

PLANNING PROPOSAL 120-122 MONA VALE ROAD, WARRIEWOOD

Title:

Planning Proposal to amend Pittwater Local Environmental Plan (LEP) 1993 and draft Pittwater LEP 2013

Planning Proposal Number:

PP_2013_PITTW_004_00

1.0 OBJECTIVES OR INTENDED OUTCOMES

The planning proposal seeks to amend the Pittwater Local Environmental Plan (LEP) 1993 and the draft Pittwater LEP 2013:

1. To rezone land at 120-122 Mona Vale Road from (1a) Non-Urban "A" to R2 Low Density Residential and E4 Environmental Living; and
2. To specify the minimum lot size for the subject lands.

2.0 EXPLANATION OF PROVISIONS

1. To amend Pittwater LEP 1993 and exhibited draft Pittwater LEP 2013 by inserting:
 - (a) introduce Standard Instrument zoning to the land use table, R2 Low Density Residential and E4 Environmental Living Zones;
 - (b) amend the Zoning Maps and Minimum Lot Size Map to reflect the Panel's advice dated 22 May 2013;
 - (c) amend provisions to include minimum lot size and Standard Instrument R2 and E4 Zones including permissible use;
 - (d) introduce definitions of land use terms applying to R2 and E4 Zones.
2. LEP maps, for inclusion into Pittwater LEP 1993 and exhibited draft Pittwater LEP 2013.

3.0 JUSTIFICATION

Need for the Planning Proposal

The planning proposal is a result of a pre-gateway review application considered by the Sydney East Joint Regional Planning Panel recommending the subject site be rezoned for urban purposes. The proposal is being progressed following the Director General determination that the proposed instrument should proceed to gateway determination.

Consistency with strategic planning framework

The planning proposal is consistent with the objectives of draft Metropolitan Strategy for Sydney 2036 (2010), the NSW State Plan and draft North-East Subregional Strategy (2007), as follows:

- increase in housing choice;
- contributes to meeting local housing targets;

- assists with strengthening major centres, town and villages, small villages and neighbourhoods by concentrating development nearby; and
- protects biodiversity corridors.

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

There are no specific local strategies, however, the subject site formed part of the study area for the Warriewood Valley Strategic Review which has been endorsed by the Director General and adopted by Pittwater Council.

Environmental social economic impacts

While there are known constraints within the subject site the planning proposal seeks to ensure the land is appropriately zoned under the Pittwater Local Environmental Plan 1993 and the exhibited draft Pittwater Local Environmental Plan 2013, so any environmental impact on the site can be carefully managed.

The major characteristics of the subject site include topography, slope and the need for an asset protection zone due to adjacent bush fire prone land. A ecological and biodiversity study has been conducted including flora and fauna surveys. The general recommendations from these studies concluded there was opportunity for redevelopment of the site while maintaining vegetation and habitats in the riparian areas, maximising the retention of vegetation and habitat within the open forest area, retaining the lower gully line in the woodland and scrubland and the indigenous trees in the open paddocks of the subject site.

In addition, the site forms part of the study area for the Warriewood Valley Strategic Review and provides an opportunity for delivering low density housing that is compatible with the surrounding natural environment.

4.0 MAPPING

Mapping has been included to support the planning proposal that seeks to amend the Pittwater LEP 1993 and the exhibited draft Pittwater LEP 2013, as detailed in Appendix 2-3.

5.0 COMMUNITY CONSULTATION

Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- the planning proposal must be made publicly available for a minimum of 28 days (excluding school holiday period); and
- notification requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
- Consultation is required with Government Agencies , as follows:
 - o Office of Environment and Heritage;
 - o Fire and Rescue NSW;
 - o NSW Rural Fire Service (consistent with Direction 4.4 Planning for Bush Fire Protection); and
 - o Transport for NSW - Roads and Maritime Services;

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

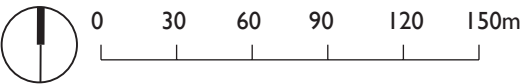
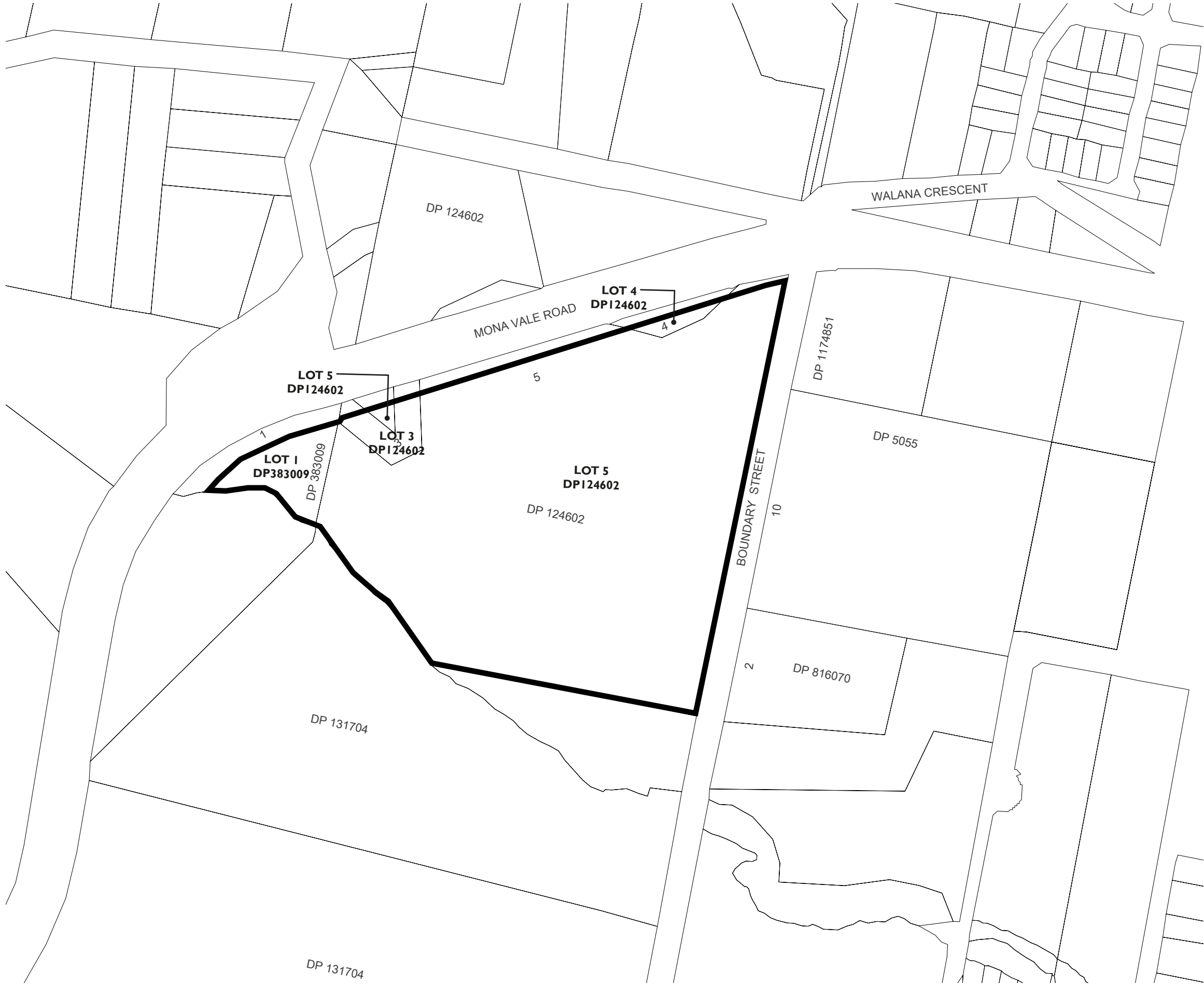
6.0 PROJECT TIMELINE

Milestone	Timeframe	Estimated Completion Date
Gateway Determination		6 September 2013
Proponent to provide additional information (condition of Gateway Determination)	6 weeks from Gateway Determination	27 September 2013
Public exhibition	28 days (pending school holidays) commence exhibition 14 October	15 November 2013
Consideration of submissions	4 weeks from close of exhibition	20 December 2013
Consideration of draft planning proposal post-exhibition by the JRPP	4 weeks from submissions report being received (includes Christmas and New Year period)	31 January 2013
Plan to be made	Includes processing by PC	14 March 2013

The estimated timeframe for this planning proposal is six months.

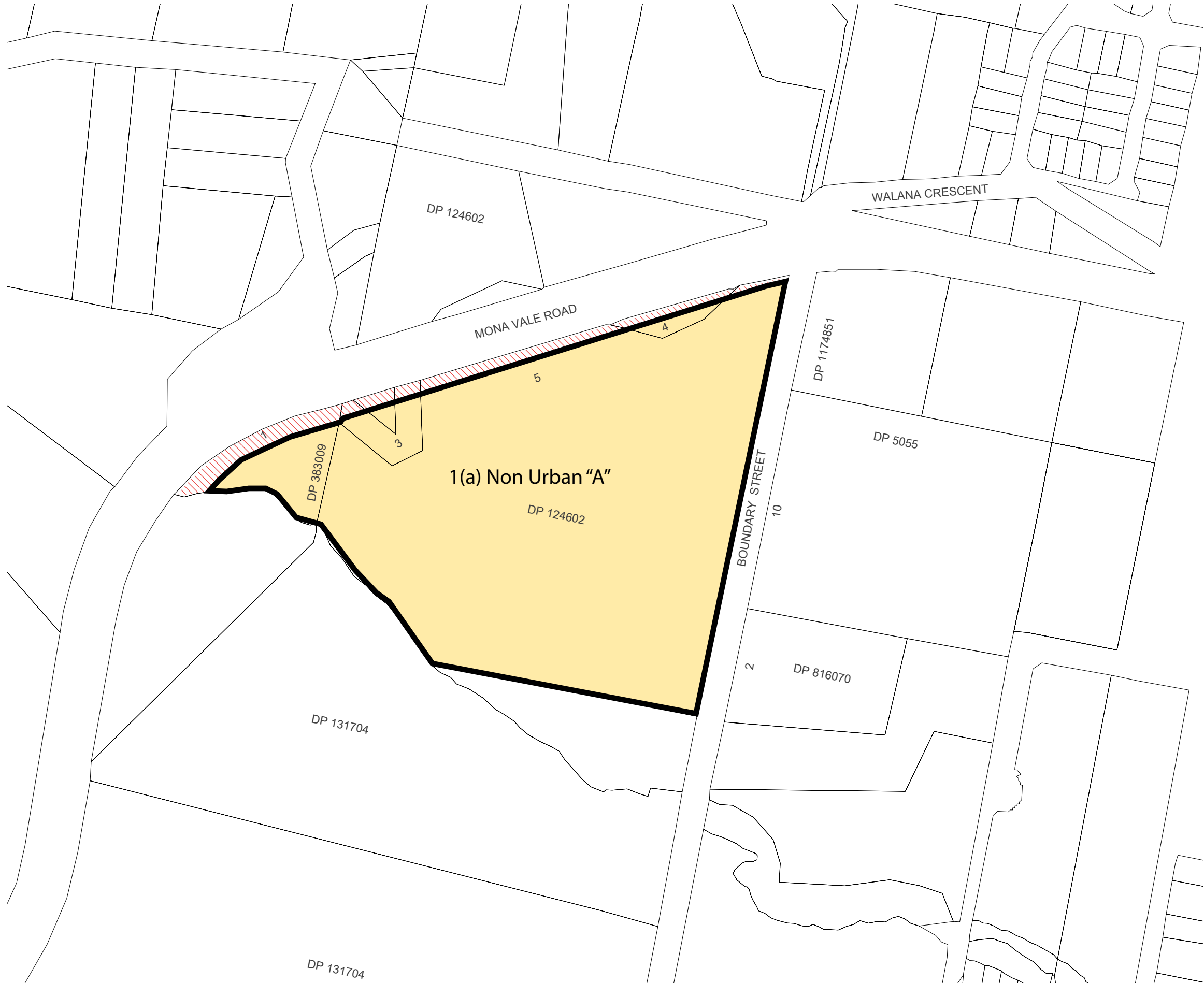
APPENDIX 1 – LOCALITY MAP

LOCALITY MAP



APPENDIX 2 – LAND USE MAP

CURRENT LAND USE

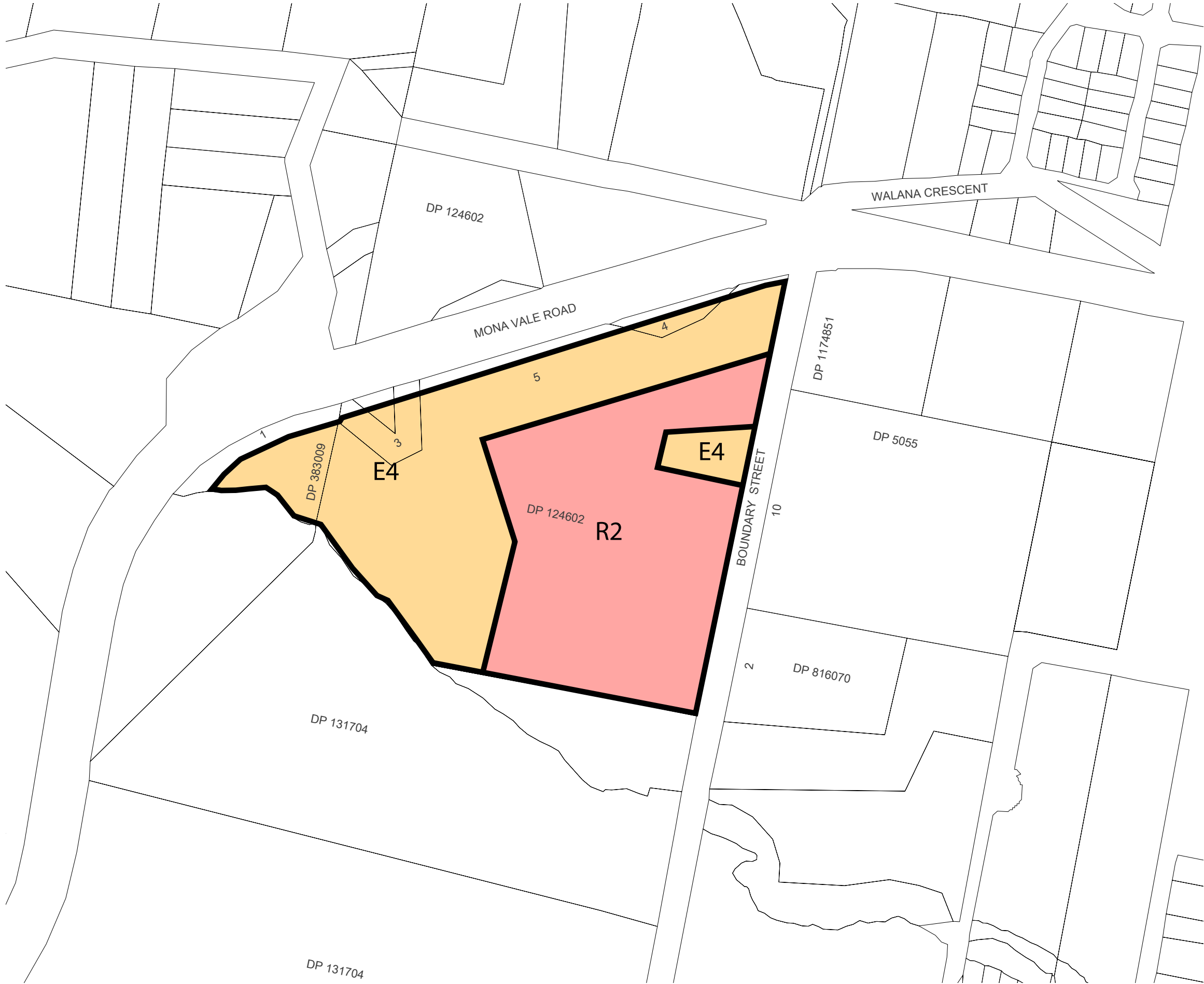


Zoning

1 (a) Non Urban "A"

9 (d) Arterial Road Reservation

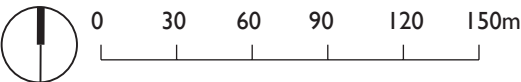
PROPOSED LAND USE



Zoning

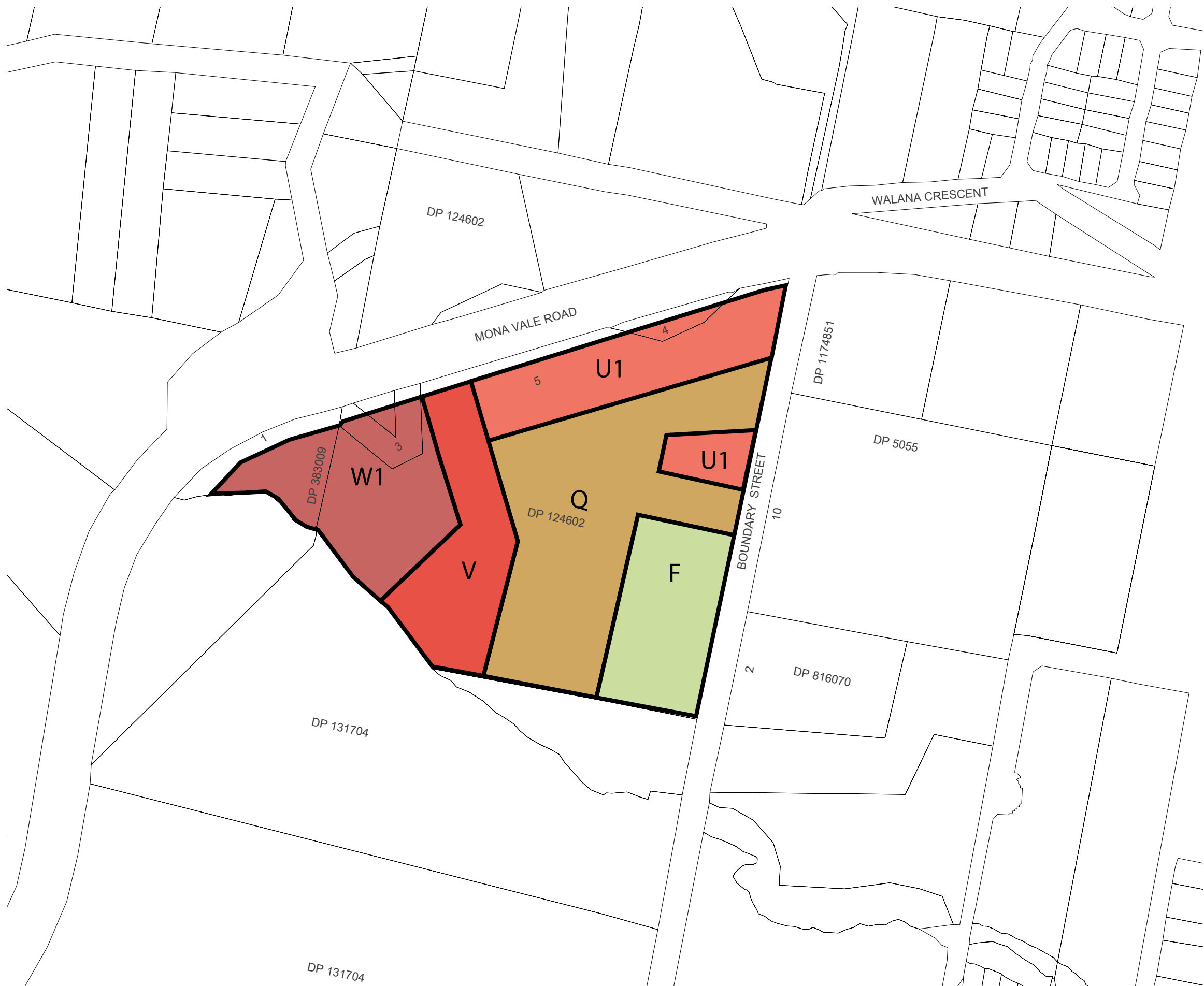
R2 Low Density Residential

E4 Environmental Living



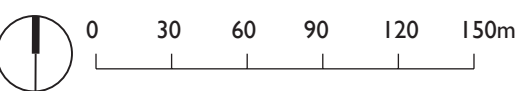
APPENDIX 3 – MINIMUM LOT SIZE MAP

PROPOSED MINIMUM LOT SIZE



Minimum Lot Size (m²)

F	400
Q	700
U1	1,000
V	2,000
W1	4,000



APPENDIX 4 – CHECKLIST SEPP

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

Title of State Environmental Planning Policy(SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1-Development Standards	YES	YES	
SEPP No 4- Development Without Consent and Miscellaneous Exempt and Complying Development	YES	YES	
SEPP No 6 –Number of Storeys in a Building	YES	YES	
SEPP No 14 –Coastal Wetlands	NO	N/A	
SEPP No 21-Caravan Parks	NO	N/A	
SEPP No 22-Shops and Commercial Premises	NO	NA	
SEPP No 26- Littoral Rainforest	NO	N/A	
SEPP No 30- Intensive Agriculture	NO	N/A	
SEPP No 32-Urban Consolidation(Redevelopment of Urban Land)	NO	N/A	
SEPP No 33-Hazardous and Offensive Development	NO	N/A	
SEPP No 44- Koala Habitat Protection	NO	NA	
SEPP No 50- CANAL Estate Development	NO	NA	
SEPP No 55- Remediation of Land	YES	NO	See comments below
SEPP No 60-Exempt and Complying Development	YES	YES	
SEPP No 62- Sustainable Aquaculture	NO	N/A	
SEPP No 64-Advertising and Signage	YES	YES	
SEPP No 65- Design Quality of Residential Flat Development	YES	YES	
SEPP No 70-Affordable Housing(Revised Schemes)	YES	YES	
SEPP No 71-Coastal Protection	YES	YES	
SEPP (Affordable Rental Housing) 2009	YES	YES	
SEPP (Building Sustainability Index BASIX) 2004	YES	YES	
SEPP(Housing for Seniors or people with a Disability) 2004	YES	YES	
SEPP(Infrastructure) 2007	YES	YES	
SEPP(Major Development) 2006	NO	N/A	
SEPP(Mining, Petroleum Production and Excavation Industries) 2007	NO	N/A	
SEPP(Rural Lands) 2008	NO	NA	
SEPP (Temporary Structures) 2007	NO	N/A	
SEPP (Urban Renewal) 2010	NO	NA	

Reasons for inconsistency:

SEPP No.55 Remediation of Land applies to the planning proposal. Past land activities on site include agricultural and horticultural and, these activities are listed in

Table 1 of the Contaminated Land Planning Guidelines. Therefore clause 6 of SEPP 55 applies.

On 18 September 2013, a preliminary contamination assessment was undertaken of the subject lands. The findings of the assessment indicated the following areas of potential environmental concern:

- Importation of uncontrolled fill;
- Cut and fill operations on land (uncontrolled);
- Potential for pesticides to have been sprayed or injected on or underneath sealed surfaces and within open market garden and stock areas;
- Historical and current use of general chemicals;
- Hydrocarbon leaks and spills from vehicles and farm plan machinery;
- Potential burial of livestock carcasses, and animal products;
- Car park areas where leaks and spills from cars may have occurred; and
- Hazardous materials within former or current building structures including farm sheds and glass houses.

The following were considered low to moderate environmental concerns for the following reasons:

- Fill material, if used, is likely to be of local origin sourced from the site;
- Car parking and farm sheds contained some staining on the unsealed driveway surfaces, within farm sheds and on the grassed areas. All these areas are located on clay geology and as such any potential contaminants would be restricted to the upper surface layers;
- Chemicals, if used, for market gardening and grazing activities were located in a farm shed and they were not appropriately stored. Oil drums were noted on the unsealed surfaces of the site. Once again, these areas are located on a clay geology and as such any potential contaminants would be restricted to the upper surface layers;
- Asbestos and synthetic mineral fibres were not observed during the site visit. If present, it is considered likely that they would be in semi bonded form within the features and should be removed by a qualified asbestos contractor during demolition.

The preliminary site investigation recommends that a detailed environmental site assessment is undertaken to confirm if contamination has occurred on site. It is also recommended that a hazardous materials assessment be undertaken to determine the nature of hazardous materials within the boundaries of the subject lands.

APPENDIX 5 – CHECKLIST s117 Directions

1 Employment and Resources

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

Justification for inconsistency

This Planning Proposal seeks to rezone land currently Zoned 1(a) (Non Urban) under Pittwater LEP 1993 as amended to Part E4 Environmental Living and Part R2 Low Density Residential.

The proposal is inconsistent with Direction 1.5 insofar as there is a portion of land to be rezoned R2 Low Density Residential.

As indicated previously the proposal is however consistent with the objectives of the Draft Metropolitan Strategy for Sydney 2036(2010), the NSW State Plan and the draft North East Subregional Strategy(2007) in that it will amongst other objectives contribute to meeting local housing targets.

2 Environment and Heritage

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

Justification for inconsistency

There are no inconsistencies

3 Housing, Infrastructure and Urban Development

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

Justification for inconsistency

Direction 3.2 Caravan Parks and Manufactured Home Estates is applicable to the planning proposal. The subject site was in the Warriewood Valley Strategic Review, a joint project between the Department and Pittwater Council, and it was not envisaged that the strategic review outcomes contemplate opportunities for a caravan park or manufactured homes on site.

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	NO	N/A
4.4 Planning For Bushfire Protection	YES	NO

Justification for inconsistency

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

5 Regional Planning

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

Justification for inconsistency

There are no inconsistencies.

6 Local Plan Making

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

Justification for inconsistency

Direction 6.3 Site Specific Purposes is applicable to the planning proposal. The R2 and E4 Zones are part of the Standard LEP template. Provisions applicable to the R2 and E4 Zones as applied under the exhibited draft PLEP 2013 (drafted in accordance with the Standard LEP template) will need to be inserted as part of the planning proposal as these do not exist in the PLEP 1993.

7 Metropolitan Planning

Direction	Applicable	Consistent
7.1 Implementation of the Metropolitan Strategy	YES	YES

Justification for inconsistency

There are no inconsistencies