

**Planning proposal for the Warriewood Valley Release Area**

Proposal Title : **Planning proposal for the Warriewood Valley Release Area**

Proposal Summary : **The planning proposal seeks to amend the Urban Release Area Maps, Land Zoning Map, Lot Size Map, Height of Buildings Map, and Clause 6.1(3) to introduce and amend dwelling yield provisions for sectors in the Warriewood Valley Urban Release Area under the Pittwater Local Environmental Plan 2014 (PLEP 2014).**

PP Number : **PP\_2014\_PITTW\_003\_00**      Dop File No : **14/20078**

**Proposal Details**

Date Planning Proposal Received :	<b>01-Dec-2014</b>	LGA covered :	<b>Pittwater</b>
Region :	<b>Metro(CBD)</b>	RPA :	<b>Pittwater Council</b>
State Electorate :	<b>PITTWATER</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Spot Rezoning</b>		

**Location Details**

Street :	<b>Various</b>		
Suburb :		City :	Postcode :
Land Parcel :	<b>Refer to attached Planning Proposal</b>		

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

Contact Name :  
 Contact Number :  
 Contact Email :

**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>Metro North East subregion</b>	Consistent with Strategy :	

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	17
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 of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Metropolitan (CBD) has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Departmental officers and lobbyists concerning this proposal.**

### Supporting notes

Internal Supporting Notes :

#### WARRIEWOOD VALLEY STRATEGIC REVIEW

The Warriewood Valley Strategic Review Report (Strategic Review) was endorsed by the former Director General on 1 May 2013. The Strategic Review was a response to the Planning Assessment Commission's (PAC) decision to issue consent under the former Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act), for 447 dwellings on the Meriton site at Boondah Road. The PAC strongly recommended that the Department and Pittwater Council jointly undertake a comprehensive study for all undeveloped land in the Warriewood Valley. In summary, the Strategic Review focused on:

- Council's dwelling density and height control for Warriewood Valley;
- current transport network and infrastructure demands; and
- development opportunities for the Southern Buffer, including the potential for a mixed-use centre.

The Strategic Review relied on comprehensive environmental, social and economic data to ensure its outcomes provide for sustainable development. It recommended residential densities for individual sectors within Warriewood Valley.

#### WARRIEWOOD VALLEY STRATEGIC REVIEW ADDENDUM REPORT

An Addendum Report to the abovementioned Review has been prepared and adopted by Council (THOUGH not endorsed by the Department).

The Addendum Report considered those parcels of land left out of the earlier Review due to environmental constraints or not being identified as undeveloped land. The purpose of the report is to establish a future planning framework for remaining lands.

The Addendum report was publicly exhibited from 10 June 2014 and 7 July 2014. Council made post exhibition changes to the Addendum Report, including amendments to sector labelling, which is subject to this planning proposal. Council adopted the Addendum Report on 17 November 2014.

The recommendations of the Addendum Report are supported by an opportunities and constraint analysis, that considers Council's most current flood and bush fire mapping. It

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is also supported by an additional analysis undertaken by the consultant who produced the Warriewood Strategic Review Hydrology Study in 2011.

The Department had no involvement in the preparation of the Addendum Report to the Strategic Review.

### DELEGATION OF PLAN MAKING FUNCTIONS

Pittwater Council is seeking delegation to carry out the Minister's functions under section 59 of the EP&A Act to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

External Supporting  
Notes :

## Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objectives of the planning proposal are to:

- i) amend the Urban Release Area Map to reflect the boundary of various sectors within the Warriewood Valley Urban Release Area;
- ii) amend the Land Zoning Map to rezone two sites within the Warriewood Valley;
- iii) amend the Lot Size Map to remove the minimum lot size applying to 4 and 5 Fern Creek Road and 5 Forest Road, Warriewood;
- iv) amend the Height of Building Map to alter the maximum height applying to 4 and 5 Fern Creek Road; and
- v) amend clause 6.1(3) to introduce dwelling yield provisions consistent with the findings of the Addendum Report.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal contains an adequate explanation of provisions.

#### 1. Proposed rezoning of land within Warriewood Valley Release Area

Sector 802 (5 Forest Road, Warriewood) is proposed to be rezoned from RU2 Rural Landscape to SP2 Infrastructure (Educational Establishment).

Revised Sector 901H (part of 4 and 5 Fern Creek Road, Warriewood) is proposed to be rezoned from RU2 Rural Landscape to R3 Medium Density Residential.

#### 2. Proposed dwelling yields

The planning proposal seeks to amend Clause 6.1(3) by altering the dwelling yields for sector 3, Sector 20, Buffer Area 2, Sector 901C and Sector 901G. New dwelling yields are proposed for Sector 901H (battle axe-portion only), Sector 10, Sector 202 and Sector 203. As a result, there would be a net increase of 17 dwellings within the Release Area.

#### 3. Proposed amendments to boundaries within the Warriewood Valley Release Area

The planning proposal proposes to remove 79 Cabbage Tree Road and 4 Walana Crescent from the Release Area. The total area of the Release Area is proposed to be reduced from approximately 199 hectares to approximately 195 hectares.

**4. Proposed sector labels**

The planning proposal seeks to amend the Urban Release Area Map - Sheet URA\_012 by amending the boundary of the sector identified as Clause 6.2 to identify the two properties as two individual sectors known as Sector 120 and Sector 122.

The sector labelled Clause 6.2 refers to land located at 120-122 Mona Vale Road, Warriewood. It is recommended that the sector label remain as Clause 6.2 and not as two individual sectors. This will allow for consistent cross-referencing between the map and Clause 6.2 of the LEP which relates to the requirement of a development control plan for the site. The Department has advised Council previously the label for the site would remain as 'Clause 6.2', consistent with the current mapping guidelines, and with Amendment No. 1 and its Gateway determination.

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.2 Rural Zones**

\* May need the Director General's agreement

**3.1 Residential Zones**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified? **N/A**

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

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

If No, explain :

**The planning proposal is inconsistent with the following relevant section 117 Directions:**

**Section 117 Direction - 1.2 Rural Zones**

The planning proposal is inconsistent with this direction because it seeks to rezone part of the land located at 4 and 5 Fern Creek Road, Warriewood (Sector 901H) from RU2 Rural Landscape to R3 Medium Density Residential. In addition, it seeks to rezone land at 5 Forest Road, Warriewood (Sector 802) from RU2 Rural Landscape to SP2 Infrastructure (Educational Establishment).

As the land subject to this proposal is within an 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.

**Section 117 Direction - 4.3 Flood Prone Land**

This direction is applicable to the planning proposal as areas of Warriewood Valley are identified as floor prone land. The proposal is consistent with the objectives of this direction, as it does not propose development in known flood affected areas or alter the provisions that affect flood prone land.

**Section 117 Direction - 4.4 Planning for Bushfire Protection**

This direction is applicable as the planning proposal involves land identified on Council's bushfire prone map certified by the Rural Fire Service. This direction requires consultation with the NSW Rural Fire Service following receipt of a Gateway

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determination under section 56 of the EP&A Act.

The inconsistency with this direction is justified as the planning proposal has not received a Gateway. Should the proposal receive a Gateway determination, consultation with the NSW Rural Fire Service is required prior to public exhibition of the planning proposal.

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal contains the following current and proposed maps:

- Urban Release Area Maps Sheet URA\_012 and Sheet URA\_013;
- Land Zoning Map Sheet LZN\_012;
- Height of Buildings Map Sheet HOB\_012; and
- Lot Size Map Sheet LSZ\_012.

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council propose a 14 day public exhibition period. It is recommended that a 28 day public exhibition period be held given the extent of the planning proposal affecting a large number of landowners.

### 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 : **May 2014**

Comments in relation to Principal LEP : The Pittwater Local Environmental Plan 2014 was notified on 30 May and commenced on 27 June 2014.

### Assessment Criteria

Need for planning proposal : The planning proposal is a result of a recently adopted Addendum Report (17 November 2014) to the Warriewood Valley Strategic Review.

The Report confirms the known environmental constraints and the patterns of existing development for land that did not form part of the recommendations of the Warriewood Valley Strategic Review.

The recommendations propose changes to zoning, boundary adjustments and increase in dwelling yield for Warriewood Valley.

A planning proposal is deemed to be an appropriate mechanism for delivering the outcomes of the report.

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Consistency with strategic planning framework :

The planning proposal is consistent with the objectives of A Plan for Growing Sydney, the NSW State Plan and draft North East Subregional Strategy (Subregional Strategy).

The proposal is consistent with Action C1 of the Subregional Strategy which aims to ensure adequate supply of land and sites for residential development through the Metropolitan Development Program. In addition, the proposal is consistent with the planning framework established by the Warriewood Valley Strategic Review.

Environmental social economic impacts :

The broader environmental, economic and social impacts of residential development on land within Warriewood Valley was considered prior to the urban release of the land.

Given the nature of the proposal it is envisaged that there will be no significant environmental, social or economic impact as a consequence of this amendment to the Pittwater Local Environmental Plan 2014.

The known environmental constraints of the land will need to be considered during the development application process.

### Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

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
<b>01. Planning Proposal.pdf</b>	<b>Proposal</b>	<b>Yes</b>
<b>02. Attachement 4.pdf</b>	<b>Proposal</b>	<b>Yes</b>
<b>03. Identification Maps and draft Maps.pdf</b>	<b>Map</b>	<b>Yes</b>

**Planning Team Recommendation**

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

- S.117 directions:
- 1.2 Rural Zones**
  - 3.1 Residential Zones**
  - 4.3 Flood Prone Land**
  - 4.4 Planning for Bushfire Protection**
  - 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

- 1. Prior to public exhibition of the planning proposal, the explanation of provisions is to be updated to remove reference to the relabelling of Clause 6.2 on the Urban Release Area Map Sheet URA\_012.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:**
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
  - (b) the relevant planning authority must comply with the notice 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 and Environment 2013).**
- 3. Inconsistencies with s117 Directions, particularly 1.2 Rural Zones, are minor and have been adequately justified.**
- 4. Consultation with the NSW Rural Fire Service consistent with Direction 4.4 Planning for Bushfire Protection is required prior to undertaking community consultation under section 57 of the EP&A Act. NSW Rural Fire Service is 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.**
- 5. 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 Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 6. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.**
- 7. The planning proposal is to be completed within 9 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The Department supports the planning proposal proceeding to a Gateway determination, to allow for public exhibition and feedback on the proposal. The proposal is considered suitable for delegation to Council.**

Signature:



Printed Name:

W. Williamson

Date:

18/12/2014.

