

# PLANNING PROPOSAL PP0004/13

To rezone Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C, and 901F of the Warriewood Valley Urban Land Release Area to a residential zone

To introduce/increase the maximum dwellings permitted in Sectors 301-303, 5, 801, 901A and adjoining Orchard Street road reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b of the Warriewood Valley Urban Land Release Area

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## PART 1 OBJECTIVES OR INTENDED OUTCOMES

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To rezone specific land 2(f) (Urban Purposes – Mixed Residential) under Pittwater LEP, being:

- Lot 13 DP1092788, 9 & 10 Fern Creek Road, 2, 4, & 6 Orchard Street, 204 & 206 Garden Street, Warriewood and north-west portion of Orchard Street Road reserve (*identified as Sector 901A and adjoining Orchard Street Road Reserve*)
- 2 Fern Creek Road (*identified as Sector 901B*),
- 12 Fern Creek Road Warriewood (*identified as Sector 901C*),
- 14 Orchard Street Warriewood (*identified as Sector 901F*).

To introduce/amend the minimum and maximum numbers of dwellings permitted in:

- Sector 301, 302 and 303,
- Sector 5,
- Sector 801,
- Sector 901A and adjoining Orchard Street Road Reserve, 901B, 901C and 901F
- Sector 10B,
- Buffer 2a and
- Buffer 3b.

of the Warriewood Valley Release Area, representing an increase in dwelling density from 25 to 32 dwellings per developable hectare.

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

## PART 2 EXPLANATION OF PROVISIONS

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The proposed outcome will be achieved by:

- An amended zoning map is provided for this Planning Proposal (See **MAP 3**) and will require amending Clause 5 of the *Pittwater Local Environmental Plan 1993* as follows:-

Insert at the end of definition of “the Zoning Map” contained in subclause (1), this paragraph:

[Pittwater Local Environmental Plan 1993 \(Amendment No. #\) – Sheet 1](#)

- A series of new maps are provided for this Planning Proposal (See **MAP 4, 6, 8, 9, 11, 12, 14**) and will require amending Clause 30B of the *Pittwater Local Environmental Plan 1993* as follows:-

Delete at end of subclause (1), these paragraphs:

~~Land at Warriewood within Sector 3 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (amendment No 87)”~~

~~Land at Warriewood within Sector 5 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (amendment No 91)”~~

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

Land at Warriewood within Sector 301, 302 and 303 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 4 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 5 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 6 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 8 including Sector 801 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 7 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 901A and adjoining Orchard Street Road Reserve, 901B, 901C and 901D of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 2 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Sector 10 including Sector 10B of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 9 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Buffer 2a of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 10 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

Land at Warriewood within Buffer 3b of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 12 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No. #)".

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

~~Sector 3 – not more than 165 dwellings~~

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 5 – not more than ~~75~~ 94 or less than ~~65~~ 75 dwellings

Sector 8 (excluding Sector 801) – not more than 159 dwellings

Sector 801 – not more than 38 dwellings or less than 19 dwellings

Sector 10 (excluding Sector 10B) – not more than ~~164~~ 134 dwellings ~~or less than 147 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

- A series of new maps are provided for this Planning Proposal (See **MAP 12 & 14**) and will require amending Clause 30D of the *Pittwater Local Environmental Plan 1993* as follows:-

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

- (b) This clause applies to land shown edged heavy black on the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #) – Sheet 10”.
- (c) This clause applies to land shown edged heavy black on the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #) – Sheet 12”.

- A series of new maps are provided for this Planning Proposal (See **MAP 5, 7, 10, 11, 13 & 14**) and will require amending Clause 30E of the *Pittwater Local Environmental Plan 1993* as follows:-

Delete at end of subclause (8), these paragraphs:

~~Land at Warriewood within Sector 3 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 1 of the map marked “Pittwater Local Environmental Plan 1993 (amendment No 87)”~~

Insert at the end of subclause (8), these paragraphs:

Sector 301, 302 and 303 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 5 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”.

Sector 8 including Sector 801 of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 8 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”.

Sector 901A and road reserve, 901B, 901C and 901F of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 3 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”.

Sector 10 including Sector 10B of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 9 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”.

Buffer 2a of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 11 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”.

Buffer 3b of the Warriewood Valley Urban Land Release shown edged heavy black on Sheet 12 of the map marked “Pittwater Local Environmental Plan 1993 (Amendment No. #)”.

## **PART 3 JUSTIFICATION**

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### **Section A Need for the Planning Proposal**

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

Yes. The recently adopted *Warriewood Valley Strategic Review Report 2012* was the result of a joint undertaking by the Department of Planning & Infrastructure and Council to review the height and density standards for residential development within the Release Area. This report also confirmed those sectors, prepared to be rezoned 2(f) are capable of residential development and is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

The Strategic Review Report has been endorsed by the Director-General of Planning & Infrastructure.

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

Yes. The Planning Proposal is the best means of achieving the intended outcome as Council is only able to grant consent for residential development on lands in Warriewood Valley listed in Clause 30B. Progressing the Planning Proposal is also the only mechanism of enabling changes to be made to Clause 30C of Pittwater LEP and amending/introducing maximum dwelling numbers for Sector 301, 302, 303, 5, 801, 901A and adjoining Orchard Street Road Reserve, 901B, 901C, 901F, 10B, Buffer 2a and Buffer 3b.

### **Section B Relationship to Strategic Planning Framework**

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

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

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

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

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

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

This Planning Proposal is consistent with the recently adopted *Warriewood Valley Strategic Review Report 2012* which recommends an increase in the numbers of dwellings in the Warriewood Valley Release Area. This review report is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy*.

This report also confirmed those sectors, prepared to be rezoned 2(f) are capable of residential development and also consistent with Council's adopted *Warriewood Valley Planning Framework 2010* (adopted 3 May 2010) insofar as these sectors to be rezoned are designated for medium density form of residential development.

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

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

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

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

**C Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Sector 301, 302 and 303 (formerly known as Sector 3), Sector 501 (formerly known as Sector 5), Sector 801 (part of Sector 8), Sector 10B (part of Sector 10), Buffer 2a and Buffer 3b (part of Buffer Area 2 and 3 respectively), are already zoned for urban development and have a maximum dwelling yield applying to each sector. The original rezoning of these lands would have considered the likely habitats and threatened species that may exist or be adversely affected by the initial rezoning of this land.

Sectors 901A and road reserve, 901B, 901C and 901F will be rezoned for urban development under this planning proposal. The zoning of these lands for residential development is consistent with the recommendations of the recently adopted *Warriewood Valley Strategic Review Report 2012* which is supported by mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy* and the findings of several environmental studies. The likelihood of critical habitats or threatened species, populations or ecological communities occurring in these lands did not arise during the investigative stages of the Warriewood Valley Strategic Review.

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

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

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

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

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

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

The north-east portion of Orchard Street Road Reserve to be rezoned does not require reclassification under the Local Government Act. It will however need to be "closed" under the Roads Act and subsequent subdivision, to be undertaken separate to this Planning Proposal.

**D State and Commonwealth interests**

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

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

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

The Department of Planning & Infrastructure is attending to a review of flood evacuation requirements in regard to emergency flood evacuation policy and the requirements of the NSW State Emergency Service (SES) which arose during the investigative stages of the Warriewood Valley Strategic Review. It is understood that this intra-government review of its flood evacuation policy to resolve a consistent approach to land release development and flood evacuation requirements is due for completion in 2013. Council in forwarding this Planning Proposal to the Department seeks that a flood emergency response policy satisfactory to the State Government is established before the Gateway Determination is issued for this Planning Proposal.

The following preliminary views were expressed by state and service agencies during the public exhibition of Council's local strategic plan for Warriewood Valley which recommends an increase in the numbers of dwellings in the release area.

Response from Department of Education & Communities (DEC):

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

Response from Roads & Maritime Services (RMS):

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

Response from Sydney Water:

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

Response from Ausgrid:

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

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

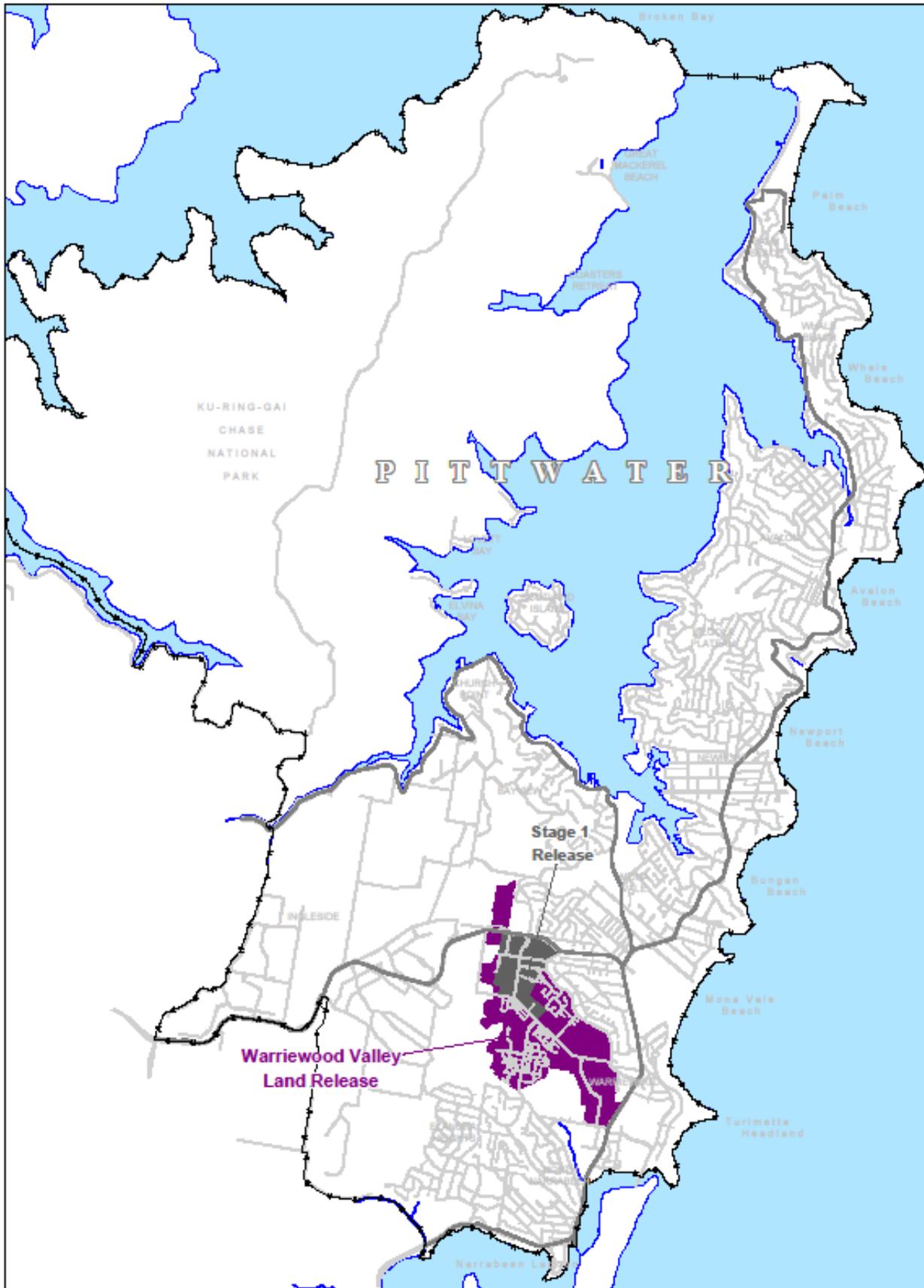
- NSLHD notes that the northeast is Sydney's most car dependent subregion and recommends that the frequency and the capacity of the public transport system be improved to accommodate the proposed increase in density.
- NSLHD commends the inclusion of pedestrian and cycle links throughout Warriewood,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

Response from Office of Environment & Heritage (OEH)"

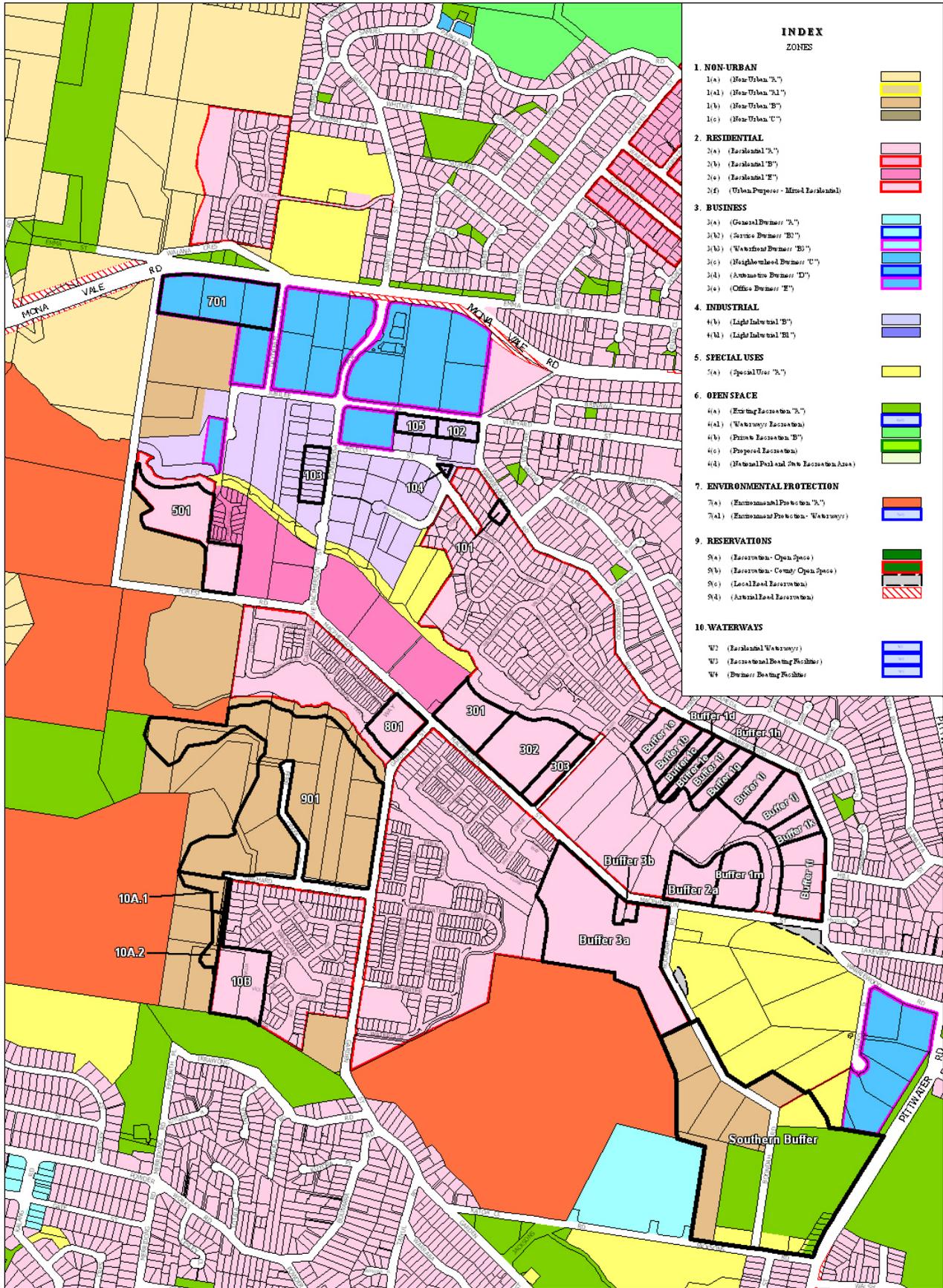
- The OEH generally supports the proposed increase in residential density, provided that flooding issues and bushfire protection issues are adequately considered and that riparian corridors can be retained and protected.

## PART 4 MAPPING

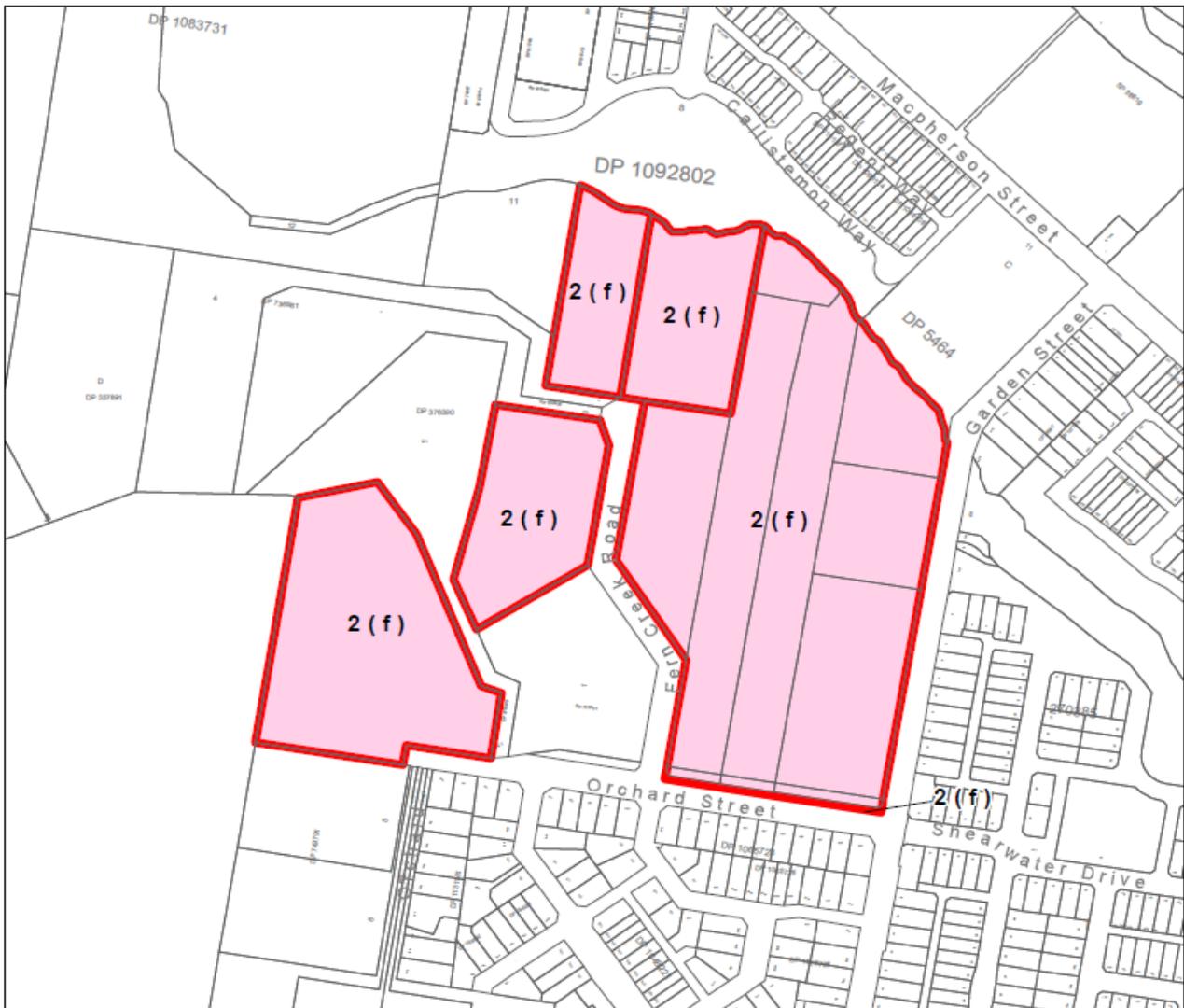
Map 1: Location Map – Warriewood Land Release Area



Map 2: Current Sectors – Warriewood Valley Planning Framework 2010



**Map 3: Pittwater Local Environmental Plan Sheet 1**



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2(f) - Urban Purposes - Mixed Residential

**2 ( f )**

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**P I T T W A T E R**

**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

COUNCIL FILE NO.

DEPT. FILE NO.

GATEWAY DETERMINATION DATE

PLAN PUBLISHED ON NSW LEGISLATION WEBSITE ON

**STATEMENT OF RELATIONSHIP WITH OTHER PLANS**

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

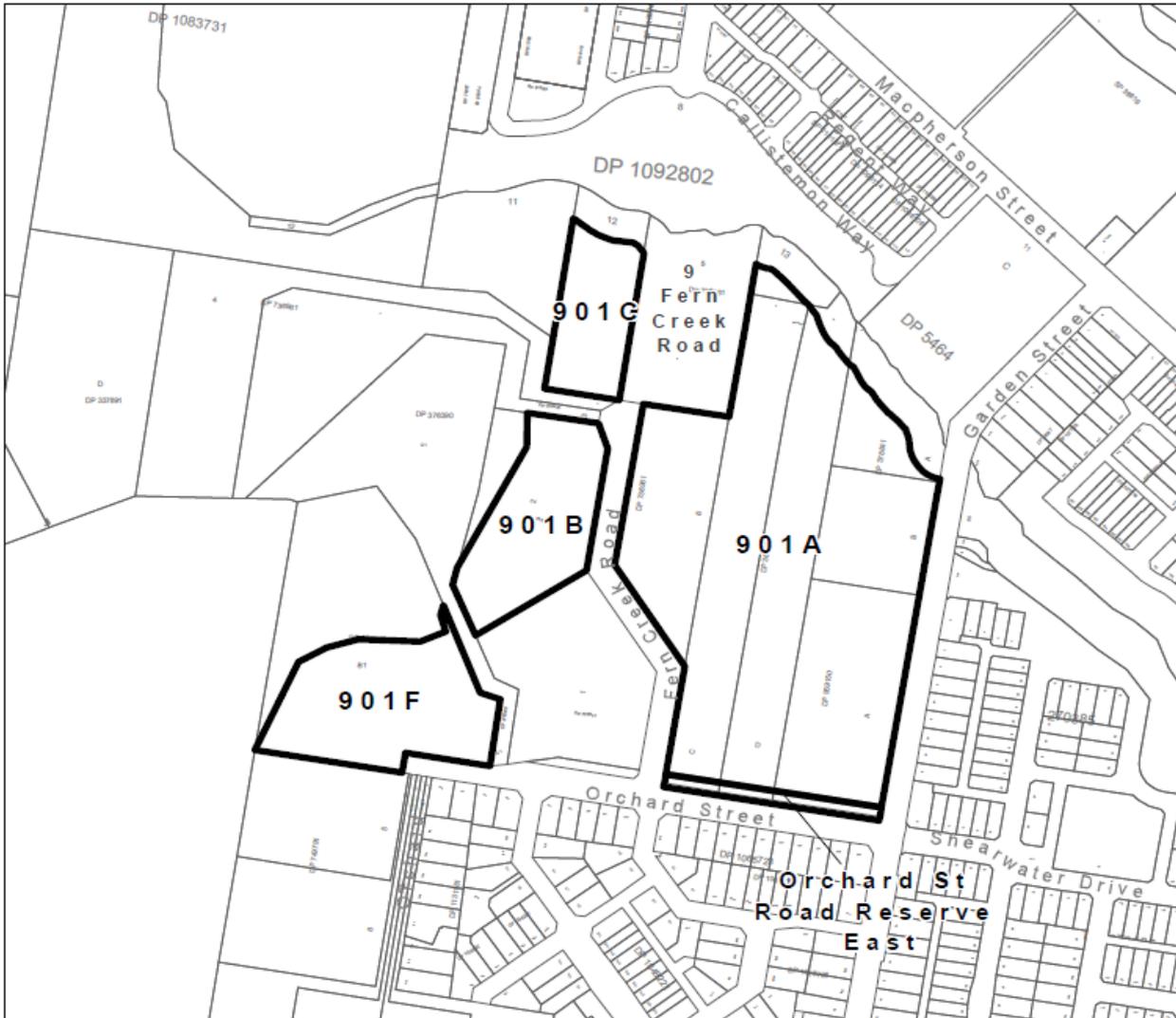
CLAUSE 5 - "The Zoning Map

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Map 4: Pittwater Local Environmental Plan 1993 Sheet 2



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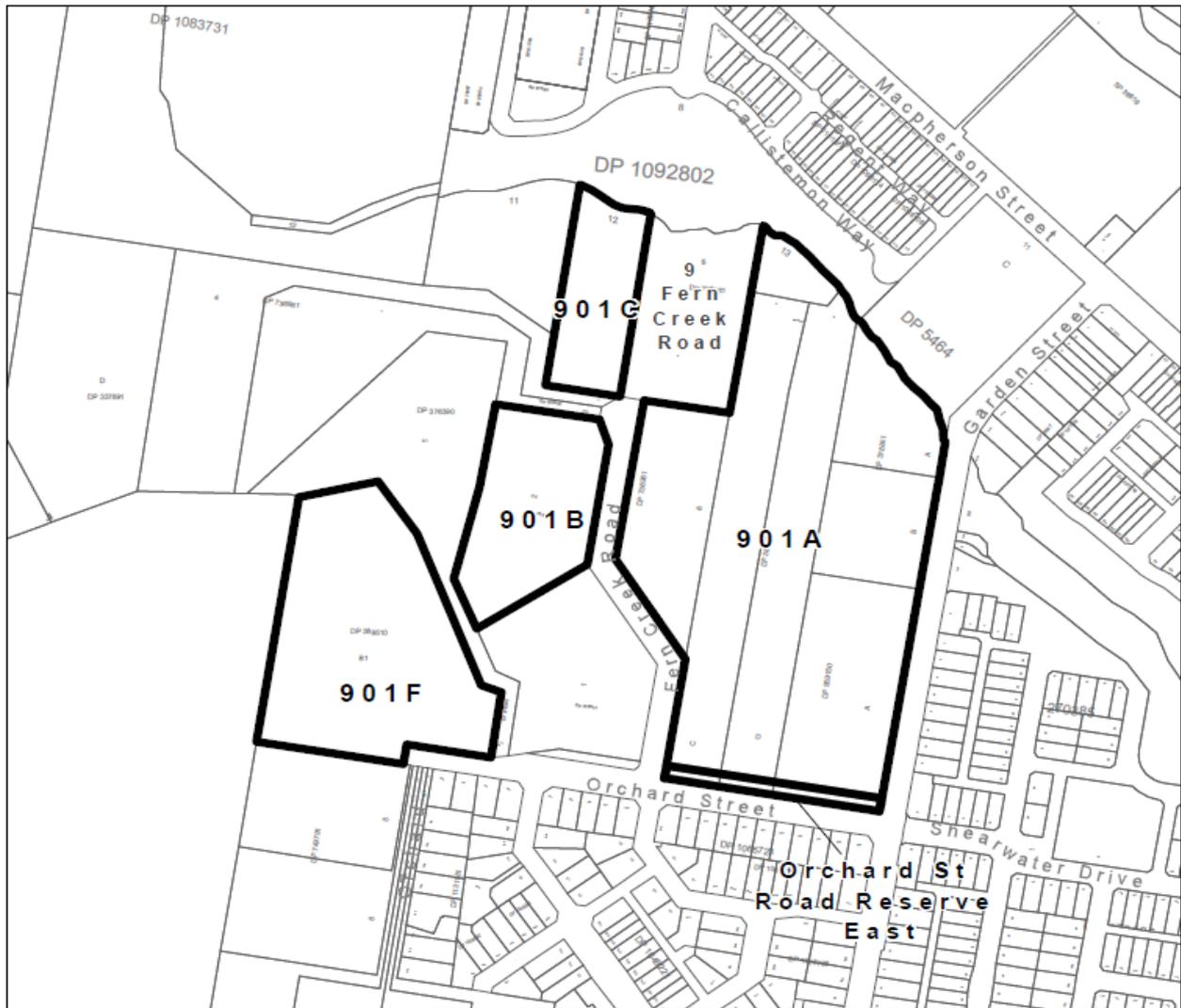
CLAUSE 30B - "Development of UDP land in Warriewood Valley"  
CLAUSE 30C - "Dwelling Yield"

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Map 5: Pittwater Local Environmental Plan 1993 Sheet 3



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LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)

DRAWN BY M TURNBULL DATE: 21.05.13	STATEMENT OF RELATIONSHIP WITH OTHER PLANS  AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993  CLAUSE 30E - "Public infrastructure in urban release areas"
PLANNING OFFICER T. STAGNI	
CERTIFICATE PLAN NO. PP831	
COUNCIL FILE NO.	
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Map 6: Pittwater Local Environmental Plan 1993 Sheet 4



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STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

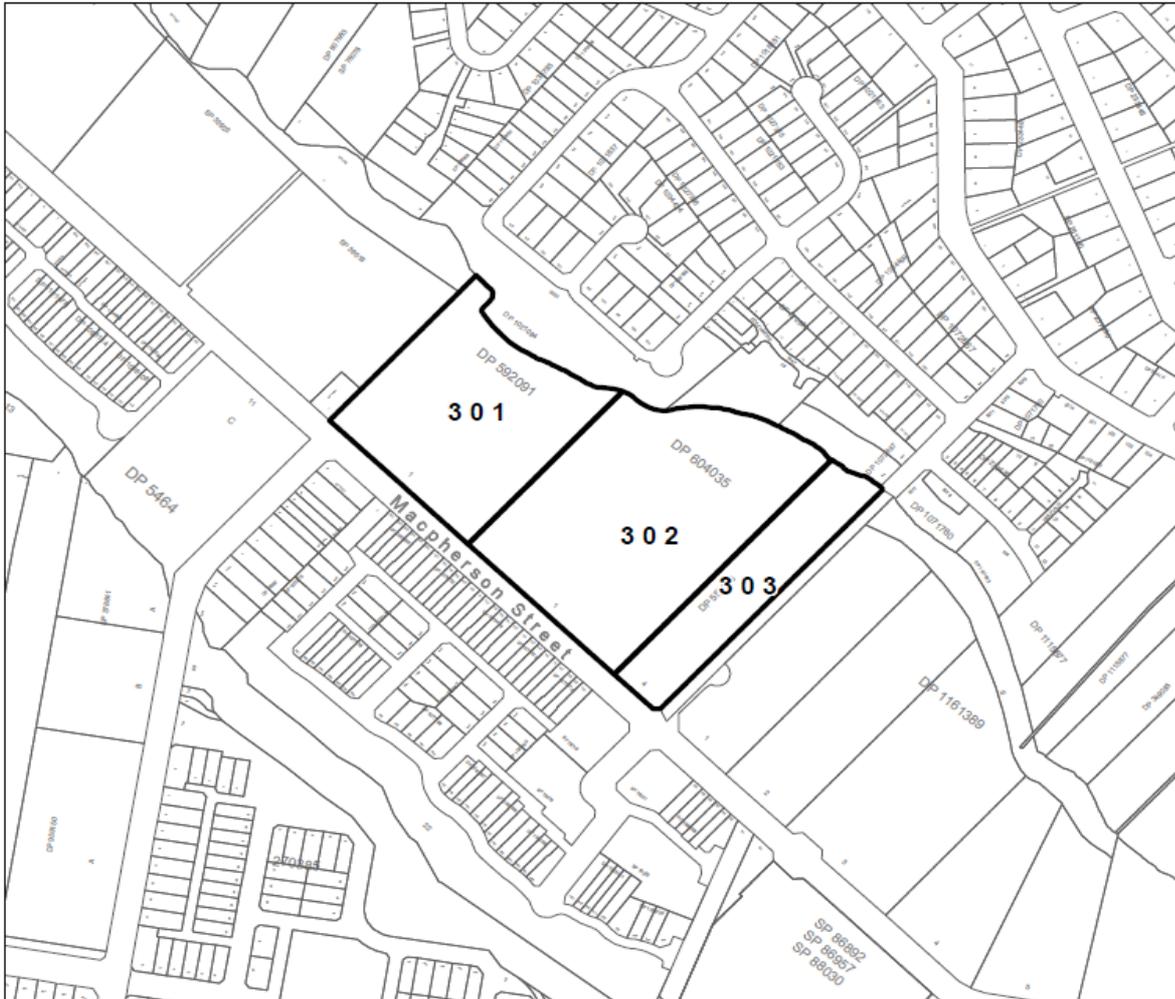
CLAUSE 30B - "Development of UDP land in Warriewood Valley"  
CLAUSE 30C - "Dwelling Yield"

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**Map 7: Pittwater Local Environmental Plan 1993 Sheet 5**



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LOCALITY WARRIEWOOD

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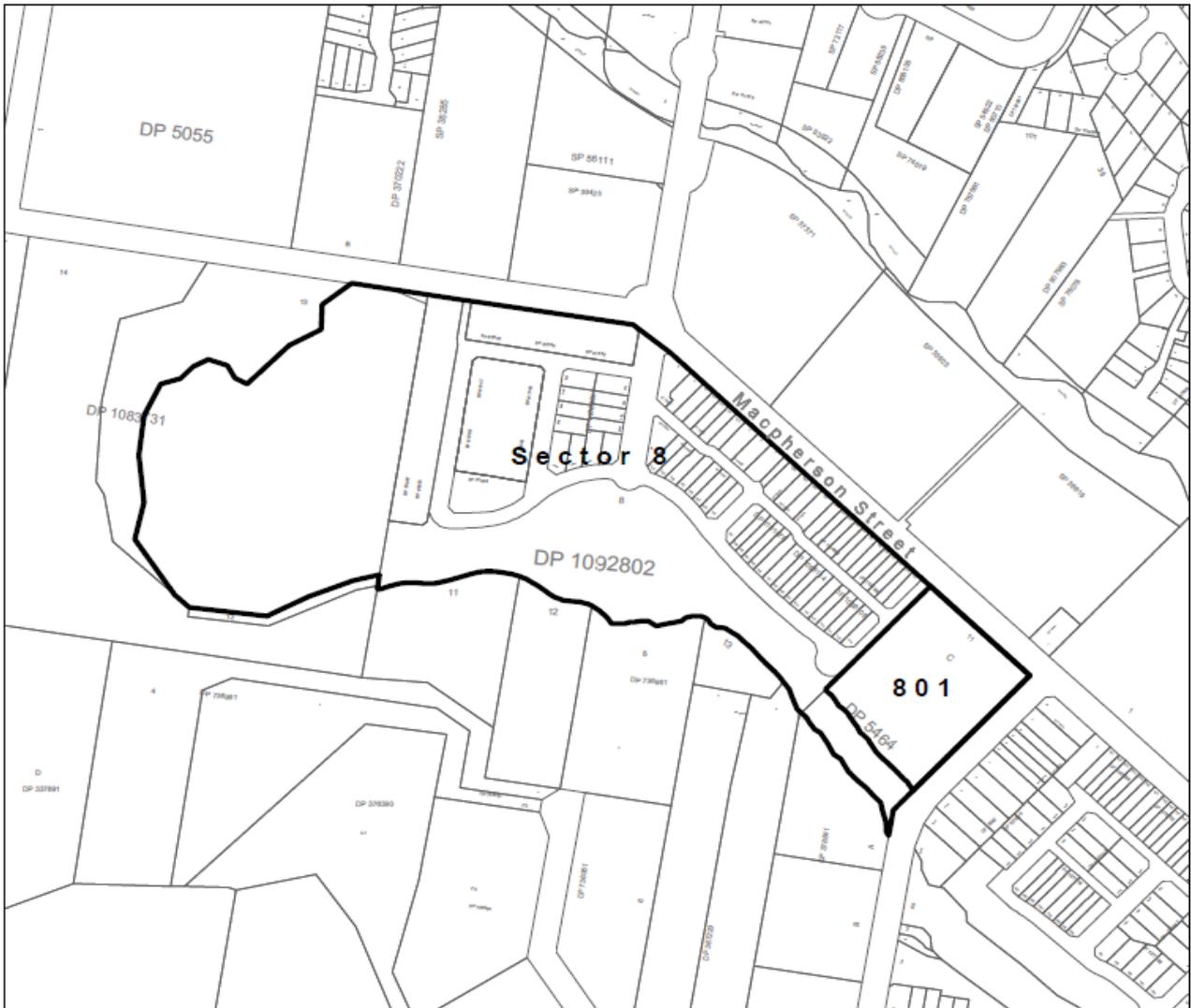
**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL	DATE: 21.05.13	<b>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</b>  AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993  CLAUSE 30E - "Public infrastructure in urban release areas"
PLANNING OFFICER T. STAGNI		
CERTIFICATE PLAN NO. PP831		
COUNCIL FILE NO.		
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Map 10: Pittwater Local Environmental Plan 1993 Sheet 8



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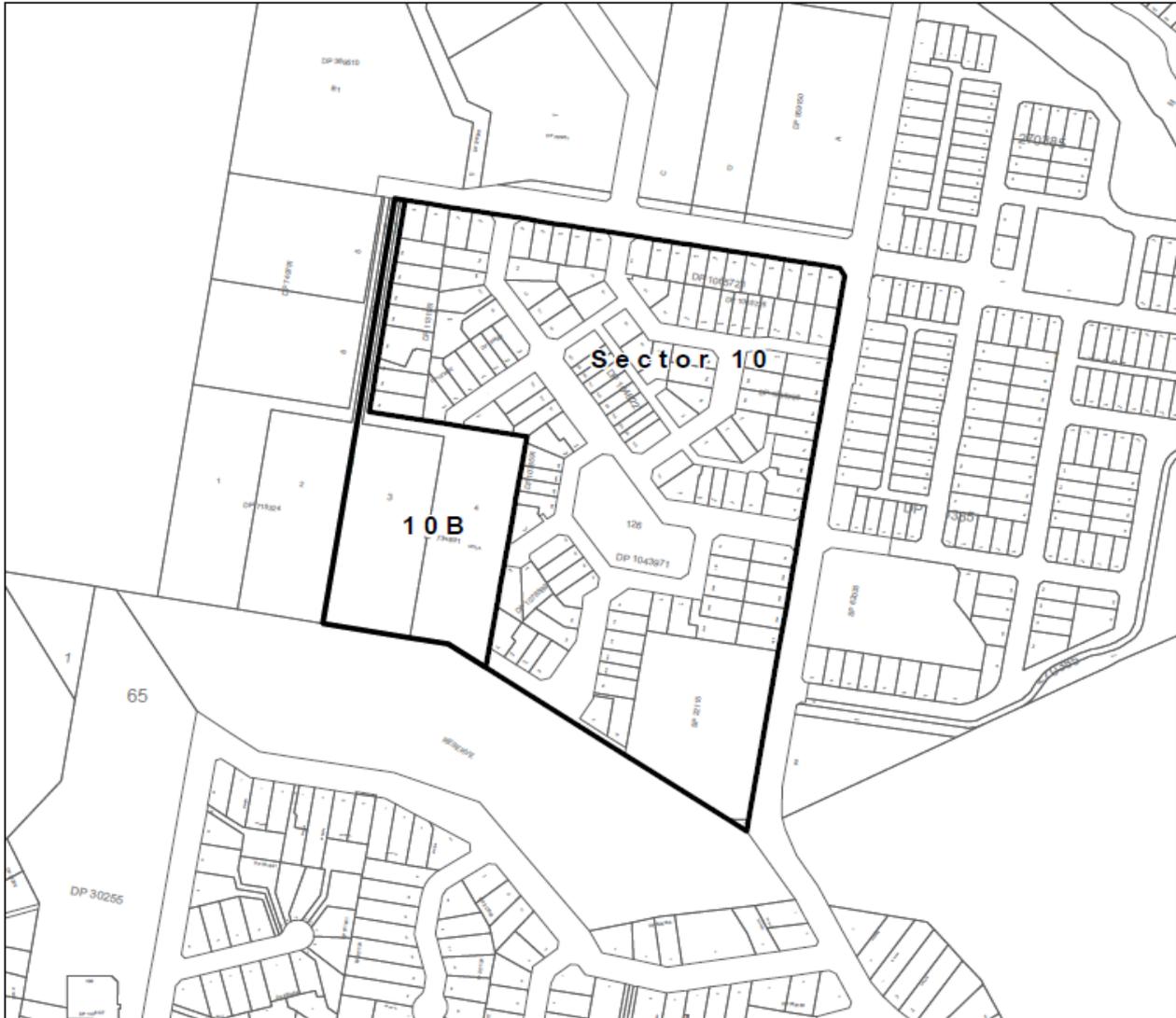
CLAUSE 30E - "Public infrastructure in urban release areas"

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Map 11: Pittwater Local Environmental Plan 1993 Sheet 9



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**STATEMENT OF RELATIONSHIP WITH OTHER PLANS**

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

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

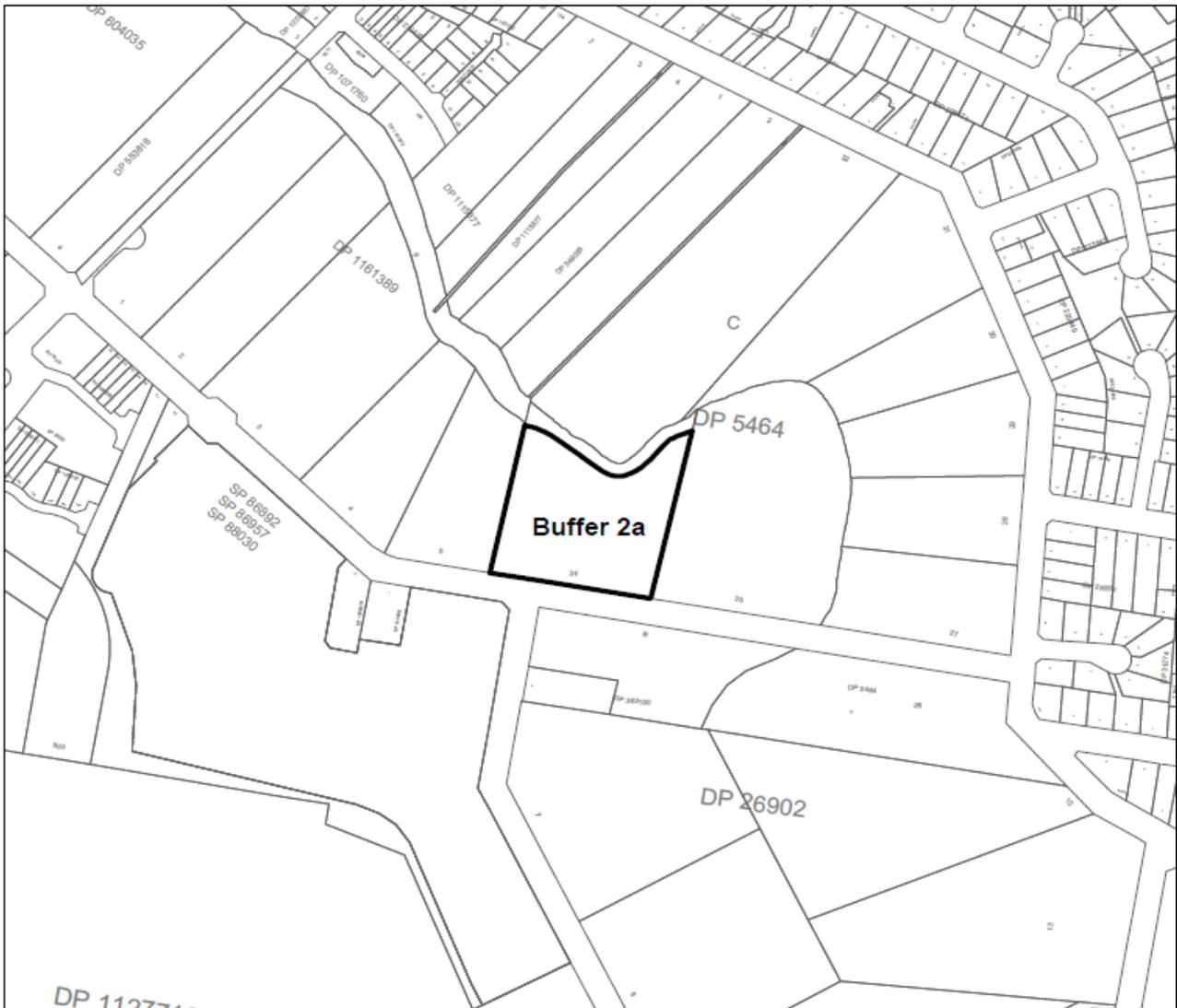
CLAUSE 30C - "Dwelling Yield"

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

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Map 12: Pittwater Local Environmental Plan 1993 Sheet 10



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DRAWN BY M TURNBULL DATE: 21.05.13

PLANNING OFFICER T. STAGNI

CERTIFICATE PLAN NO. PP831

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GATEWAY DETERMINATION DATE

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**STATEMENT OF RELATIONSHIP WITH OTHER PLANS**

AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

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

CLAUSE 30C - "Dwelling Yield"

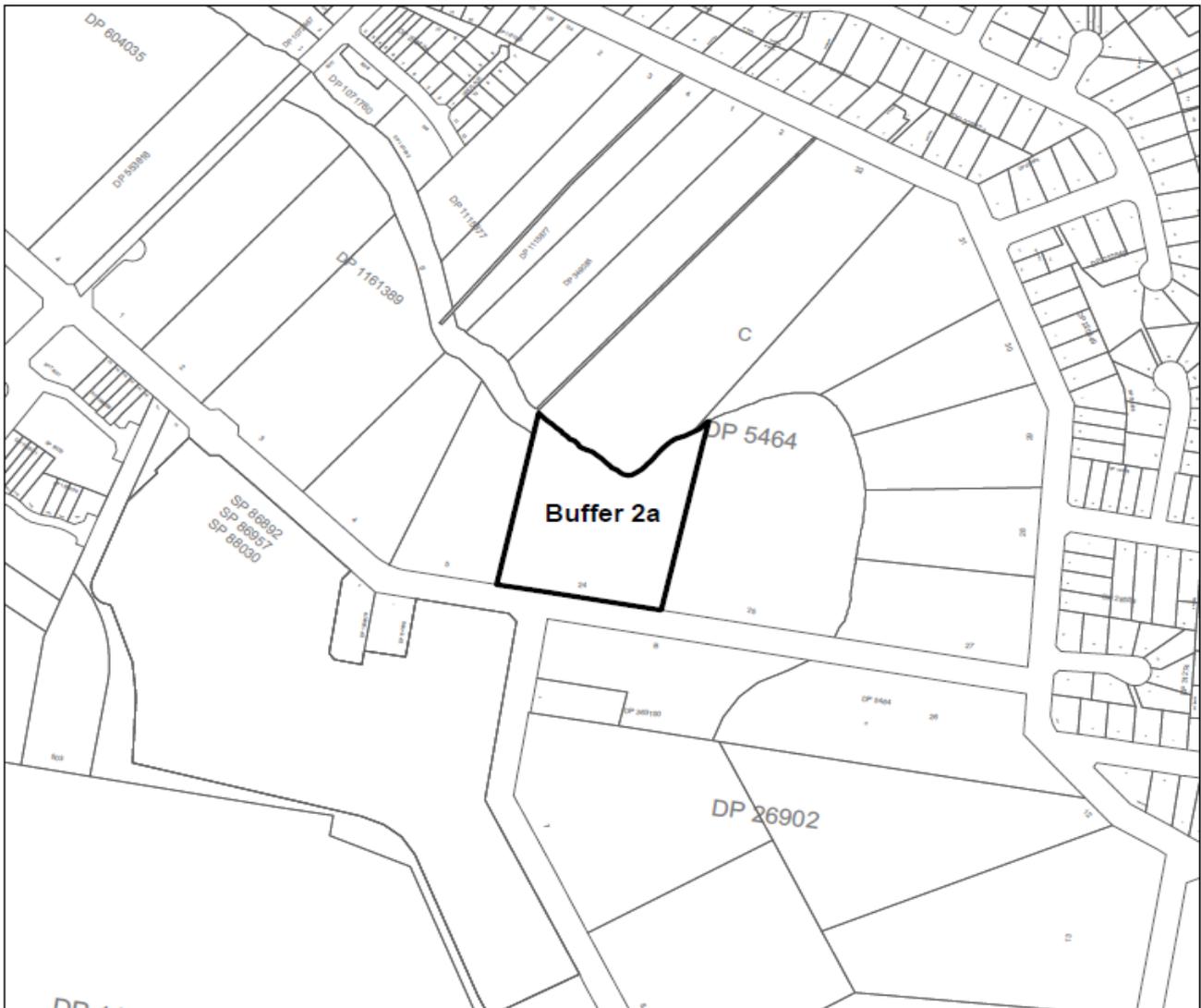
CLAUSE 30D - "Mitigation of odours from the Warriewood Sewerage Treatment Plant"

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Map 13: Pittwater Local Environmental Plan 1993 Sheet 11



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LOCALITY WARRIEWOOD

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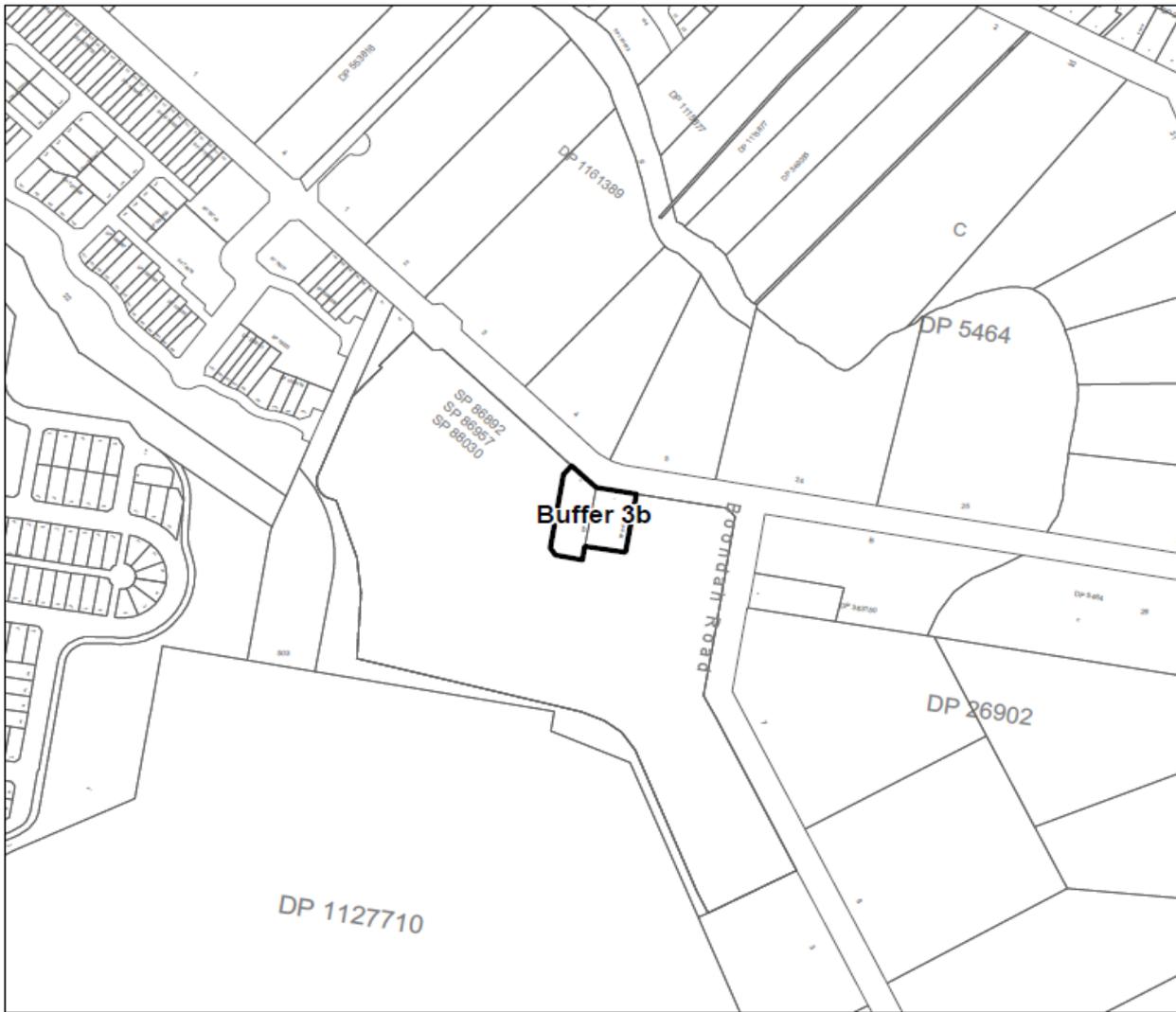
**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

**PITTWATER**

**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL DATE: 21.05.13	<b>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</b>	
PLANNING OFFICER T. STAGNI		AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993
CERTIFICATE PLAN NO. PP831		CLAUSE 30E - "Public infrastructure in urban release areas"
COUNCIL FILE NO.		
DEPT. FILE NO.	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATION	
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Map 14: Pittwater Local Environmental Plan 1993 Sheet 12



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**LOCAL ENVIRONMENTAL PLAN 1993 (AMENDMENT NO. XX)**

DRAWN BY M TURNBULL DATE: 21.05.13	<p><b>STATEMENT OF RELATIONSHIP WITH OTHER PLANS</b></p> <p>AMEND PITTWATER LOCAL ENVIRONMENTAL PLAN 1993</p> <p>CLAUSE 30B - "Development of UDP land in Warriewood Valley"</p> <p>CLAUSE 30C - "Dwelling Yield"</p> <p>CLAUSE 30D - "Mitigation of odours from the Warriewood Sewerage Treatment Plant"</p> <p>CLAUSE 30E - "Public infrastructure in urban release areas"</p>
PLANNING OFFICER T. STAGNI	
CERTIFICATE PLAN NO. PP831	
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## **PART 5 COMMUNITY CONSULTATION**

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The recently adopted *Warriewood Valley Strategic Review Report 2012* identifies increased development capacity, up to 32 dwellings per hectare, for Sectors 301, 302, 303; 5; 801 901A, 901B, 901C, 901F and Orchard Street road reserve and Buffer 2a & 3a.

The *Warriewood Valley Strategic Review Report 2012* was the subject of a comprehensive community consultation process and was endorsed by the Director-General of the Department of Planning & Infrastructure.

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

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

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

- 14 day exhibition period (*this may need to be extended if the exhibition occurs during the December to January school holiday period*)
- Notification in local newspaper at commencement of exhibition period
- Notification on Council's website for the duration of the exhibition
- Notification in writing to affected and adjoining landowners at commencement of exhibition period
- Notification in writing to the Warriewood Residents Association Incorporated at commencement of exhibition period

## PART 6 PROJECT TIMELINE

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

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

## Checklist – Consideration of State Environmental Planning Policies

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

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	YES	YES	
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	YES	YES	
SEPP No 6 – Number of Storeys in a Building	YES	YES	
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 22 – Shops and Commercial Premises	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 44 – Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	NO	N/A	
SEPP No 60 – Exempt and Complying Development	YES	YES	
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	
SEPP No 65 – Design Quality of Residential Flat Development	YES	YES	

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

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

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

**Justification for inconsistency**

NIL

## Checklist – Consideration of Section 117 Ministerial Directions

### 1 Employment and Resources

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

#### Justification for inconsistency with Director 1.2

The Planning Proposal so far as it is inconsistent with Direction 1.2 relates to the rezoning of Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C & 901F in the Warriewood Valley Release Area from a rural zone to a residential zone.

Warriewood Valley is identified in the State Government's MDP. The proposed rezoning is consistent with recommendations of the *Warriewood Valley Strategic Review Report 2012* which has been endorsed by the Director-General of Planning & Infrastructure.

### 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	<b>NO</b>
2.4	Recreation Vehicle Areas	NO	N/A

#### Justification for inconsistency with Direction 2.3

The Planning Proposal rezones Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C & 901F from a rural zone to a residential zone and introduces/amends the maximum dwelling yield permitted in Sectors 301, 302, 303; 501; 801; 901A, 90B, 901C & 901F; 10B; and Buffer 2a & 3a. Provisions already exist in Pittwater LEP 1993 for the protection and conservation of environmentally sensitive area and the conservation of heritage items, areas, objects and places. These provisions will continue to apply to the lands the subject to this Planning Proposal.

### 3 Housing, Infrastructure and Urban Development

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

#### **Justification for inconsistency with Direction 3.2**

The Planning Proposal relates to lands in the Warriewood Valley Release Area, identified in the State Government's MDP.

The Planning Proposal rezones Sectors 901A and adjoining Orchard Street Road Reserve, 901B, 901C & 901F from a rural zone to a residential zone and to the introduces maximum permitted dwelling yields in these sectors.

An amendment is also proposed to the maximum dwelling yield permitted in Sectors 301, 302, 303; 5, 801; 10B; and Buffer 2a & 3a, being lands are already zoned 2(f) (Urban Purposes – Mixed Residential).

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

### 4 Hazard and Risk

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

#### **Justification for inconsistency with Direction 4.3**

Sections of Fern Creek traverse Sectors 901A and 901C. The planning and development of Warriewood Valley is based on utilising the creek line corridor to convey the 1% AEP flood event. Development Controls prohibit vertical structures to be erected on that part of the land comprising the creek line corridor. This land is required to be rehabilitated and subsequently dedicated to Council in accordance with the *Warriewood Valley Section 94 Contributions Plan*.

#### Justification for inconsistency with Direction 4.4

This Planning Proposal is inconsistent with the direction insofar as consultation has not occurred with the Rural Fire Service.

### 5 Regional Planning

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
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

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

#### Justification for inconsistency with Direction 6.3

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

### 7 Metropolitan Planning

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	<b>Direction</b>	<b>Applicable</b>	<b>Consistent</b>
7.1	Implementation of the Metropolitan Strategy	YES	YES

#### Justification for inconsistency

NIL