafted and was awaiting sign-off.

2.2 Correspondence with the DP&E

- 2.2.1 Council received correspondence from the DP&E (dated 27 August 2014) (see **Attachment 1**), as mentioned at the meeting with the Hon. Robert Stokes MP, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan. The correspondence also suggested that a meeting be arranged with staff from Council and the DP&E to further progress the issues.
- 2.2.2 Council responded to the DP&E correspondence on 3 October 2014 (see **Attachment 2**). Council's letter outlined the amendments proposed to the Pittwater LEP 2014 and the preferred approach to making each amendment.
- 2.2.3 Council's letter was the basis for discussion at the meeting held with staff from Council and the DP&E on 8 October 2014. A forward path was established for each matter addressed in the letter and the DP&E advised that they would write to Council outlining the outcome. At the time of preparing this report, the letter had not yet been received.

2.3 Draft Lot Size Map

- 2.3.1 During the second public exhibition of the draft Pittwater LEP, it was noted that the draft Lot Size Map contained omissions, predominantly relating to:
- Properties that have a split zone, which should subsequently have a split minimum lot size (18 properties to be amended to have a split minimum lot size – two were inadvertently given an increased ability to subdivide and 16 were inadvertently given a decreased ability to subdivide)
 - Properties that should be identified on the Lot Size Map but were not (28 properties to be added to the Lot Size Map)

- Properties identified on the Lot Size Map having an incorrect minimum lot size (15 properties to be amended to have a different minimum lot size)
- Properties identified on the Lot Size Map where a minimum lot size is unnecessary (193 properties to be removed from the Lot Size Map)

2.3.2 A number of these omissions were rectified for the purpose of reporting the draft Pittwater LEP to Council on 20 December 2013 for adoption, however when the Pittwater LEP 2014 was made, amendments relating to the abovementioned omissions had not been made on the Lot Size Map. Subsequently, the current Lot Size Map contains errors which require rectifying.

2.3.3 As a Planning Proposal is required to rectify such omissions, a comprehensive review of the Lot Size Map (as made) was undertaken to ensure a robust Lot Size Map.

2.3.4 **Attachment 3** contains a Planning Proposal to amend the Lot Size Map in the Pittwater LEP 2014. It is recommended that Council endorse the attached Planning Proposal and draft Lot Size Map, for sending to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.

2.3.5 Preliminary non-statutory notification has not been undertaken for the purpose of amending the Lot Size Map as the proposed amendments stem from the process of undertaking a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

2.3.6 Notwithstanding this, letters were sent to land owners where the Lot Size Map is proposed to change for their property, to advise of this Council meeting. Land owners will also be informed about the commencement of the statutory public exhibition of the Planning Proposal and draft Lot Size Map, should Council endorse the recommendation relevant to the attached Planning Proposal and draft Lot Size Map.

2.4 **Section 73A submissions**

2.4.1 Section 73A of the *Environmental Planning & Assessment Act 1979* (EP&A Act) provides for expedited amendments to an environmental planning instrument, such as an LEP, provided amendments are minor in nature.

2.4.2 To date, Council has initiated the following expedited amendments to the Pittwater LEP 2014 via Section 73A of the EP&A Act following omissions during the process of finalising the Plan:

- 1) Amendments to the Urban Release Area Map to reinstate the labels and creek line corridors to ensure Part 6 (Urban Release Areas) of the Pittwater LEP 2014 written instrument functions as intended.
- 2) Amendments to maps relevant to 120-122 Mona Vale Road, Warriewood (following the making of Amendment no. 1 to the Pittwater LEP 2014) to be in line with the recommendation of the Joint Regional Planning Panel.
- 3) Amendments to the legend and label on the Land Zoning Map in relation to the name of the zone for the Sydney Lakeside Caravan Park from 'SP3 Tourism' to 'SP3 Tourist' to ensure that the Land Use Table in the Pittwater LEP 2014 written instrument is applicable.

- 4) Amendments to the Land Zoning Map to remove incorrect labels and amend a boundary between 'SP2 Cemetery' and 'SP2 Infrastructure'; an amendment to Clause 7.12 (Location of sex services premises) to remove reference to the 'R1 General Residential' zone (no land in Pittwater is zoned R1) and reinstate reference to the 'E4 Environmental Living' zone; and an amendment to Schedule 1(8) of the written instrument to rectify an error in the sentence structure.

Of the abovementioned items, the first three came into effect on 26 September 2014 as Amendment no. 2 to the Pittwater LEP 2014. The fourth item is not yet in effect – it is likely to form Amendment no. 3 to the Pittwater LEP 2014.

3.0 WHERE TO FROM HERE?

3.1 The active Section 73A amendment

- 3.1.1 It is anticipated that the subsequent amendment will come into effect in the coming months

3.2 Planning Proposals

3.2.1 Draft Lot Size Map

- 3.2.2 Should Council endorse the recommendation relevant to the attached Planning Proposal and draft Lot Size Map, these will be sent to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.

- 3.2.3 As part of the statutory public exhibition of the Planning Proposal and draft Lot Size Map, the following is proposed to be undertaken:

- A 28-day public exhibition (in accordance with the DP&E's '*A guide to preparing local environmental plans*', the Planning Proposal is considered to be 'low impact')
- Notification in writing to all affected land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the *Manly Daily* at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Information about the amendments to the Lot Size Map on Council's website for the duration of the public exhibition
- Council staff will be available to respond to any enquiries

- 3.2.4 All submissions received during the public exhibition will be reviewed and considered before presenting the outcome to Council.

3.2.5 Future Planning Proposals

- 3.2.6 On receipt of the letter from the DP&E, as discussed at the meeting held on 8 October 2014, further amendments to the Pittwater LEP 2014 are likely to be commenced.

- 3.2.7 Council will be kept informed of any further amendments proposed to the Pittwater LEP 2014.

4.0 SUSTAINABILITY ASSESSMENT

4.1 Supporting & Connecting our Community (Social)

In line with the preparation of the draft Pittwater LEP, the process of facilitating the proposed amendments to the Pittwater LEP 2014 will incorporate the review and consideration of comments received from members of the Pittwater community.

4.2 Valuing & Caring for our Natural Environment (Environmental)

The proposed amendments will not affect the local provisions and/or zone objectives contained in the Pittwater LEP 2014, which protect the local environment and heritage, and manage natural hazards.

4.3 Enhancing our Working & Learning (Economic)

The proposed amendments will not affect the Pittwater LEP 2014 in protecting our valuable employment land and recognising the important role of Mona Vale as our town centre.

4.4 Leading an Effective & Collaborative Council (Governance)

Should Council endorse the recommendation relevant to the attached Planning Proposal and draft Lot Size Map, following receipt of a Gateway Determination from the DP&E, a statutory public exhibition will be undertaken whereby comments received from members of the Pittwater community will be reviewed and considered before presenting the outcome of the public exhibition to Council.

4.5 Integrating our Built Environment (Infrastructure)

No public infrastructure is required as a result of the proposed amendments, nor do the proposed amendments affect the Pittwater LEP 2014 in retaining and enhancing existing and proposed infrastructure to ensure the sustainable growth of the community.

5.0 EXECUTIVE SUMMARY

5.1 The purpose of this report is:

- To update Council on the status of amendments to the *Pittwater Local Environmental Plan (LEP) 2014*.
- To seek Council's endorsement of the attached Planning Proposal, which intends to rectify omissions on the Lot Size Map in the Pittwater LEP 2014, for sending to the Department of Planning & Environment (DP&E) for a Gateway Determination.

5.2 On 15 July 2014, a meeting with the Hon. Robert Stokes MP (Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) and DP&E staff, was held with the Mayor, Councillor Ferguson, Councillor Young, the General Manager, and Council staff to discuss issues with some of the changes made to the Pittwater LEP 2014. The meeting was productive and DP&E staff advised that a letter to Council, clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan, had been drafted and was awaiting sign-off.

5.3 Council received correspondence from the DP&E (dated 27 August 2014) (see Attachment 1), clarifying some of the changes made to the Pittwater LEP 2014 during the process of finalising the Plan.

5.4 Council responded to the DP&E correspondence on 3 October 2014 (see **Attachment 2). Council's letter outlined the amendments proposed to the Pittwater LEP 2014 and the preferred approach to making each amendment.**

- 5.5 Council's letter was the basis for discussion at a meeting held with staff from Council and the DP&E on 8 October 2014. A forward path was established for each matter addressed in the letter and the DP&E advised that they would write to Council outlining the outcome. At the time of preparing this report, the letter had not yet been received. On receipt of the letter from the DP&E, amendments to the Pittwater LEP 2014 are likely to be commenced. Council will be kept informed of any future amendments proposed to the Pittwater LEP 2014.
- 5.6 During the second public exhibition of the draft Pittwater LEP, it was noted that the draft Lot Size Map contained omissions. A number of these omissions were rectified for the purpose of reporting the draft Pittwater LEP to Council on 20 December 2013 for adoption, however when the Pittwater LEP 2014 was made, amendments relating to the abovementioned omissions had not been made on the Lot Size Map. Subsequently, the current Lot Size Map contains errors which require rectifying.
- 5.7 **Attachment 3** contains a Planning Proposal to amend the Lot Size Map in the Pittwater LEP 2014. It is recommended that Council endorse the attached Planning Proposal and draft Lot Size Map, for sending to the DP&E for a Gateway Determination to certify the commencement of a statutory public exhibition.
- 5.8 Section 73A of the *Environmental Planning & Assessment Act 1979 (EP&A Act)* provides for expedited amendments to an environmental planning instrument, such as an LEP, provided amendments are minor in nature. To date, Council has initiated four expedited amendments to the Pittwater LEP 2014 via Section 73A of the EP&A Act following omissions during the process of finalising the Plan. Three came into effect on 26 September 2014 as Amendment no. 2 to the Pittwater LEP 2014; and the fourth is not yet in effect – it is likely to form Amendment no. 3 to the Pittwater LEP 2014.

RECOMMENDATION

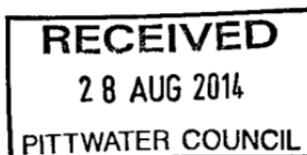
1. That Council endorse the Planning Proposal at **Attachment 3** to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014.
2. That Council endorse the commencement of the statutory process to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 and endorse sending the Planning Proposal at **Attachment 3** to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination.
3. That, following receipt of a Gateway Determination, a statutory public exhibition be undertaken.

Report prepared by
Kelly Wilkinson, Executive Planner (Strategic)

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT



Planning &
Environment



Mr Mark Ferguson
General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

14/09898

Dear Mr Ferguson

I refer to Council's letter dated 11 June 2014 and the recent meeting between the Assistant Minister for Planning, Council and Department representatives concerning the drafting of *Pittwater Local Environmental Plan 2014*.

I have asked Departmental officers to meet with Council once you have considered the Department's response to Council's concerns, with a view to facilitating appropriate changes to Pittwater Local Environmental Plan 2014.

As you are aware, the Department is required to submit local environmental plans to Parliamentary Counsel as part of the plan preparation process. In finalising each local environmental plan, Parliamentary Counsel also initiates legal drafting amendments where necessary to enable the plan to be notified, a number of which you have identified in your letter.

The following information is provided to clarify the changes made to Pittwater Local Environmental Plan 2014 during the plan finalisation process.

Inserting SP3 Tourist into the Land Use Table, amending Land Zoning Map and legend; and zoning the Sydney Lakeside Holiday Park SP3 Tourist

Council proposed to zone Sydney Lakeside Holiday Park in North Narrabeen SP1 Special Activities with nominated land uses including caravan park, camping ground, eco-tourist facility, function centre, and information and education facility.

The SP1 Special Activities zone and land uses proposed by Council were not supported as the land uses do not have unique characteristics that could not be accommodated by another zone.

The Department's practice note for preparing local environmental plans identifies examples of where the SP1 Special Activities zone may be applied including a major scientific research facility or an international sporting facility. The SP1 Special Activities zone is intended for complex land uses that cannot be accommodated in another zone.

The SP3 Tourist zone was considered to more accurately reflect the primary focus of the site, being a holiday park. The SP3 Tourist zone is commonly applied to caravan parks in local environmental plans across the State.

***Zoning 79 Beaconsfield Street, Newport and 2a McCarrs Creek Road, Church Point
W2 Recreational Waterways***

Council proposed to rezone 79 Beaconsfield Street, Newport, and 2a McCarrs Creek Road, Church Point, from W2 Recreational Waterway to W1 Natural Waterways zone, as a post-exhibition change.

Both sites were exhibited on two separate occasions as W2 Recreational Waterways. Council amended the zoning of these sites to W1 Natural Waterway subsequent to exhibition and with no direct consultation with landowners. The W2 zone is reflective of the recreational nature of land uses on these sites which include marinas and would continue to permit current land uses to operate.

I am advised Council is currently reviewing its waterways zones and encourage Council to consider this matter as part of a broader strategic review of Pittwater. Where the review recommends amendment to Pittwater Local Environmental Plan 2014 and where supported by Council, the Department would be available to work with Council to facilitate a planning proposal.

Clause 4.3 Height of buildings - removal of the height control for secondary dwellings, rural worker's dwellings and the second dwelling within a dual occupancy (detached)

Following exhibition, Council sought to establish a building height of 5.5 metres for secondary dwellings and rural workers dwellings, consistent with its Development Control Plan.

Limited information was provided in Council's Resolution of 18 November 2013 to support including a new height control in Pittwater Local Environmental Plan 2014. I understand the Department sought further justification from Council for the new control. In response, on 11 April 2014, Council reiterated the change was to incorporate a development control plan provision into Pittwater Local Environmental Plan 2014. Introducing a new height affecting secondary dwellings without community consultation was not supported without reasonable justification.

Notwithstanding, if Council wishes to pursue this matter, the Department is available to work with Council for a new height restriction on secondary dwellings and enable this amendment to be considered transparently and efficiently.

Clause 5.1A Development on land intended to be acquired for public purposes - removal of 'structures associated with vehicular and pedestrian access including garages, carports, stairs, paths, inclinators and the like'

Council's clause stated that development for the purposes of 'structures associated with vehicular and pedestrian access including garages, carports, stairs, paths, inclinators, and the like' should be permitted in areas identified in Clause 5.1.

This was removed by Parliamentary Counsel as these provisions either duplicate or are inconsistent with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Clause 7.8 Limited development on foreshore area - addition of 'the extension, alteration' in (2)(a), replacing 'topography, site characteristics' with levels, depth' in (2)(a), replacing 'inground swimming pools at natural ground level' with 'swimming pools' in (2)(6)

Parliamentary Counsel drafted the clause to be consistent with the current model clause, as provided to Council 12 September 2013. I understand the Department contacted Council prior to finalising the Plan and indicated that the model clause would be applied to ensure consistency with the Standard Instrument.

Clause 7.10 (7.12) Location of sex service premises removing 'E4 Environmental Living' and adding 'R1 General Residential' (Pittwater does not have any land zoned R1)

Parliamentary Counsel drafted the clause to be consistent with the current model clause.

The inclusion of R1 General Residential was an oversight in the drafting of Pittwater Local Environmental Plan 2014 and reflects the model clause. This matter can be corrected via an amendment under Section 73A of the *Environmental Planning and Assessment Act 1979*. The Department is available to work with Council to efficiently progress a Section 73A submission for this matter.

Land use table - the removal of some land uses from zones

Parliamentary Counsel drafted the land use tables to correctly apply group terms and avoid duplication of any land uses that may be permissible under a State Environmental Planning Policy.

Parliamentary Counsel removed a number of objectives as in their view they did not add to the purpose of the zones, duplicated other local objectives within the same land use table, or would potentially negatively impact on the efficiency of the development application process.

Changes to the Lot Size Map which remove recognition of spilt zonings across certain properties - Changes involved the removal of the split categorisation and replacement with one category across the entire property

I am advised Council provided its initial set of Pittwater Local Environmental Plan 2014 maps in January 2014 and submitted amended maps following the second exhibition on 5 February 2014. The amended maps were to reflect the existing minimum subdivision lot size controls. The Department confirms no changes were made to these maps during the final drafting of the Pittwater Local Environmental Plan 2014.

Where map changes were made inadvertently such as transmitting data and maps, the Department is happy to work with Council to rectify mapping issues. If minor in nature, amendments via Section 73A will be sought to minimise delays.

Removal of desired future character statement

Council has also questioned why its desired future character statement, *"To maintain the desired character of the locality"* was removed from Pittwater Local Environmental Plan 2014.

The intent of zone objectives within local environmental plans is to provide clear guidance on the role and function of a zone and outcomes seeking to be achieved. The Department and Parliamentary Counsel do not support zone objectives which are considered subjective, repeat higher order aims or are more appropriately suited to a development control plan.

In this instance, an overarching aim of Pittwater Local Environmental Plan is, *"to ensure development is consistent with the desired character of Pittwater's localities"* (Clause 1.2(2)(b)). This aim was considered to remove the need for a similar objective to be applied to numerous zones and avoids repetition throughout the Plan. However, the Department would be happy to consider this matter further if desired by Council.

If you have any further enquiries regarding any of the matters addressed above, I have arranged for Mr Simon Manoski, Acting General Manager Metropolitan Delivery, of the Department of Planning and Environment, to assist you. Mr Manoski can be contacted on 02 9228 6565.

Yours sincerely



Carolyn McNally
Secretary

27.8.14



PITTWATER COUNCIL

Kelly Wilkinson – Executive Planning Officer (Strategic)
8:00am to 5:00pm Monday-Friday
Phone 9970 1283

3 October 2014

ABN61 340837871
Telephone 02 9970 1111
Facsimile 02 9970 1200
Postal Address
PO Box 882
Mona Vale NSW 1660
DX 9018, Mona Vale

MS CAROLYN MCNALLY, SECRETARY
DEPARTMENT OF PLANNING & ENVIRONMENT
GPO BOX 39
SYDNEY NSW 2001

Dear Ms McNally

Thank you for your letter dated 27 August 2014 regarding changes made to the Pittwater Local Environmental Plan (LEP) 2014 during the process of finalising the Plan.

Following review of your letter, including justification and suggested forward paths for each of the matters addressed, Council advises that the preferred approach for each matter is as follows:

Land use table

Council considers that the Pittwater LEP 2014 should adequately function (where possible) in isolation of any Environmental Planning Instrument (EPI) e.g. any State Environmental Planning Policy (SEPP). In this way, the Pittwater LEP 2014 would essentially operate as a 'one-stop shop' and would not require reference to several EPIs to establish permissibility.

Consequently, it is considered that the land uses that were removed from certain zones should be reinstated. Council staff intends to initiate a Section 73A (Expedited amendments of environmental planning instruments) to rectify this matter.

Zone objectives

Council considers that the zone objectives are integral to Pittwater's approach to its planning controls. Council remains concerned with the removal of the zone objective relating to 'desired character'. The 'desired character' of each of Pittwater's localities are clearly defined in the Pittwater 21 Development Control Plan (DCP). Further, it is noted that both the Mosman and Ryde LEPs incorporate a reference to 'desired future character' and 'desired character' in zone objectives and objectives for other clauses, such as height and FSR.

Subsequently, Council's intends to initiate a Section 73A to reinstate the objective 'To maintain the desired character of the locality'.

SP3 Tourist zone

Changing the zone of the Sydney Lakeside Holiday Park to 'SP3 Tourist' from 'SP1 Special Activities' is not supported for the following reasons:

- The change is inappropriate as it is not in line with the 'like for like' approach taken to prepare the Pittwater LEP 2014, particularly as the change results in increased permissibilities on the subject land
- The change was made post exhibition without consultation with the community, the land owner or Council staff
- As the subject land is owned by Pittwater Council, this could be perceived as inequitable and could raise potential probity concerns

However, Council understands the position of the Department of Planning & Environment (DP&E) that the 'SP1 Special Activities' zone is generally intended for land uses or sites with special characteristics that can not be accommodated in other zones (as specified in Practice Note PN 11-002). Notwithstanding this, Council considers that on balance the 'SP1 Special Activities' zone should be reinstated. Subsequently, Council intends to initiate a Section 73A to rectify this matter.

Waterway zone of 79 Beaconsfield Street, Newport and 2a McCarrs Creek Road, Church Point

Notwithstanding that the area of the 'W2 Recreational Waterway' zone was expanded from the area that was previously zoned 'W4 Business Boating Facilities' under the Pittwater LEP 1993 in error, Council understands the position of the DP&E to maintain the zone of the waterway as exhibited during both the first and second public exhibition.

No amendment will be initiated.

Lot Size Map

As the Lot Size Map was inadvertently changed and is subsequently incorrect relevant to a number of properties, Council considers that this matter requires rectifying urgently. It is intended to initiate a Section 73A to reinstate the Lot Size Map as adopted by Council on 20 December 2014 and as provided to the DP&E on 23 December 2013 and 6 March 2014.

Clause 4.3 (Height of buildings)

Notwithstanding that the draft height provision relevant to 'secondary dwellings', 'rural worker's dwellings' and 'dual occupancies (detached)' was consistent with an existing control in the Pittwater 21 DCP, Council understands the position of the DP&E to remove the subclause from the Height of buildings clause with regard to it being a post exhibition change.

Council considers that this matter requires rectifying. It is intended to initiate an amendment to the Pittwater LEP 2014 via a Planning Proposal.

Clause 5.1A (Development on land intended to be acquired for public purposes)

Council considers that this matter requires rectifying as it considered that such structures could not be undertaken under the Exempt and Complying SEPP.

It is Council's preference that the clause as submitted to the DP&E in December 2013 is reinstated. Council staff would be happy to initiate a Section 73A to rectify this matter.

Alternatively, Council would be happy to work with DP&E staff to devise an approach that both parties would support to adequately address the matter.

Clause 7.8 (Limited development on foreshore area)

The model clause is inconsistent with the previous Pittwater 21 DCP control and would result in more development being permissible in the foreshore area. It is noted that reference to 'alteration' was a topic of discussion by the elected Council at the meeting on 20 December 2013. Council subsequently resolved that reference to 'alteration' be removed from the draft clause. Reference to 'extension' is considered to raise similar concerns.

Council considers that this matter requires rectifying. It is intended to initiate an amendment to the Pittwater LEP 2014 via a Planning Proposal.

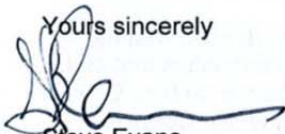
Clause 7.12 (Location of sex service premises)

As identified in your letter dated 27 August 2014, the wording of this clause was an oversight in the drafting of the Pittwater LEP 2014. Accordingly, it is intended to initiate a Section 73A to remove reference to 'R1 General Residential' and reinstate reference to 'E4 Environmental Living' (as publicly exhibited and adopted by Council).

As you can appreciate, undertaking amendments to an LEP is time and resource intensive so, as suggested in your letter dated 27 August 2014, a meeting has been scheduled (for 8 October 2014) with Council and DP&E staff to discuss the preferred approach for each of the matters (as outlined in this letter) to understand whether the DP&E would support the proposed amendments and to ascertain any potential issues.

In the meantime, if you have any queries in relation to the matters raised in this letter, please don't hesitate to contact Kelly Wilkinson.

Yours sincerely



Steve Evans
DIRECTOR – ENVIRONMENTAL PLANNING & COMMUNITY



PLANNING PROPOSAL

To amend the Lot Size Map in the Pittwater Local
Environmental Plan (LEP) 2014

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PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend the Lot Size Map in the Pittwater Local Environmental Plan (LEP) 2014 to:

- Ensure properties that have a split zone also have a split minimum lot size
- Ensure that properties that should have a minimum lot size are identified on the Lot Size Map
- Remove properties from the Lot Size Map where a minimum lot size is unnecessary
- Ensure the correct minimum lot size applies to properties identified on the Lot Size Map

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 1979* (EP&A 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

PART 2: EXPLANATION OF PROVISIONS

1	Amend the Lot Size Map for the following properties that have a split zone. These properties should have a split minimum lot size:																																																				
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265A WHALE BEACH ROAD, WHALE BEACH	LSZ-Q																																																				
90A WHALE BEACH ROAD, WHALE BEACH	LSZ-Q																																																				
508A BARRENJOEY ROAD, AVALON BEACH	LSZ-Q																																																				
32A HILLSIDE ROAD, NEWPORT	LSZ-Q																																																				
57A HILLSIDE ROAD, NEWPORT	LSZ-Q																																																				
171A RIVERVIEW ROAD, AVALON BEACH	LSZ-Q																																																				
96 GEORGE STREET, AVALON BEACH	LSZ-Q																																																				
21A ELIZABETH STREET, AVALON BEACH	LSZ-Q																																																				
29 GRENFELL AVENUE, NORTH NARRABEEN	LSZ-K																																																				
73A ALLEYNE AVENUE, NORTH NARRABEEN	LSZ-K																																																				
2A OLD BARRENJOEY ROAD, AVALON BEACH	LSZ-Q (part zoned R2 Low Density Residential)																																																				
1973 PITTWATER ROAD, BAYVIEW	LSZ-Q																																																				
1 FAZZOLARI AVENUE, MONA VALE	LSZ-Q																																																				
3 FAZZOLARI AVENUE, MONA VALE	LSZ-Q																																																				
172A ELANORA ROAD, ELANORA HEIGHTS	LSZ-K																																																				
88A CRESCENT ROAD, NEWPORT	LSZ-Q																																																				
17 DOUGLASS ESTATE, MCCARRS CREEK	LSZ-Y2																																																				
256 POWERWORKS ROAD, INGLESIDE	LSZ-Z																																																				

	1 MINKARA ROAD, BAYVIEW	LSZ-Z
	3 BOUNDARY STREET, WARRIEWOOD	LSZ-Y1
	65 INGLESIDE ROAD, INGLESIDE	LSZ-Z
3	Amend the Lot Size Map by removing the whole or part of the following properties as a minimum lot size is unnecessary:	
	Property	Description
	204 GARDEN STREET, WARRIEWOOD	Whole property
	206 GARDEN STREET, WARRIEWOOD	Whole property
	2 ORCHARD STREET, WARRIEWOOD	Whole property
	4 ORCHARD STREET, WARRIEWOOD	Whole property
	6 ORCHARD STREET, WARRIEWOOD	Whole property
	12 ORCHARD STREET, WARRIEWOOD	Part zoned R3 Medium Density Residential
	14 ORCHARD STREET, WARRIEWOOD	Part zoned R3 Medium Density Residential
	1 FERN CREEK ROAD, WARRIEWOOD	Whole property
	2 FERN CREEK ROAD, WARRIEWOOD	Part zoned R3 Medium Density Residential
	9 FERN CREEK ROAD, WARRIEWOOD	Whole property
	10 FERN CREEK ROAD, WARRIEWOOD	Whole property
	11 FERN CREEK ROAD, WARRIEWOOD	Whole property
	12 FERN CREEK ROAD, WARRIEWOOD	Whole property
	13 FERN CREEK ROAD, WARRIEWOOD	Whole property
	14 WALANA CRESCENT, MONA VALE	Part zoned R3 Medium Density Residential
	3 HARRIER PLACE, MONA VALE	Part zoned R3 Medium Density Residential
	8A KALINYA STREET, NEWPORT	Whole property
	8 KALINYA STREET, NEWPORT	Whole property
	10 KALINYA STREET, NEWPORT	Whole property
	4 WALANA CRESCENT, MONA VALE	Whole property
	62-64 BARDO ROAD, NEWPORT	Whole property
	785 BARRENJOEY ROAD, AVALON BEACH	Whole property
	787 BARRENJOEY ROAD, AVALON BEACH	Whole property
	29 SAMUEL STREET, MONA VALE	Whole property
	62A SYDNEY ROAD, WARRIEWOOD	Whole property
	15-17 WATTLE ROAD, INGLESIDE	Whole property
	20 CICADA GLEN ROAD, INGLESIDE	Whole property
	26A CICADA GLEN ROAD, INGLESIDE	Whole property
	26B CICADA GLEN ROAD, INGLESIDE	Whole property
	4 WIRREANDA ROAD NORTH, INGLESIDE	Whole property
	281 POWDERWORKS ROAD, INGLESIDE	Whole property
	85A REDNAL STREET, MONA VALE	Whole property
	4 JACKSONS ROAD, WARRIEWOOD	Whole property
	14 WALTER ROAD, INGLESIDE	Whole property
	32A INGLESIDE ROAD, INGLESIDE	Whole property
	32A INGLESIDE ROAD, INGLESIDE	Whole property
	32A INGLESIDE ROAD, INGLESIDE	Whole property
	39 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	41 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	43 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	45 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	47 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure

49 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
52 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
54 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
60 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
1186 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1158 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1156 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1064 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1060 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1058 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1056 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1054 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
470 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
468 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
466 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
464 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
17B THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
17A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
192 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
190 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
188 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
186 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
184 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
182 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
180 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
178 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
176 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
168A BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
166 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
164 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
160 BARRENJOEY ROAD, NEWPORT	Part zoned E2 Environmental Conservation
1187 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
9 WARATAH ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1185 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
1131 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
1129 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
1129 BARRENJOEY ROAD, PALM BEACH	Part zoned RE1 Public Recreation
703 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
701 BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
1 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
2 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
3 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure

4 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
5 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
6 BILGOLA TERRACE, BILGOLA BEACH	Part zoned SP2 Infrastructure
521 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
517 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
25A PLATEAU ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
509 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
507 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
2 BILGOLA AVENUE, BILGOLA BEACH	Part zoned SP2 Infrastructure
1 ELANORA ROAD, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
67 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
69 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
71 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
73 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
92 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
15 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
17 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
19 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
21 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
23 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
25 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
27 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
31 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
55 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
59 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
59 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
63 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
65 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
67 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
69 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
73 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
75 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
77 MARINE PARADE, AVALON BEACH	Part zoned E2 Environmental Conservation
30 WALANA CRESCENT, MONA VALE	Part zoned SP2 Infrastructure
119 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
119 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
91 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure

127 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
129 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
5 CHILTERN ROAD, INGLESIDE	Part zoned SP2 Infrastructure
165 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
167 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
15 WIRREANDA ROAD, INGLESIDE	Part zoned SP2 Infrastructure
17 WIRREANDA ROAD, INGLESIDE	Part zoned SP2 Infrastructure
178 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
176 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
172 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
166 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
164 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
80-82 MONA VALE ROAD, MONA VALE	Part zoned SP2 Infrastructure
2 OLD BARRENJOEY ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
1A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
1B THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
3 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
7A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
9 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
11 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
15 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
22 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
18 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
16 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
14 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
12 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
10 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
8 THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
32 THE STRAND, WHALE BEACH	Part zoned RE1 Public Recreation
237 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
237A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
92 WAKEHURST PARKWAY, NORTH NARRABEEN	Part zoned SP2 Infrastructure
92 WAKEHURST PARKWAY, NORTH NARRABEEN	Part zoned SP2 Infrastructure
96 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
98 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
102 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
104 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
106 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
3 WARATAH ROAD, PALM BEACH	Part zoned SP2 Infrastructure
251 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
249 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
247 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
245A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
245 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
243B WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
243A WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation

73 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
69 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
67 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
65 WHALE BEACH ROAD, AVALON BEACH	Part zoned E2 Environmental Conservation
174 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
176 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
505 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
35A PLATEAU ROAD, AVALON BEACH	Part zoned SP2 Infrastructure
56 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
58 ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
14A THE SERPENTINE, BILGOLA BEACH	Part zoned SP2 Infrastructure
20 MANOR ROAD, INGLESIDE	Part zoned SP2 Infrastructure
46 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
42-44 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
166 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
170 PRINCE ALFRED PARADE, NEWPORT	Part zoned E2 Environmental Conservation
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
18-30 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
65 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
58 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
127B MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1062 BARRENJOEY ROAD, PALM BEACH	Part zoned SP2 Infrastructure
54 INGLESIDE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
ACCESS STRIP	Part zoned SP2 Infrastructure
25B PLATEAU ROAD, AVALON BEACH	
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
1-21 LANE COVE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
241 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
241 WHALE BEACH ROAD, WHALE BEACH	Part zoned RE1 Public Recreation
20 ADDISON ROAD, INGLESIDE	Part zoned SP2 Infrastructure
100 WAKEHURST PARKWAY, ELANORA HEIGHTS	Part zoned SP2 Infrastructure
36-60 LAUREL ROAD WEST, INGLESIDE	Part zoned SP2 Infrastructure
36-60 LAUREL ROAD WEST, INGLESIDE	Part zoned SP2 Infrastructure

	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	58-76 WARATAH ROAD, INGLESIDE	Part zoned SP2 Infrastructure
	51,52A,52B ATTUNGA ROAD, NEWPORT	Part zoned SP2 Infrastructure
	513-535 BARRENJOEY ROAD, BILGOLA BEACH	Part zoned SP2 Infrastructure
	34 LAUREL ROAD EAST, INGLESIDE	Part zoned SP2 Infrastructure
	34 WARATAH ROAD, INGLESIDE	Whole property
	127A,134,142-144,146,148 MONA VALE ROAD, INGLESIDE	Part zoned SP2 Infrastructure
4	Amend the Lot Size Map to apply the correct minimum lot size to the following properties:	
	Property	Description
	87 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q
	75 ALEXANDRA CRESCENT, BAYVIEW	LSZ-Q
	10 BAROONA ROAD, CHURCH POINT	LSZ-Q
	12 ILYA AVENUE, BAYVIEW	LSZ-Q
	165 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	163 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	151 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	149A MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	147 MCCARRS CREEK ROAD, CHURCH POINT	LSZ-Q
	6 TAMINGA STREET, BAYVIEW	LSZ-Q
	9 TAMINGA STREET, BAYVIEW	LSZ-Q
	10 TAMINGA STREET, BAYVIEW	LSZ-Q
	11 TAMINGA STREET, BAYVIEW	LSZ-Q
	12 TAMINGA STREET, BAYVIEW	LSZ-Q
	13 TAMINGA STREET, BAYVIEW	LSZ-Q

The proposed Lot Size Map (map sheets 007, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

PART 3: JUSTIFICATION

Section A Need for the Planning Proposal

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

The Planning Proposal stems from the preparation of the Pittwater LEP 2014 in line with the *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument).

On 5 November 2007, Council resolved to commence the statutory process to prepare a new LEP for Pittwater in line with the Standard Instrument.

In August 2011, Council adopted the *Pittwater Local Planning Strategy*, which was prepared to establish an equitable, consistent and transparent policy framework for local level planning to guide land use planning and decision-making into the future.

The *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the Local Government Area (LGA). The *Pittwater Local Planning Strategy* provided the basis for preparing the Pittwater LEP 2014.

Having established that the planning regime in Pittwater was adequate to meet our targets, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

The draft Pittwater LEP was placed on public exhibition on two occasions – between 16 March and 10 May 2013, and between 2 and 29 November 2013. During the second public exhibition of the draft Pittwater LEP a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map. These were reported to Council on 20 December 2013 with a recommendation that the Lot Size Map be amended to rectify such omissions.

On 20 December 2013, Council resolved to adopt the draft Pittwater LEP, and all proposed amendments, and endorsed it being forwarded to the Department of Planning & Environment for finalisation.

During the process of finalising the Pittwater LEP 2014 the required amendments to the Lot Size Map (as identified during the second public exhibition and reported to Council on 20 December 2013) were not made.

A comprehensive review of the Lot Size Map (as in effect on 27 June 2014), was undertaken to ensure a robust Lot Size Map. Subsequently, further required amendments were identified and are proposed to be made to the Lot Size Map.

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

A Planning Proposal is the best means of achieving the objectives outlined in this Planning Proposal.

The alternative would be to initiate a Section 73A (Expedited amendments of environmental planning instruments); however it is preferable to inform the community, particularly affected land owners, of the changes proposed to the Lot Size Map. No public exhibition is required under Section 73A.

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)?

The Planning Proposal is considered to be consistent with the objectives or actions contained within the regional or sub-regional strategy.

As the *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the LGA, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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

The Planning Proposal is considered to be consistent with the *Pittwater Local Planning Strategy*.

As the *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the LGA, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993. In line with this, the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (see **Appendix 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions (see **Appendix 2**).

Section 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?

As the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993, there will not be any change from the previous planning regime in relation to subdivision, and, subsequently, it is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of amending the Lot Size Map.

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

As the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993, there will not be any change from the previous planning regime in relation to subdivision, and, subsequently, it is unlikely that other environmental effects will result from amending the Lot Size Map.

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

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993, all care was taken within the bounds of the Standard Instrument, to ensure that the new LEP for Pittwater provides for development outcomes (including social and economic outcomes) generally consistent with the previous Pittwater LEP 1993 where appropriate.

Notwithstanding this, the draft Pittwater LEP was placed on public exhibition on two occasions to gauge the views of the Pittwater community. Community Engagement Outcome Reports were prepared following each public exhibition to demonstrate how all submissions received were considered and subsequent amendments were made to the draft Pittwater LEP 2014 where appropriate.

With regard to the economic effects of the Planning Proposal, two properties were inadvertently given an increased development potential in the form of applying a minimum lot size that was smaller than that which applied under the previous Pittwater LEP 1993. As this was undertaken in error and it was always the intention to undertake a 'like for like' approach to preparing the new LEP for Pittwater, amending the minimum lot size for these properties to be consistent with the subdivision controls under the previous Pittwater LEP 1993 is considered to be fair and equitable.

Section D State and Commonwealth interests

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

No public infrastructure is required as a result of amending the Lot Size Map.

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

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

When the draft Pittwater LEP was placed on public exhibition on both occasions, letters were sent to relevant Commonwealth and State public authorities for comment. Any submissions received in relation to the Lot Size Map would have been considered and addressed in the Community Engagement Outcome Reports prepared following each public exhibition.

For the purpose of this Planning Proposal, no formal consultation has been undertaken to date. Once a Gateway Determination is issued, consultation with all required public authorities will be undertaken.

PART 4: MAPPING

The proposed Lot Size Map (map sheets 007, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) is at **Appendix 3**.

PART 5: COMMUNITY CONSULTATION

The Planning Proposal is considered a 'low impact' proposal as the Lot Size Map was intended to directly translate the subdivision controls as specified in the Pittwater LEP 1993.

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

- A 28-day public exhibition
- Notification in writing to all affected land owners, registered Pittwater community groups and chambers of commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the Manly Daily at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Information about the amendments to the Lot Size Map on Council's website for the duration of the public exhibition

PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	5 weeks from Council decision to forward Planning Proposal to Gateway	Week commencing 22 December 2014
Completion of required technical information	<i>Due to the nature of the Planning Proposal it is not anticipated that additional technical information will be required</i>	-
Government agency consultation	Formal consultation, as required by the Gateway Determination, will be undertaken concurrent to the public exhibition	February 2015 (not in January due to school holidays)
Public exhibition	14 days	February 2015
Consideration of submissions	2 weeks following the public exhibition	February-March 2015
Consideration of Planning Proposal post-exhibition and report to Council	4 weeks following the public exhibition	March-April 2015
Submission to Department of Planning & Environment	Following Council decision to finalise draft Pittwater LEP	March-April 2015
RPA to make plan (if delegated)	2 weeks from receipt of final draft Lot Size Map and/or final draft instrument	April-May 2015
Notification of LEP/LEP comes into force	1 week from RPA making the plan	May 2015

Appendix 1: Consideration of SEPPs

The following SEPP's are relevant to the Pittwater LGA. The table below identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the SEPP.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	NO	-	-
SEPP No 14 – Coastal Wetlands	NO	-	-
SEPP No 21 – Caravan Parks	YES	Yes, though if not, it is noted that the SEPP will prevail	-
SEPP No 26 – Littoral Rainforests	NO	-	-
SEPP No 30 – Intensive Agriculture	NO	-	-
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	-	-
SEPP No 33 – Hazardous and Offensive Development	NO	-	-
SEPP No 44 – Koala Habitat Protection	NO	-	-
SEPP No 50 – Canal Estate Development	NO	-	-
SEPP No 55 – Remediation of Land	NO	-	-
SEPP No 62 – Sustainable Aquaculture	NO	-	-
SEPP No 64 – Advertising and Signage	NO	-	-
SEPP No 65 – Design Quality of Residential Flat Development	NO	-	-
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	-	-
SEPP 71 – Coastal Protection	NO	-	-
SEPP (Affordable Rental Housing) 2009	NO	-	-
SEPP (Building Sustainability Index: BASIX) 2004	NO	-	-
SEPP (Exempt and Complying Development Codes) 2008	NO	-	-

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP (Housing for Seniors or People with a Disability) 2004	NO	-	-
SEPP (Infrastructure) 2007	NO	-	-
SEPP (Major Development) 2005	NO	-	-
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	-	-
SEPP (Miscellaneous Consent Provisions) 2007	NO	-	-
SEPP (State and Regional Development) 2011	NO	-	-

If there are any inconsistencies with any applicable SEPP, it is noted that the SEPP will prevail to the extent of the inconsistency.

The following is a list of the deemed SEPPs (formerly Sydney Regional Environmental Plans) relevant to the Pittwater LGA. The table below identifies which of the relevant deemed SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the deemed SEPP.

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	-	-

Appendix 2: Consideration of Section 117 Directions

1 Employment and Resources

	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	YES	YES
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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

As a number of omissions (inconsistencies with the previous Pittwater LEP 1993) were identified on the Lot Size Map (as in effect on 27 June 2014), the Planning Proposal intends to rectify such omissions to ensure consistency with the previous Pittwater LEP 1993.

2 Environment and Heritage

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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

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3 Housing, Infrastructure and Urban Development

	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
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

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4 Hazard and Risk

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

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

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5 Regional Planning

	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchment	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	-	-
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	-	-
5.7	Central Coast (Revoked 18 June 2010)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

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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 Provisions	NO	N/A

As the approach to preparing the Pittwater LEP 2014 in line with the Standard Instrument was intended to be a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993 – the Lot Size Map was subsequently intended to translate the subdivision controls as specified in the Pittwater LEP 1993.

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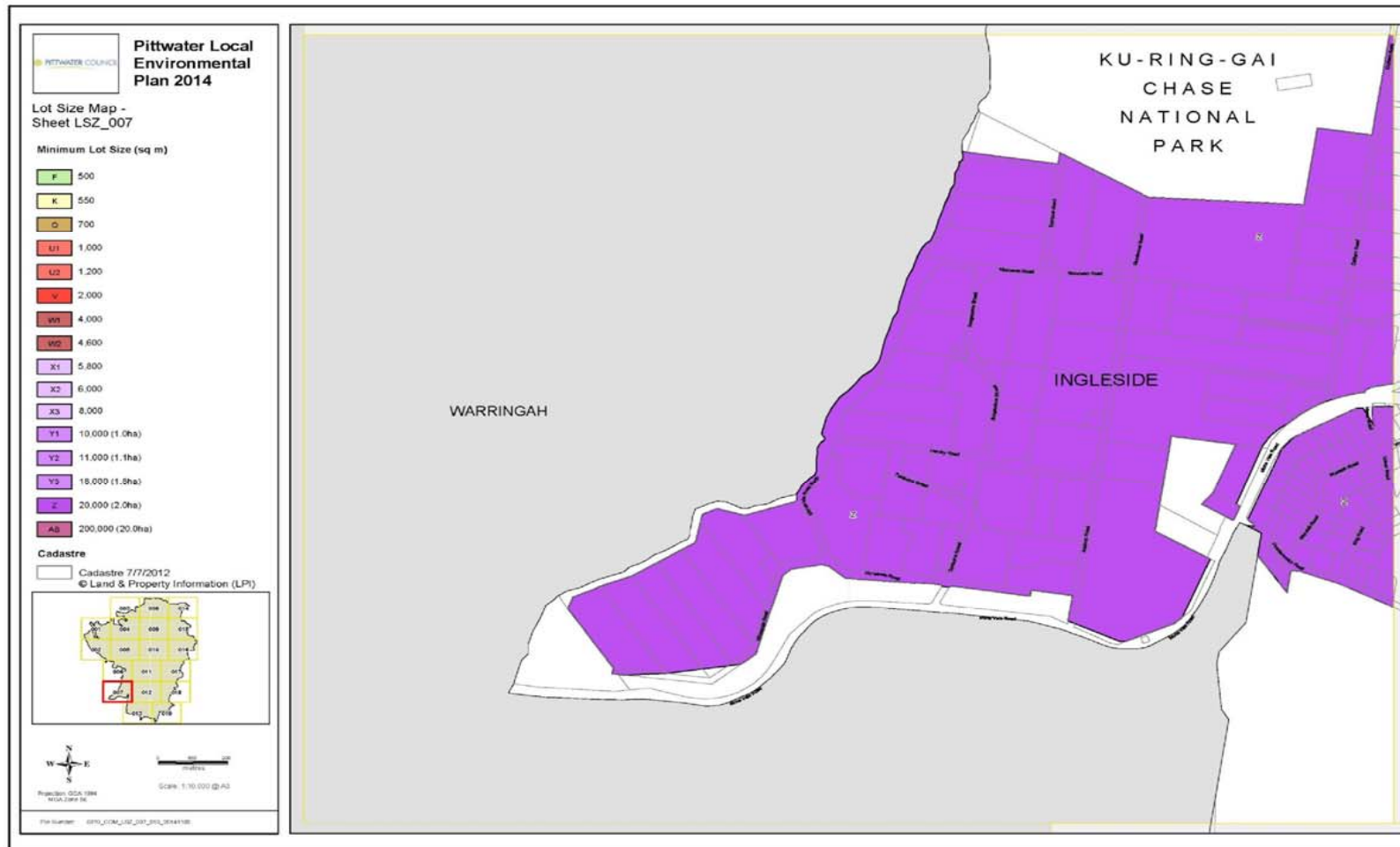
7 Metropolitan Planning

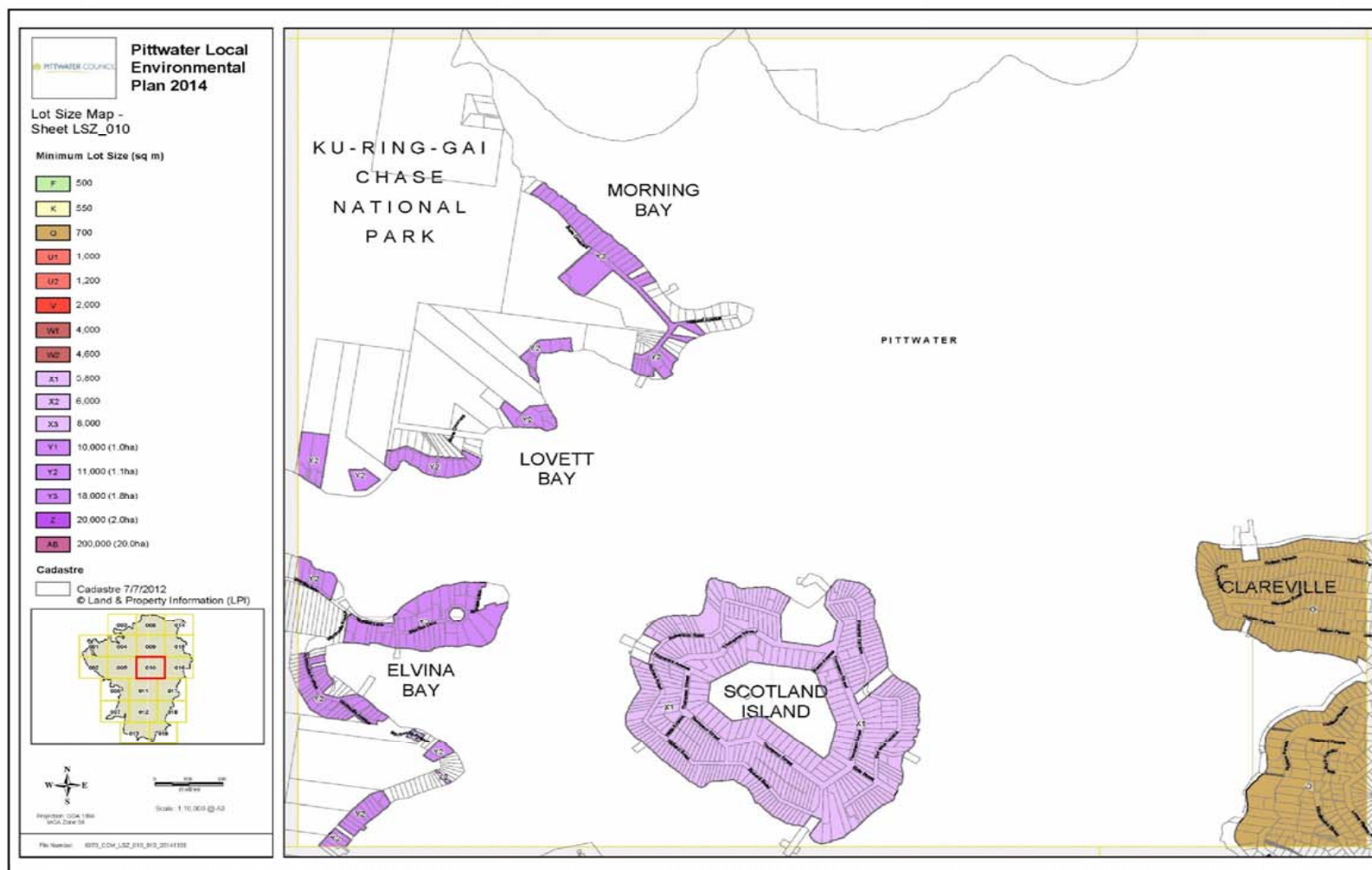
	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES

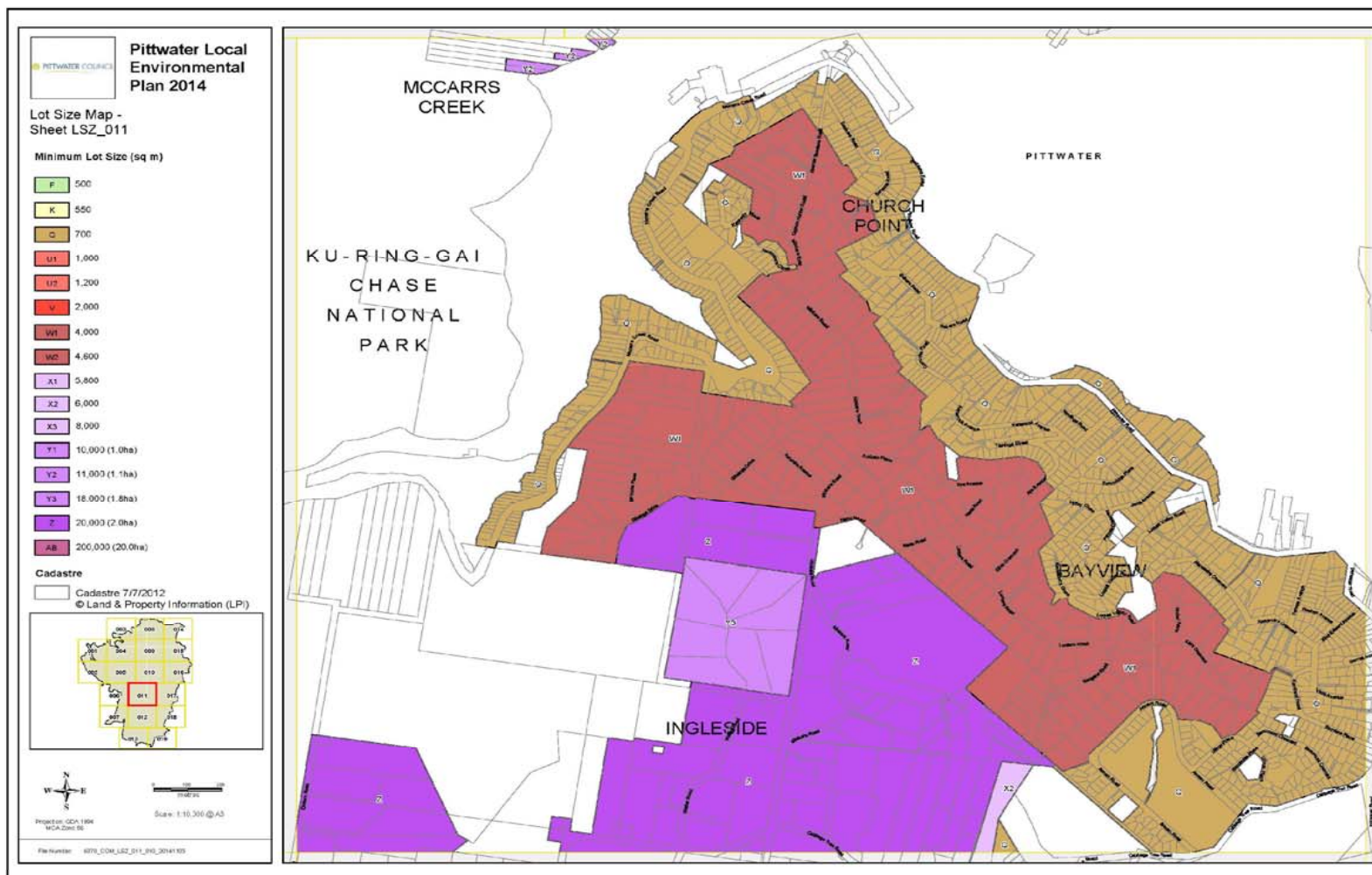
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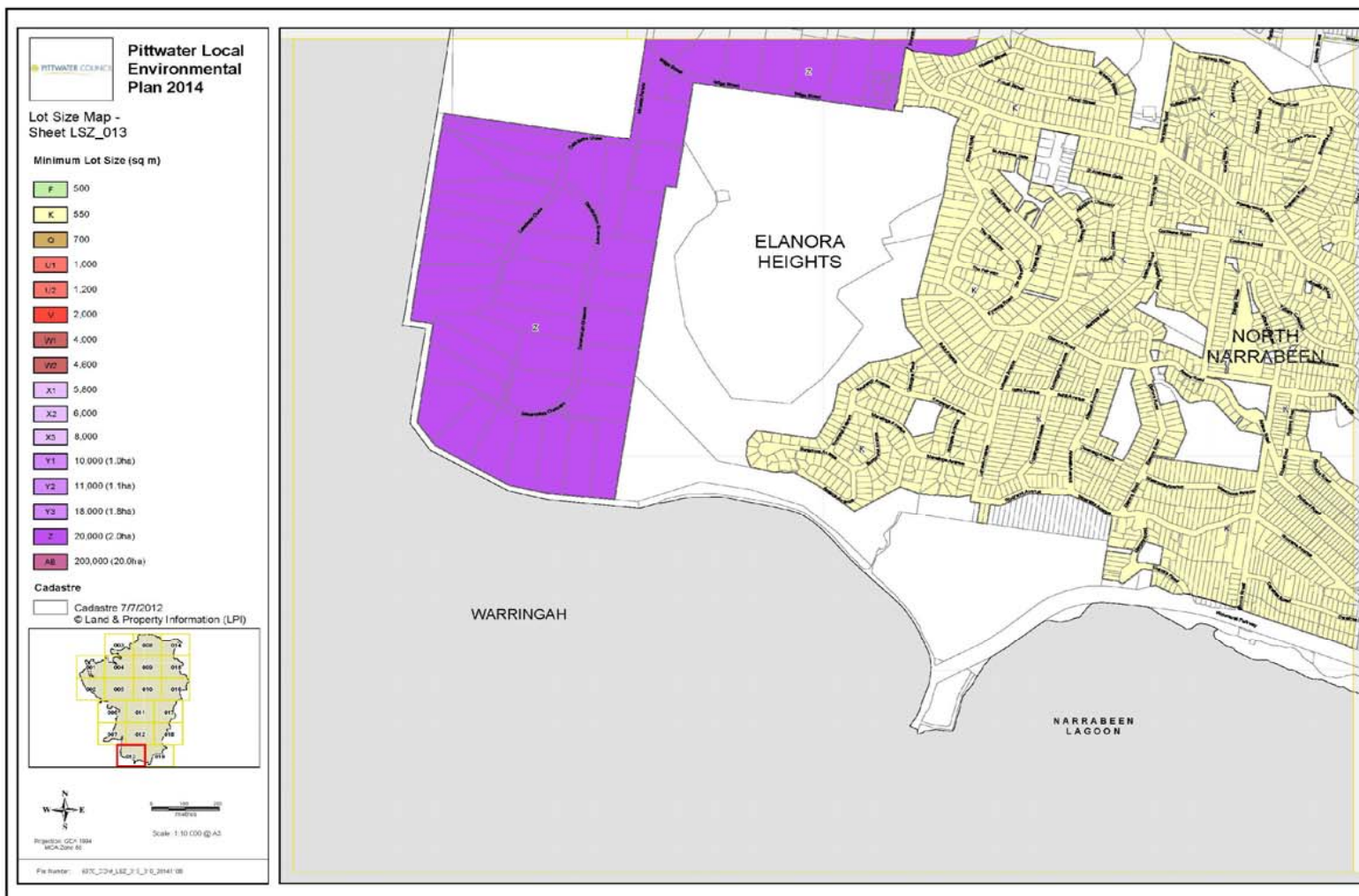
Appendix 3: Proposed Lot Size Map

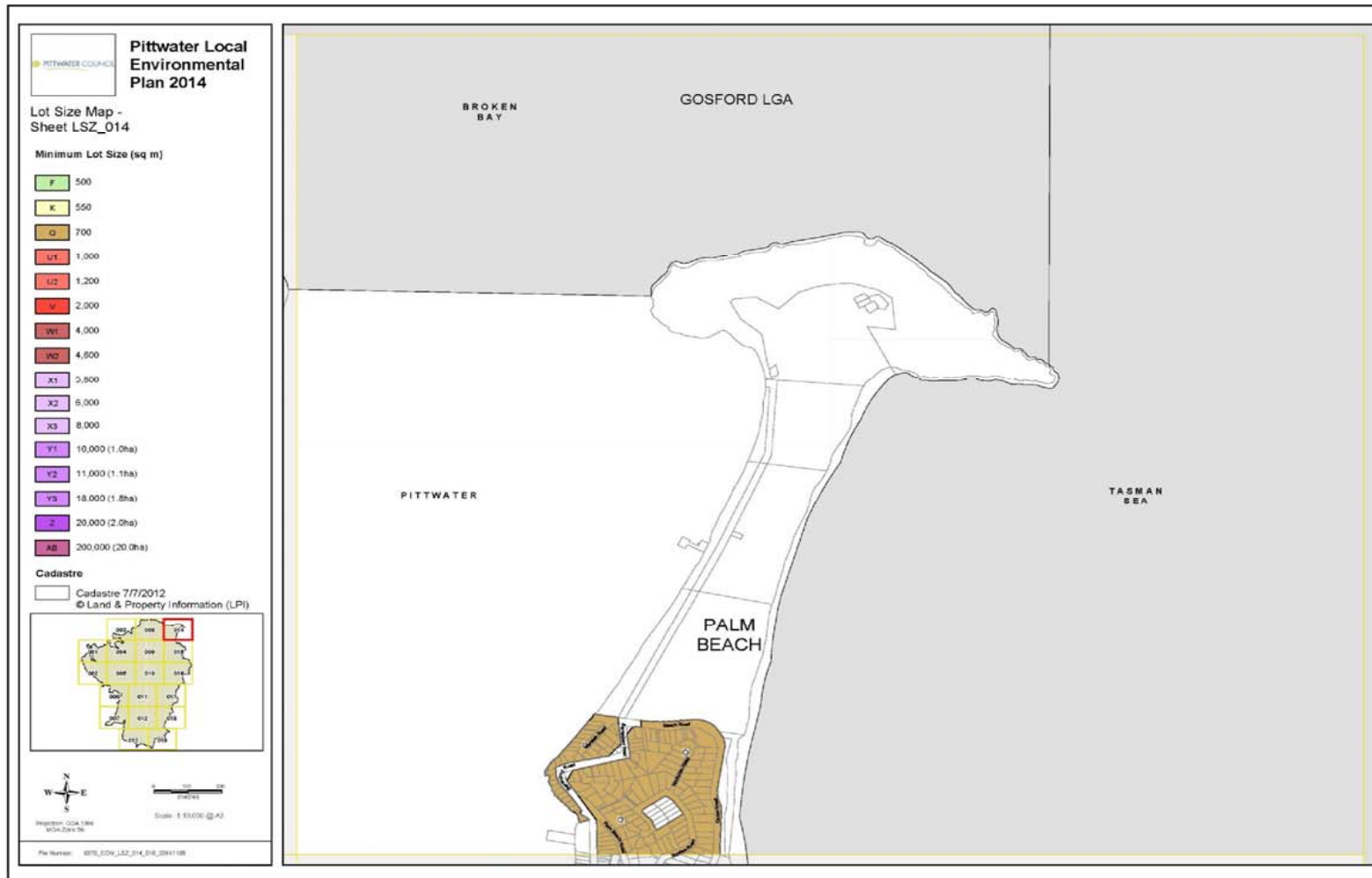


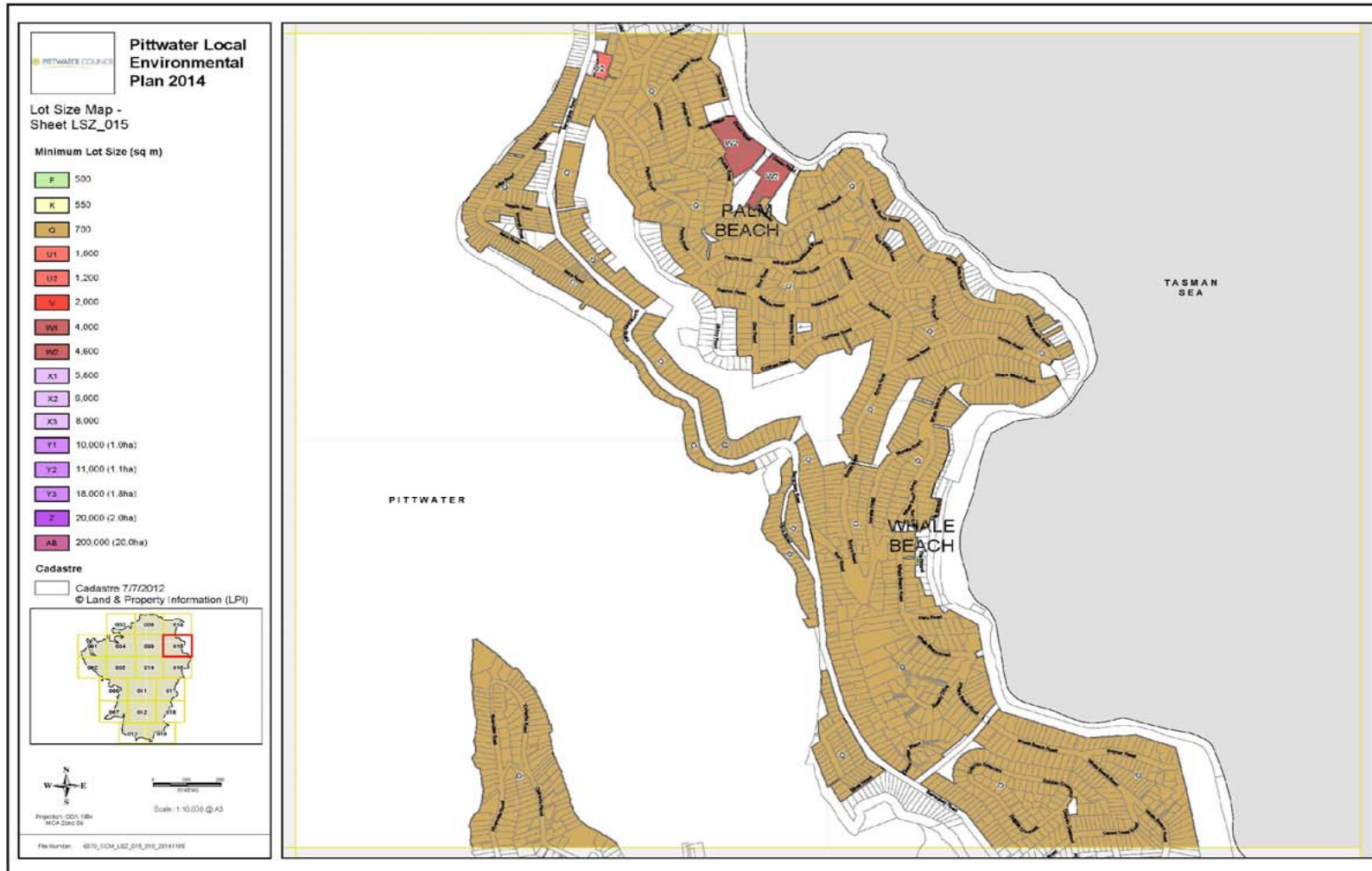


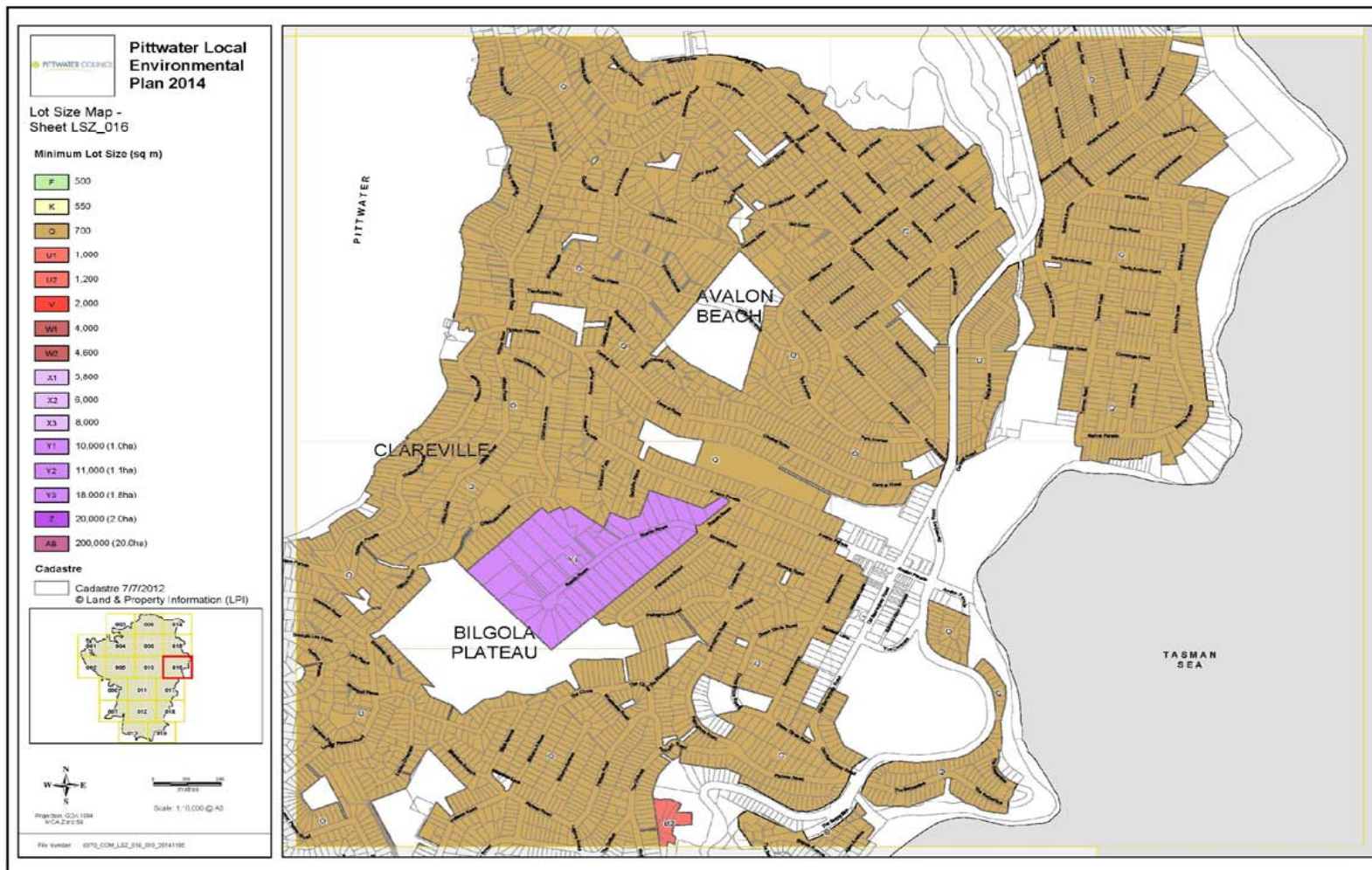


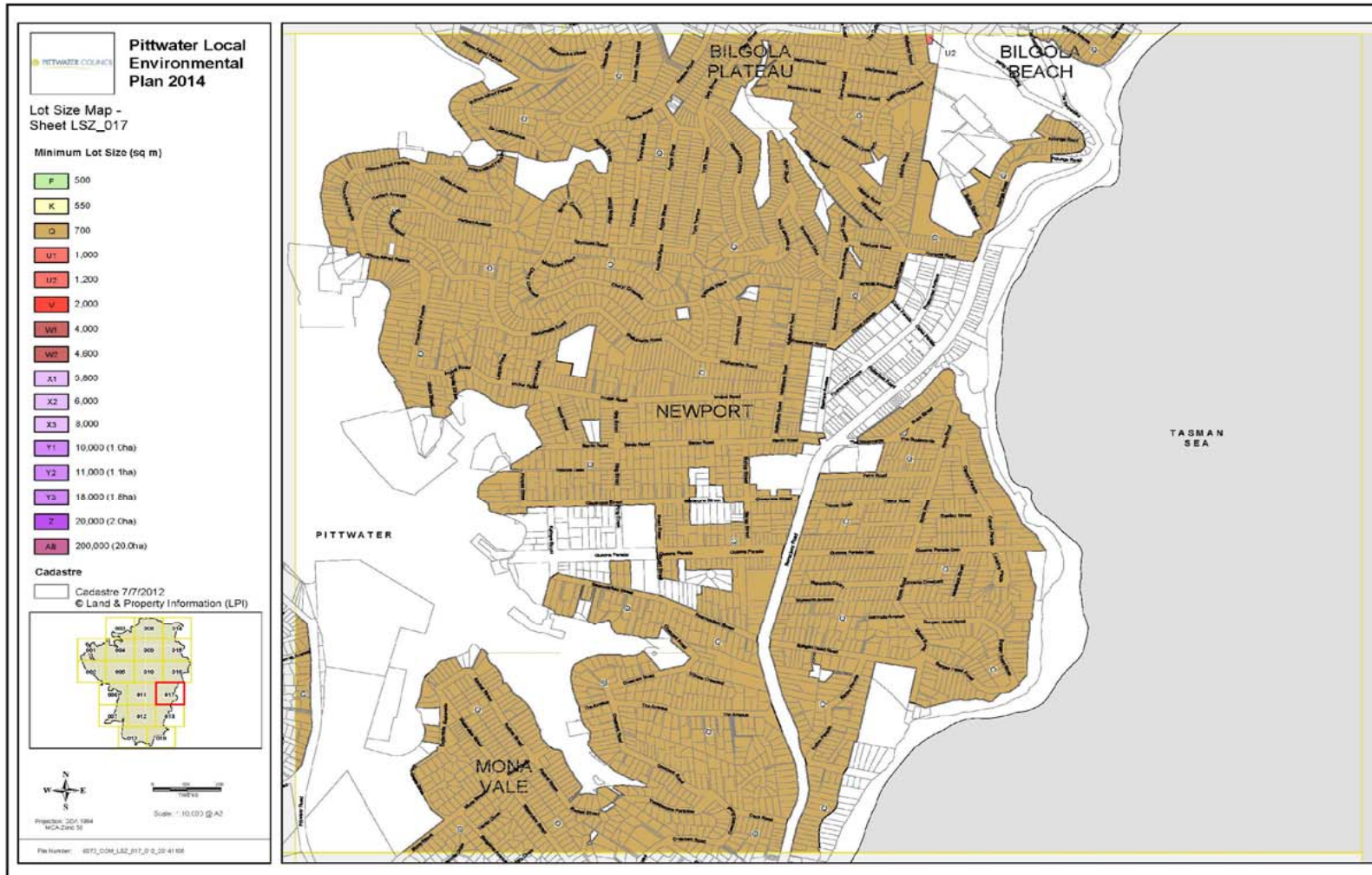


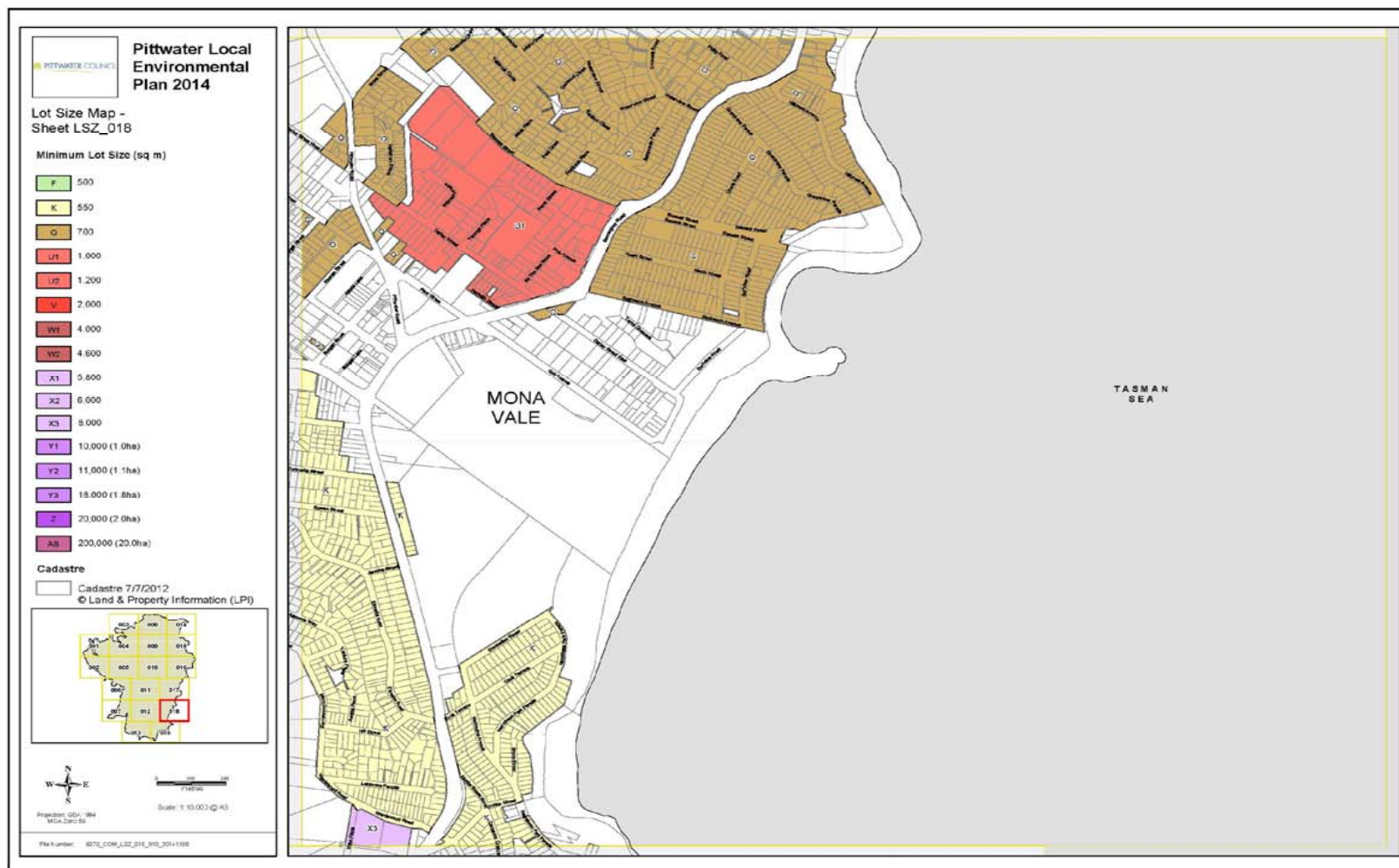


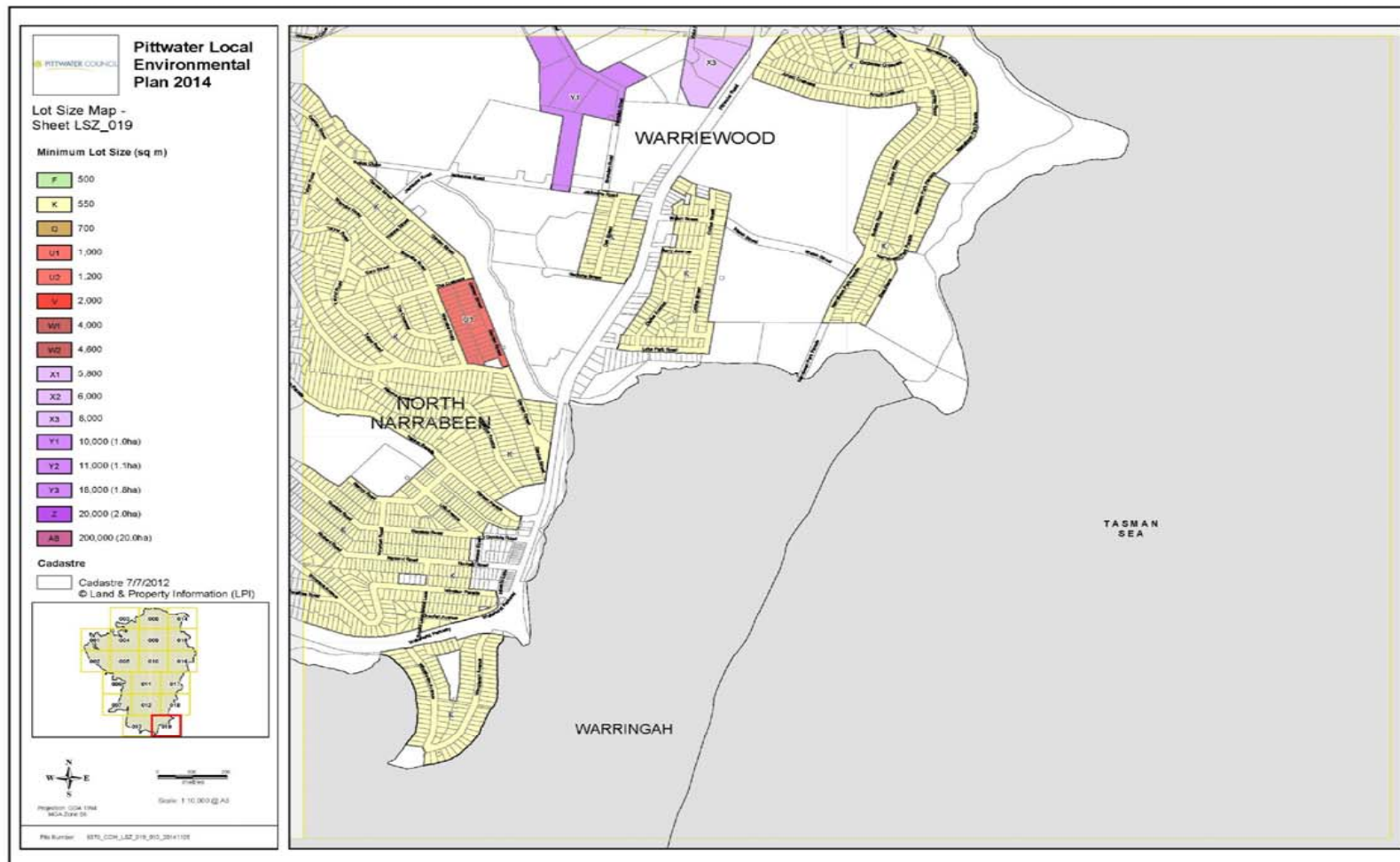












INFORMATION CHECKLIST

Attachment 1

> STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)

> STEP 2: MATTERS - CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			Urban Design Considerations		
• Demonstrated consistency with relevant Regional Strategy	☒	☐	• Existing site plan (buildings vegetation, roads, etc)	☐	☒
• Demonstrated consistency with relevant sub-regional strategy	☒	☐	• Building mass/block diagram study (changes in building height and FSR)	☐	☒
• Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy	☒	☐	• Lighting impact	☐	☒
• Demonstrated consistency with Threshold Sustainability Criteria	☐	☒	• Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
Site Description/Context			Economic Considerations		
• Aerial photographs	☐	☒	• Economic impact assessment	☐	☒
• Site photos/photomontage	☐	☒	• Retail centres hierarchy	☐	☒
Traffic and Transport Considerations			• Employment land	☐	☒
• Local traffic and transport	☐	☒	Social and Cultural Considerations		
• TMAP	☐	☒	• Heritage impact	☐	☒
• Public transport	☐	☒	• Aboriginal archaeology	☐	☒
• Cycle and pedestrian movement	☐	☒	• Open space management	☐	☒
Environmental Considerations			• European archaeology	☐	☒
• Bushfire hazard	☐	☒	• Social and cultural impacts	☐	☒
• Acid Sulphate Soil	☐	☒	• Stakeholder engagement	☐	☒
• Noise impact	☐	☒	Infrastructure Considerations		
• Flora and/or fauna	☐	☒	• Infrastructure servicing and potential funding arrangements	☐	☒
• Soil stability, erosion, sediment, landslip assessment, and subsidence	☐	☒	Miscellaneous/Additional Considerations		
• Water quality	☐	☒	List any additional studies		
• Stormwater management	☐	☒			
• Flooding	☐	☒			
• Land/site contamination (SEPP55)	☐	☒			
• Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	☐	☒			
• Sea level rise	☐	☒			