

PLANNING PROPOSAL

**To increase the maximum number of dwellings permitted in the Buffer
Areas 1, 2 and 3 of Warriewood Valley Urban Land Release**

Prepared by Pittwater Council

PART 1 OBJECTIVES OR INTENDED OUTCOMES

To increase the maximum number of dwellings permitted in Buffer Areas 1, 2 and 3 of Warriewood Valley as a result of increasing the density to 25 dwellings per hectare.

PART 2 EXPLANATION OF PROVISIONS

Amend 30C of the *Pittwater Local Environmental Plan 1993*.

Clause 30C would need to be amended as follows:

In "Buffer Area 1 – not more than 176 dwellings or less than 167 dwellings.", delete "176" and insert instead "201".

In "Buffer Area 2 – not more than 132 dwellings or less than 125 dwellings.", delete "132" and insert instead "143".

In "Buffer Area 3 – not more than 142 dwellings or less than 135 dwellings.", delete "142" and insert instead "193".

PART 3 JUSTIFICATION

A Need for the Planning Proposal

(A1) Is the Planning Proposal a result of any strategic study or report?

Yes. The recently exhibited Draft Warriewood Valley Planning Framework 2010 was the result of a review of two strategies specifically related to the release of non-urban land in Warriewood Valley to allow urban development, in accordance with the State Government's Metropolitan Development Program (MDP) – the two strategies are the Warriewood Valley Urban Land Release Planning Framework (1997) and the STP Buffer Sector Planning Framework 2001.

The 2010 Planning Framework, being considered for adoption by Council on 3 May 2010, is the result of Council's examination to increase the number of dwellings in the Warriewood Valley Land release area:

- At the maximum density of 25 dwellings per hectare in appropriate sectors of the Valley,
- Consistent with the original study outcomes,
- Ensured there was consistency with the development capability of the lands (as identified in the original Draft Ingleside/Warriewood Urban Land Release Planning Strategy), and
- There was equity across the land release, particularly for those sectors already rezoned and in the main, been developed with the exception of one or two parcels in the sector.

Additionally, the 2010 Planning Framework also identified the development timeframe for specific sectors, and in fact extended the development cycle for residential development in Warriewood Valley to 2020.

Once adopted by Pittwater Council, the Warriewood Valley Planning Framework 2010 will become the contemporary and adopted planning strategy for Warriewood Valley similar to what had previously occurred with the Warriewood Valley Urban Land Release Planning Framework (1997) and the STP Buffer Sector Planning Framework 2001.

By way of background, the 1997 and 2001 Planning Framework documents were prepared based on the suite of studies undertaken in 1994, including a Bushfire Hazard Evaluation, Contaminated Land Study, Fauna Conservation Study, Integrated Water Management Strategy, Water Cycle Management Study, Urban Land Capability Study, Visual Impact Study, Aboriginal Archaeological Study, Heritage Study, Traffic and Transportation Study, Vegetation Conservation Study, and the Draft Ingleside/Warriewood Urban Land Release Planning Strategy.

- (A2) Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

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

- (A3) Is there a net community benefit?

This will enable more dwellings to be accommodated in the land already released for development in Warriewood Valley. This would subsequently positively contribute to the social and economic benefit achieved by the Warriewood Valley Urban Land Release on the whole.

This will contribute to fulfilling the housing requirements imposed by the Sydney Metropolitan Strategy, Draft North East Subregional Strategy and the MDP.

B Relationship to Strategic Planning Framework

- (B1) Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

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

In the Draft North-East Subregional Strategy, Action C1 calls for ensuring the adequate supply of land and sites for residential development, where the MDP is the State Government's key program for managing and monitoring land and housing supply. As Warriewood Valley forms part of the MDP, it is subsequently identified for accommodating new residential development. The Planning Proposal is therefore consistent with such an action.

This Planning Proposal would also be consistent with Action C4 of the North East Subregional Strategy, which calls for improving housing affordability. By enabling residential development, this Planning Proposal is therefore consistent with such an action.

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

- (B2) Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This Planning Proposal is consistent with the 2010 Planning Framework which increases the number of dwellings in the Warriewood Valley (as discussed in A1 of this Planning Proposal).

- (B3) Is the Planning Proposal consistent with applicable state environmental planning policies?

This Planning Proposal is generally consistent with the relevant State Environmental Planning Policies (SEPPs). Most of the relevant SEPPs apply specifically to residential zones. Where there are inconsistencies, justification has been provided (see Appendix 1).

- (B4) Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)?

The Planning Proposal is generally consistent with the relevant Section 117 Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the Directions (see Appendix 2).

C Environmental, social and economic impact

- (C1) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject lands are already rezoned for urban development. The original rezoning of these land would have considered likely habitats and threatened species that may exist or be adversely affected by the initial rezoning of the land (in 2006).

This Planning Proposal seeks a slight increase in the number of dwellings to be permitted in these lands.

- (C2) Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The subject lands are already rezoned for urban development in 2006, and have a maximum dwelling yield applying to each Buffer Area. This Planning Proposal seeks a slight increase in the number of dwellings to be permitted in these lands.

Council staff considers there is no significant reason why the subject lots cannot accommodate a slight increase in dwelling yields, particularly as it is consistent with original findings of the environmental studies and complies with the maximum density of 25 dwellings per hectare original identified at these locations. Further, any future Development Application will require assessment under Section 79C of the EP&A Act and will be subject to several provisions and development controls, including those related to flood, bushfire prone land, waste, contamination, geotech, heritage, and traffic, through the Pittwater LEP and the Pittwater 21 DCP.

(C3) How has the Planning Proposal adequately addressed any social and economic effects?

The subject lands comprise three residential sectors in the Warriewood Valley Urban Land Release, which is identified in the State Government's MDP. A suite of studies were undertaken for the Warriewood Valley Urban Land Release including consideration of social and economic effects. This Planning Proposal will therefore not have any negative marked social or economic effects.

D State and Commonwealth interests

(D1) Is there adequate public infrastructure for the Planning Proposal?

Yes. As the lands form part of the Warriewood Valley Urban Land Release, public infrastructure is provided through the Warriewood Valley Section 94 Contributions Plan No. 15 (Amendment No. 16).

(D2) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has occurred at this time.

PART 4 COMMUNITY CONSULTATION

The subject land comprises Buffer Areas 1, 2 and 3 in Warriewood Valley. The Planning Proposal relates to changes to the maximum dwelling yield to be permitted in these areas, consistent with the maximum dwelling yields for these areas under the recently adopted Warriewood Valley Planning Framework 2010 (which was exhibited prior to its adoption).

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

To be in keeping with *A guide to preparing local environmental plans* (Department of Planning 2009), the following community consultation is considered appropriate:

- Advertising in the local newspaper at the start of the exhibition period
- Advertising on Council's website for the duration of the exhibition period
- An exhibition period of 14 days commencing the date the advertisement appears in the local newspaper
- Notifying the adjoining property owners by mail
- Notifying the Warriewood Valley Rezoning Association by mail

Checklist - Consideration of State Environmental Planning Policies

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

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...	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 22 – Shops and Commercial Premises	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 44 – Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	NO	N/A	
SEPP No 60 – Exempt and Complying Development	YES	YES	
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	
SEPP No 65 – Design Quality of Residential Flat Development	YES	YES	

SEPP No 70 – Affordable Housing (Revised Scheme)	YES	YES	
SEPP No 71 – Coastal Protection	NO	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	YES	YES	
SEPP (Exempt and Complying Development Codes) 2008	YES	YES	
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES	
SEPP (Infrastructure) 2007	YES	YES	
SEPP (Major Development) 2005	NO	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A	
SEPP (Rural Lands) 2008	NO	N/A	
SEPP (Temporary Structures and Places of Public Entertainment) 2007	NO	N/A	

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

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

Any Justification for inconsistency with SEPP?

NIL

Checklist – Consideration of Section 117 Ministerial Directions**1 Employment and Resources**

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

Justification for inconsistent with above Directions

NIL

2 Environment and Heritage

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

Justification for inconsistencies with Directions 2.3

The Planning Proposal proposes changes to the maximum dwelling yield permitted to Buffer Areas 1, 2 and 3 as stated in Clause 30C of Pittwater LEP.

Provisions already exist in the Pittwater LEP for the protection and conservation of environmentally sensitive areas and the conservation of all heritage items, areas, objects, and places of heritage significance. These provisions will continue to apply to the land subject to this Planning Proposal.

3 Housing, Infrastructure and Urban Development

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

Justification for inconsistency with Direction 3.2

The Planning Proposal proposes changes to the maximum dwelling yield permitted to Buffer Areas 1, 2 and 3, as stated in Clause 30C of Pittwater LEP. The subject lands are already rezoned 2(f) (Urban Purposes – Mixed Residential), and are part of the Warriewood Valley Urban Land Release area which is identified in the NSW State Government's Metropolitan Development Program. The planning and development of Warriewood Valley is based a suite of environmental studies, and subsequent objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial sustainability, and forms the fundamental basis

for planning and implementation of development in Warriewood Valley consistently applied by Pittwater Council and agreed to by the Department of Planning over the years (as sectors in the Warriewood Valley land release are rezoned). In this regard, it did not contemplate locations/sites for Manufactured Home Estates.

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	NO
4.4	Planning For Bushfire Protection	YES	NO

Justification for inconsistencies with Direction 4.3 and 4.4

The Planning Proposal proposes changes to the maximum dwelling yield permitted to Buffer Areas 1, 2 and 3, as stated in Clause 30C of Pittwater LEP. The subject lands are already rezoned 2(f) (Urban Purposes – Mixed Residential), and are part of the Warriewood Valley Urban Land Release area which is identified in the NSW State Government's Metropolitan Development Program. The planning and development of Warriewood Valley is based a suite of environmental studies, and subsequent objectives relating to environmental issues, community facilities and infrastructure, heritage, urban design and financial sustainability, and forms the fundamental basis for planning and implementation of development in Warriewood Valley consistently applied by Pittwater Council and agreed to by the Department of Planning over the years (as sectors in the Warriewood Valley land release are rezoned).

Direction 4.3

Sections of Narrabeen Creek traverse Buffer Areas 1 and 2, while the downstream section of Fern Creek traverses the western portion of Buffer Area 3 before it enters the Warriewood Wetlands.

The planning and development of Warriewood Valley is based on utilising the creekline corridor to convey the 1% AEP flood event. As mentioned already, the subject lands are already zoned 2(f) (Urban Purposes – Mixed Residential) and permits residential development to occur on the land. Nonetheless, no residential development will be permitted on that part of the land comprising the creekline corridor (which will become a multi-functional creekline corridor, which will be owned by Pittwater Council, in accordance with the Warriewood Valley Section 94 Contributions Plan).

Direction 4.4

This Planning Proposal is inconsistent insofar as controls are not provided for nor has consultation occurred with the Rural Fire Service. Nonetheless, the lands are already zoned 2(f) (Urban Purposes – Mixed Residential) and permits residential development.

5 Regional Planning

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

Justification for inconsistency

NIL

6 Local Plan Making

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

Justification for inconsistency with Direction 6.3

The Planning Proposal proposes changes to the maximum dwelling yield permitted to Buffer Areas 1, 2 and 3, under Clause 30C of Pittwater LEP.

Clause 30C of Pittwater LEP applies by prescribing dwelling yields to specific residential sectors in Warriewood Valley. Amendments to the maximum dwelling yield applicable to Buffer Areas 1, 2 and 3, through progressing this Planning Proposal, is consistent with the maximum dwelling yields for Buffer Areas 1, 2 and 3 stated in the recently adopted Warriewood Valley Planning Framework 2010.

7 Metropolitan Planning

Direction	Applicable	Consistent
7.1 Implementation of the Metropolitan Strategy	YES	YES

Justification for inconsistency

NIL