

Rezone and increase the maximum dwellings permitted on various Sectors within the Warriewood Valley Urban Land Release Area.

Proposal Title :	Rezone and increase the maximum dwellings permitted on various Sectors within the Warriewood Valley Urban Land Release Area.		
Proposal Summary :	The planning proposal seeks: 1. To rezone Sectors 901A (and the adjoining Orchard Street Road Reserve), 901B, 901C and 901F of the Warriewood Valley Land Release Area from Zone No 1(b)(Non Urban 'B') to Zone No 2(f) (Urban Purposes - Mixed Residential) under Pittwater Local Environmental Plan (PLEP) 1993. 2. To introduce and amend minimum and maximum number of dwellings permitted in various Sectors (301, 302, 303, 5, 801, 901A and adjoining Orchard Street Road Reserve, 901B, 901C, 901C, 901F, 10B, Buffer 2a and Buffer 3b) of the Warriewood Valley Release Area, to reflect the findings of the Warriewood Valley Strategic Review which recommended an increase in dwelling density from 25 to 32 d/ha.		
PP Number :	PP_2013_PITTW_001_00	Dop File No :	13/10907

Proposal Details

Date Planning Proposal Received :	20-Jun-2013	LGA covered :	Pittwater
Region :	Sydney Region East	RPA :	Pittwater Council
State Electorate :	PITTWATER	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	9 & 10 Fern Creek Road		
Suburb :	Warriewood	City :	New South Wales
Land Parcel :	Lot 5 DP 736961 and Lot 6 DP 736961, Sector ID: 901A and adjoining Orchard Street Road Reserve		
Street :	2, 4 & 6 Orchard Street		
Suburb :	Warriewood	City :	New South Wales
Land Parcel :	Lot A DP 959150, Lot D DP 367229 and Lot C DP 367229, Sector ID: 901A and adjoining Orchard Street Road Reserve		
Street :	204 & 206 Garden Street		
Suburb :	Warriewood	City :	New South Wales
Land Parcel :	Lot B DP 378841 and Lot A DP 378841, Sector ID: 901A and adjoining Orchard Street Road Reserve		
Street :	2 Fern Creek Road		
Suburb :	Warriewood	City :	New South Wales
Land Parcel :	Lot 2 DP 736961, Sector ID: 901B		

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Street :	12 Fern Creek Road		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 12 DP 1092788, Sector ID: 901C		
Street :	14 Orchard Street		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot B1 DP 369510, Sector ID: 901F		
Street :			
Suburb :		City :	
		Postcode :	
Land Parcel :	Lot 13 DP 1092788, Sector ID: 901A and adjoining Orchard Street Road Reserve		
Street :	20 Macpherson Street		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 1 DP 592091, Sector ID: 301		
Street :	18 Macpherson Street		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 1 DP 604035, Sector ID: 302		
Street :	16 Macpherson Street		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 4 DP 553816, Sector ID:303		
Street :	4 & 8 Forest Road		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot B DP 370222 and Lot 1 DP 5055, Sector ID: 5		
Street :	23B Macpherson Street		
Suburb :	Warriewood	City :	New south Wales
		Postcode :	2102
Land Parcel :	Lot 11 Section C DP 5464, Sector ID: 801		
Street :	109 Orchard Street		
Suburb :	Warriewood	City :	New South Wales
		Postcode :	2102
Land Parcel :	Lot 3 DP 734891 and Lot 4 DP 734891, Sector ID: 10B		
Street :	4 Macpherson Street		
Suburb :	Warriewood Street	City :	New south Wales
		Postcode :	2102
Land Parcel :	Lot 24 Section C DP 5464, Sector ID: Buffer 2a		
Street :	5 & 7 Macpherson Street		
Suburb :	Warriewood	City :	New south Wales
		Postcode :	2102
Land Parcel :	Lot 1 DP 314508 and Lot 21 DP 1080979, Sector ID: Buffer 3b		

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DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Tija Stagni**
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Contact Email : **tija_stagni@pittwater.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North East subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	166
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.**

Supporting notes

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

This planning proposal seeks to rezone some parcels of land from non-urban to urban as well as specify the maximum number of dwellings that can be constructed on each parcel.

The proposed dwelling numbers are based on the findings of the Warriewood Valley Strategic Review which recommended an increase in maximum dwelling density from 25 to 32 dwellings per developable hectare. This increase will result in an additional 166

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dwellings on the subject land.

The Strategic Review Report identified that sectors 301 and 302-303 have flood free access, via Ponderosa Parade, to Mona Vale Hospital in the 100 year ARI event. During the PMF event, these routes will be cut-off but only during the intense rainfall periods for short duration.

Buffer 2a is unlikely to be isolated for unacceptable periods of time. However, evacuation from this area would be possible under most conditions up to the PMF event via Ponderosa Parade or McPhersons Street. The route via Ponderosa Parade is only isolated for less than 2 – 3 hours or during high intensity rainfall periods.

Sector 801, 901A, 901B, 901C and 901F evacuation would be possible via Ponderosa Parade and similar routes for a 100 year ARI event. During a PMF event access via Garden St North, MacPherson St West and Ponderosa Pde will be cut-off, however access will be available almost immediately after intense rainfall.

Council acknowledges that there is a current intra-government review on state-wide flood evacuation policy. In view of the Strategic Review Report findings, Council proposes the emergency flood response being facilitated at an evacuation route set at 1% AEP and this is supported.

The planning proposal proposes to amend the current Pittwater Local Environmental Plan (PLEP) 1993. Council intends to incorporate the subject rezoning into its SILEP at some stage.

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

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

Note:

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

1) 2 Macpherson St and 23, 25 & 27 Warriewood Rd (Sector Buffer 1l & 1m) residential apartment buildings are proposed and range in height from three storeys at the street frontage to five storeys at the rear of the site. (Refer to PP_2013_PITTW_003_00)

2) 18 Macpherson St (sector 302) where residential apartment buildings are proposed ranging in height from three storeys at the street frontage to four storeys at the rear of the site.

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

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

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External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to rezone certain land in the Warriewood Valley Release Area from non-urban to Zone No 2(f) (Urban Purposes - Mixed Residential) under Pittwater Local Environmental Plan (PLEP) 1993.

The planning proposal also intends to add and amend maximum dwelling numbers into the relevant clause of PLEP 1993, to allow for an increase in dwelling density from 25 to 32 dwellings per developable hectares.

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

Is an explanation of provisions provided? **Yes**

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

1. Amend Clause 5 - 'Interpretation' to incorporate a zoning map for this amendment.

2. Amend clause 30B - 'Development of UDP land in Warriewood Valley' to delete the reference of Sector 3 and Sector 5 under the clause.

3. Amend clause 30B - 'Development of UDP land in Warriewood Valley' to include Sector 301, 302 and 303; Sector 5, Sector 8 including Sector 801; Sector 901A and road reserve, Sector 901B, 901C and 901F; Sector 10 including Sector 10B; Buffer 2a and Buffer 3b under the clause.

4. Amend clause 30C - 'Dwelling Yield' by deleting the following:
- Sector 3 – not more than 165 dwellings.

5. Amend clause 30C - 'Dwelling Yield' by inserting the following:
- Sector 301 – not more than 53 dwellings or less than 42 dwellings
- Sector 302 – not more than 84 dwellings or less than 66 dwellings
- Sector 303 – not more than 29 dwellings or less than 23 dwellings
- Sector 801 – not more than 38 dwellings or less than 19 dwellings
- Sector 10B – not more than 45 dwellings or less than 28 dwellings
- Sector 901A (including adjoining road reserve) – not more than 192 dwellings or less than 156 dwellings
- Sector 901B – not more than 36 dwellings or less than 12 dwellings
- Sector 901C – not more than 22 dwellings or less than 17 dwellings
- Sector 901F – not more than 14 dwellings
- Buffer 2a – not more than 29 dwellings or less than 20 dwellings
- Buffer 3b – not more than 9 dwellings or less than 7 dwellings

6. Amend clause 30C - 'Dwelling Yield' by altering the dwelling yield as following:
- Sector 5 – not more than 94 or less than 75 dwellings;
- Sector 8 (excluding Sector 801) – not more than 159 dwellings; and
- Sector 10 (excluding Sector 10B) – not more than 134 dwellings.

7. Amend clause 30D - 'Mitigation of odours from Warriewood Sewage Treatment Plant' of the PLEP 1993 by including Buffer 2a and Buffer 3b under the clause.

8. Amend clause 30E - 'Public infrastructure in urban release areas' subclause (8) of PLEP 1993 by deleting the reference of Sector 3 under the clause.

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9. Amend clause 30E - 'Public infrastructure in urban release areas' subclause (8) of PLEP 1993 by including Sector 301, 302 and 303; Sector 8 including Sector 801; Sector 901A and road reserve, 901B, 901C and 901F; Sector 10 including Sector 10B; Buffer 2a and Buffer 3b.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

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

SEPP (Infrastructure) 2007

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

The planning proposal is consistent with all relevant SEPPs.

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

If No, explain :

The planning proposal is inconsistent with Direction 1.2 Rural Zones in that it proposes to rezone land from a rural to a residential zone. However, as the subject land is within a urban land release area and its use for residential purposes is consistent with Council's Planning Framework and the state government's Metropolitan Development Program, this inconsistency is considered to be justified.

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

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

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

All maps provided are considered adequate.

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to consult with the community through:

- a 14 day exhibition period (to be extended if the exhibition occurs during the December to January school holiday period);
- notification in local newspaper at commencement of exhibition period;
- notification on Council's websites for the duration of the exhibition;
- notification in writing to affected and adjoining landowners at commencement of exhibition period; and
- notification in writing to the 'Warriewood Residents Association Incorporated' at commencement of exhibition period.

These arrangements are considered satisfactory.

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

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP :

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

Assessment Criteria

Need for planning proposal :

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

This Strategic Review confirms the proposed Sectors are capable of residential development and recommends an increase in dwelling density from 25 to 32 dwellings per developable hectares based on appropriate design criteria and infrastructure provision strategies.

Based on the report recommendations the proposed changes in zoning, increase in permissible dwelling yields and addition of dwelling yield controls are supported.

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Consistency with strategic planning framework :	This planning proposal is consistent with the objectives of draft Metropolitan Strategy for Sydney, the NSW State Plan and draft North-East Subregional Strategy. The planning proposal is consistent with Action C1 in the draft North-East Subregional Strategy which aims to ensure adequate supply of land and sites for residential development through the Metropolitan Development Program (MDP). The planning proposal is consistent with the recently adopted Warriewood Valley Strategic Review Report 2012 which recommends an increase in the number of dwellings in the Warriewood Valley Release Area.
Environmental social economic impacts :	The planning proposal is consistent with the recommendations of the strategic review. The broader environmental, economic and social impacts of residential development on the subject land were considered when the Warriewood Valley was released for urban development in the 1970s. The known environmental constraints of the subject land (which were identified as part of the land capability exercise undertaken for the Strategic Review) will need to be considered during the development application process.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	NSW Rural Fire Service		
Is Public Hearing by the PAC required?	No		
(2)(a) Should the matter proceed ?	Yes		
If no, provide reasons :			
Resubmission - s56(2)(b) :	No		
If Yes, reasons :			
Identify any additional studies, if required. :			
If Other, provide reasons :			
Identify any internal consultations, if required :			
	No internal consultation required		
Is the provision and funding of state infrastructure relevant to this plan?	No		
If Yes, reasons :			

Documents

Document File Name	DocumentType Name	Is Public
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PP0004.13.pdf	Proposal	Yes
Attachment for pp0004.13.pdf	Proposal	No
Covering letter_Warriewood Valley.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

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

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

1. The planning proposal be exhibited for 14 days;
2. The planning proposal be completed within 9 months of the gateway determination;
3. Prior to undertaking public exhibition, Council is to update the planning proposal to make it clear that clause 30E(4)State Infrastructure Contribution (SIC) does not apply to current or future residential development in the Warriewood Valley Release Area;
4. Inconsistencies with s117 Directions, particularly 1.2 Rural Zones, are minor and have been adequately justified;
5. Consultation is required with NSW Rural Fire Service consistent with Direction 4.4 'Planning for Bushfire Protection';
6. No further studies are required to be carried out for the planning proposal; and
7. The proposed rezoning is of local significance and Council's request for delegation is supported.

Supporting Reasons : **The planning proposal seeks to increase dwelling density within the Warriewood Valley Land Release Area. It is based on the recommendations made under Warriewood Valley Strategic Review Report and is consistent with the Government's objectives and directions and is supported.**

Signature: _____

Printed Name: _____ Date: _____