



PLANNING PROPOSAL

184 Wyndora Avenue, Freshwater
(Lots 1,2,33,34 and 35 DP7912)

Proposed Amendment of Warringah Local Environmental Plan 2011
to allow up to 14 Torrens titled, attached dwellings with basement
carpark

Prepared by
Warringah Council
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Proposed amendment to Warringah Local
Environmental Plan 2011

To enable the construction of up to 14 attached
dwellings with basement car parking, and
Torrens title subdivision

Council Reference PEX 2014/0005

Introduction

On 27 June 2014 a Planning Proposal application for the property known as 184 Wyndora Avenue, Freshwater was lodged with Council on behalf of the landowner, St Andrews Healthcare.

The proposal requested an amendment to Warringah Local Environmental Plan 2011 (WLEP 2011) to enable the construction of 14 attached dwellings, each with two off street car parking spaces located within a basement garage with shared driveway access. The proposal intends to subdivide these dwellings using Torrens title, so there will be no common property. Development concept plans were submitted with the application to illustrate the intended development outcome for the site.

The proposal relates to 5 contiguous allotments being Lots 1, 2, 33, 34 and 35 of DP 7912, herein referred to as 'the site'.

Presently the site accommodates an in part 1, 2 & 3 storey private hospital, which is currently used as a residential care facility housing approximately 18 people with a disability.

Under WLEP 2011, the property and surrounding land is currently zoned R2 – Low Density Residential with a minimum lot size of 450m². The proposed development is therefore currently prohibited.

To facilitate development of the site for Torrens titled attached dwellings, the planning proposal application requested the following amendments to WLEP 2011:

- An amendment to Schedule 1 of WLEP 2011 to allow “attached dwellings” as an additional permitted use on the subject land combined with an associated amendment to the ‘Additional Permitted Uses Map’ to identify the consolidated site.
- The amendment to Schedule 1 to allow a dwelling density of 14 attached dwellings on the site.

This Planning Proposal is accompanied by the following attachments:

- Preliminary Planning Proposal – 184 Wyndora Avenue, Freshwater - Report by JBA Urban Planning Consultants June 2014
- Warringah Development Assessment Panel Report and Resolution
- Council Report and Resolution

Site Analysis

Site description and location

The site is known as 184 Wyndora Avenue, Freshwater. The site comprises 5 regular shaped, contiguous allotments and is legally described as Lots 1, 2, 33, 34 and 35 of DP 7912 (herein referred to as 'the site')

The site has an area of approximately 2,759.2m².



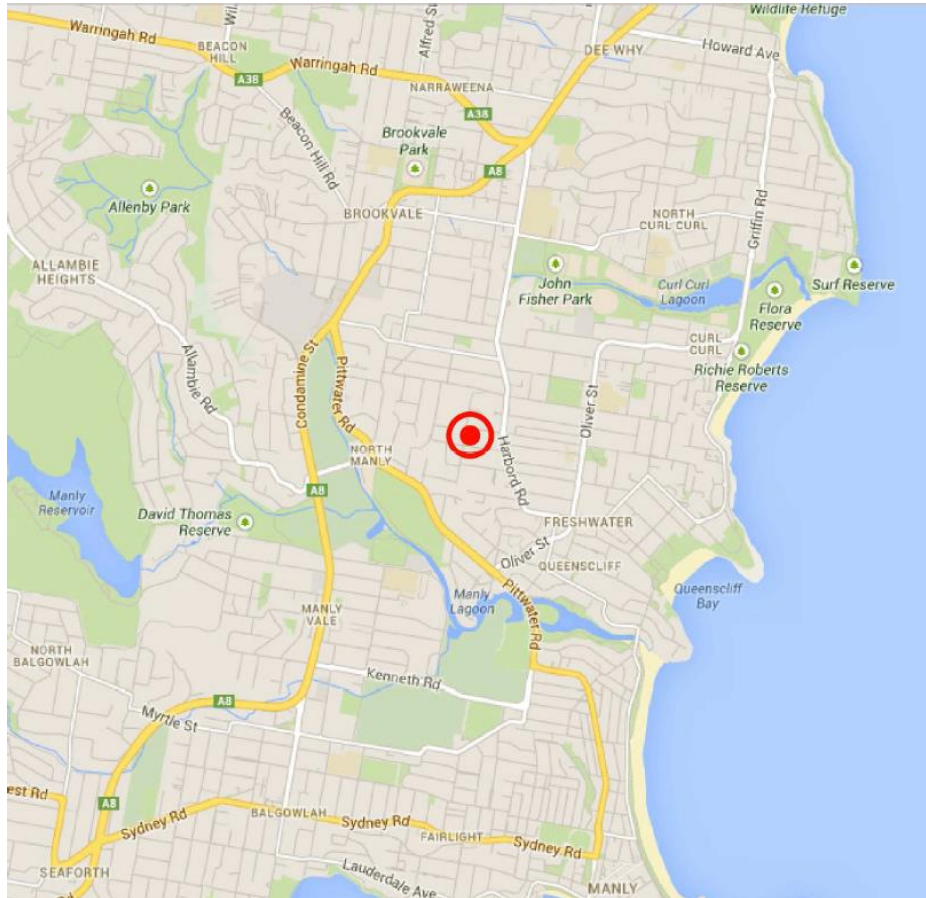
The existing 5 allotments comprising the site and its current development footprint (Warringah GIS maps)

Location and Context

Key features of the site's location and context are:

- The site is located in the suburb of Freshwater, which is approximately 15km north east of the Sydney CBD, 3.5km from Manly CBD, 1.5km from Warringah Mall and 350m from a small neighbourhood centre.
- The suburb of Freshwater is predominantly characterised by low density detached residential dwellings, but it is also interspersed with a number of residential flat buildings. The suburb is also characterised to an extent by smaller dwellings on smaller lots compared to Warringah as a whole. The smaller minimum lot size permitted by WLEP 2011 in Freshwater (generally 450m² as opposed to 600m² throughout most of the R2 zoned land in Warringah) is reflective of the slightly higher density development in the suburb. In this way the suburb is more mixed in its residential housing forms and relatively higher in density than some other suburbs within the R2 Low Density zone like, for example, Allambie Heights and Davidson.

- The distance of the site to the closest bus stops on Harbord Road is approximately 235m – 350m. The land slopes from the site down towards the bus stops on Harbord Road, with an approximate 20m drop in contours.



Location of the site (courtesy Google maps)

Site Characteristics and Features

Frontages - The site has a total street frontage of approximately 150 metres comprising: a 90.53m frontage to McDonald Street (to the west) a 36.57m frontage to Coles Road (to the south) and a 24.38m frontage to Wyndora Avenue (to the north).

Slope - The site slopes from its north-western corner down towards the eastern and southern boundaries at the Coles Road frontage.

Views - The site has ocean views to the east and district views generally to the east and south.

Landscape - There is currently limited space for landscaping on site due to the large footprint (building and car parking areas) of the existing hospital development. Low level shrubs and vegetation exist along the edges of the site.

Existing development on the site

Key features of the existing development on the site are:

- The existing building on the site was originally constructed to accommodate the Peninsula Private Hospital and was typically used for general surgery and rehabilitation. The hospital is no longer in operation and the building is currently used as accommodation for approximately 18 disabled residents.
- The building is split level, and presents to surrounding streets as a single storey up to a three storey building.

- The current building has a gross floor area of approximately 1,646sqm excluding lower ground floor and sub-floor storage areas.
- The site currently has six access driveways and hard stand car parking areas within the north-west and south-eastern corners of the site.

Surrounding development

Key features of the surrounding development character are:

- Along its eastern boundary, the site adjoins two low density residential properties (both containing two storey dwelling houses) being 182 Wyndora Avenue and 23 Coles Road, Freshwater.
- Development directly to the north, south and west of the site is generally comprised of 1 to 2 storey dwelling houses on lot sizes ranging from approximately 540sqm up to 625sqm.
- Warringah's planning controls recognise that Freshwater is characterised by narrower residential allotments. Warringah DCP 2011 establishes a 5 metre building envelope for the suburb whereas the majority of land within Warringah's R2 zone has a 4m building envelope.
- There is a mix of housing types within the locality, notwithstanding the prevailing R2 Low Density Residential zone. Housing types include dual occupancy, semi-detached, duplex and residential flat buildings.



Aerial photograph of the site, its current development footprint, and the pattern of surrounding development



Streetscape – western frontage of site to McDonald Street



3 storey built form at south eastern corner of the existing building



Existing car parking area at south eastern corner of the site



Streetscape – northern frontage of site to Wyndora Avenue



Streetscape character looking south east – from the corner of Wyndora Avenue and McDonald Street



Streetscape images –character looking south east on Military Road



North-east corner of site at its interface with No.182 Wyndora Ave



Ocean and district view from the site to the east

The Proposal

The proposed redevelopment of the site at 184 Wyndora Avenue Freshwater involves the demolition of the existing site structures and the construction of a new 2 level residential development containing 14 attached dwellings with an additional subterranean level of basement car park beneath, with one driveway access off Wyndora Avenue.

The planning proposal application included an indicative scheme for redevelopment of the site. This has been refined since it was first submitted in June 2014.

Key features of the proposed redevelopment include:

- 14 attached dwellings, each dwelling with its own:
 - direct pedestrian access to the street
 - direct pedestrian access to a private garage within the basement level
 - landscape gardens to the front and rear of each dwelling
- Each dwelling being 2 stories above the basement car parking level. Each dwelling will have direct private access to its own basement garage with accommodation for two cars (28 car spaces in total)
- A single vehicle access from Wyndora Avenue
- No common property. The basement level is intended to operate using multiple rights of way

The concept plans do not form part of the proposed LEP amendment. However they do act to illustrate the intended development outcome for the site and therefore assist in consideration of the proposal. They are intended to form the basis of a Voluntary Planning Agreement between the applicant and Council, should the planning proposal proceed.

Statutory Context

The following section provides a planning assessment with regard to the local statutory planning context of the proposal.

Land Use Permissibility – WLEP 2011

Under WLEP 2011 the site and surrounding area is zoned R2 Low Density Residential. Attached dwellings are not permitted in the zone. In order for the site to be redeveloped, the application proposes the following amendments to the WLEP 2011:

- Including the site in Schedule 1 of WLEP 2011 and on the associated Additional Permitted Uses map);
- The Schedule 1 amendment to allow *Attached Dwellings* on the site as an additional permitted use, with consent
- The Schedule 1 amendment to specify a maximum density of 14 attached dwellings on the site.

Proposed Redevelopment Outcome and Development Controls

The proposal is for attached dwellings, but theoretically either attached dwellings or multi dwelling housing (both defined in the Standard Instrument) could be used to define the proposed housing development.

The definitions of each are provided below, noting that a distinguishing difference is in the manner they are able to be subdivided.

The definition of Attached Dwellings permits Torrens Title Subdivision; it states:

Attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

The definition of Multi Dwelling Housing permits Strata Subdivision; it states:

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Strata Subdivision of a multi dwelling housing development is contingent upon its construction, whereas Torrens title subdivision of land where attached dwellings are permissible could take place prior to construction.

In the case of attached dwellings, it is imperative that the proposed development be substantially completed, in accordance with the proposed site development plan, prior to it being subdivided into separate land titles. If Torrens title subdivision were to occur prior to construction, lots could then be sold and individually developed, in a less orderly manner and with reduced ability to co-ordinate the delivery of a consolidated basement car park. It could also result in dwellings which include no parking under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The applicant has asked for attached dwellings to be permissible. The proposed concept plan could be developed as multi dwelling housing, however it would not be able to be subdivided by Torrens title. If housing on the site is to be defined as *Attached Dwellings*, it is Council's view that the success of the development is contingent upon it being substantially constructed as a single development first, in the manner that has been illustrated in the Site Development Plans, before being subdivided.

Council and the proponent have agreed to develop a Voluntary Planning Agreement in relation to resolving this issue, however the LEP amendment also needs to reflect this intent.

Zone Objectives

Given it is proposed to maintain the current zoning of the land and use Schedule 1 to permit the proposed use, it is relevant to consider whether the proposal is consistent with the current objectives for the R2 Low Density Residential Zone within WLEP 2011.

The objectives are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

In response to these objectives, the proposal will provide for the housing needs of the community, and subject to further detailed environmental assessment at development application stage:

- Will provide housing within a landscaped setting.
- Will be compatible with the *low density residential environment*, including the character of residential development within the local context of the site. In this regard, the Voluntary Planning Agreement and Site Development Plans will ensure that the development is broken up into a number of visually separate elements, in keeping with the low density character of the area.
- The land is capable of accommodating the form of proposed development. This aspect will be the subject of further and more detailed consideration during the development assessment phase when specific environmental effects will be assessed.

Overall the development concept is assessed as being compatible with the location and satisfies the objectives of the zone.

The Planning Proposal – Overview

This Planning Proposal contains the following seven parts, in accordance the documents titled *A guide to preparing planning proposals (October 2012)* and *A guide to preparing local environmental plans (April 2013)* by (former) NSW Department of Planning & Infrastructure and in accordance with *Section 55 (2) of the Environmental Planning and Act 1979*:

- Part 1 - Objectives or Intended Outcomes
- Part 2 - Explanation of Provisions
- Part 3 - Justification
- Part 4 - Maps
- Part 5 - Community Consultation
- Part 6 - Project Timeline

Part 1: Objectives or Intended Outcomes

The following is a statement of the objectives of the proposed WLEP 2011 amendment:

- To facilitate the redevelopment of the 5 allotments for residential use;
- To provide housing to meet the needs of the growing population and increase the range of housing types within Warringah.
- To permit a compatible form of small scale, medium density housing on the land (housing other than Residential Flat Building development);
- To ensure that any medium density development of the site includes a basement car parking level to service the whole development, accessed via a shared driveway;
- To achieve a residential redevelopment on the land that is harmonious with the style and character of development on adjoining and nearby land;
- To achieve a residential redevelopment on the land that provides an appropriate level of amenity in relation to its impacts on adjoining residential land.

The proposed WLEP 2011 amendment is supported by a concept plan. The concept plan will form the basis of a Voluntary Planning Agreement between the applicant and Council, and illustrates the expressed development intent for the land in terms of the:

- style, nature and scale of proposed housing;
- pattern and orientation of the proposed allotments and dwellings;
- access arrangements and the provision for basement car parking on the land;
- nature and extent of proposed landscaped areas.

The following are the intended outcomes of the proposed WLEP 2011 amendment:

- To allow attached dwellings on this contiguous (5 allotment) land holding in order to facilitate the development of the land in the manner proposed by the development concept plan.
- To provide provisions within WLEP2011 that make this form of housing permissible.
- To limit the maximum number of dwellings to 14 and to also allow the Torrens title subdivision of these dwellings, despite the provisions of *Clause 4.1 Minimum subdivision lot size* and the accompanying 'Lot Size Map', provided subdivision cannot occur before the development is substantially completed.

Part 2: Explanation of Provisions

The proposed outcomes will be achieved by an amendment to WLEP 2011.

The proposed amendments include an amendment to Schedule 1 (Additional Permitted Uses) of WLEP 2011, combined with an amendment to the 'Additional Permitted Uses Map'.

The Schedule 1 amendment will correctly identify the subject site, via property description and mapping, and will detail what additional uses will be permissible with consent on the subject land.

In the case of Attached Dwellings, the Schedule 1 amendment would need to:

- Allow *Attached Dwellings* on the subject site, as shown on the 'Additional Permitted Uses Map'
- Allow a maximum of 14 attached dwellings with car parking provided within a basement level
- Allow the Torrens title subdivision of these attached dwellings, despite the provisions of Clause 4.1 *Minimum subdivision lot size* and the accompanying 'Lot Size Map', but only after the practical completion of the dwellings on the site (including the basement car park level).

Part 3: Justification

Section A - Need for the Planning Proposal.

1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. It was initiated by an application to Council on behalf of the landowner.

The Planning Proposal application, prepared by JBA Urban Planning Consultants, dated June 2014, along with Council's assessment to date, form the justification for this Planning Proposal.

2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal is assessed as an appropriate form of redevelopment for the site. It will deliver housing in an appropriate location. It will also deliver a form of housing for which there is community demand. The following points are noted in support:

- The application proposes the renewal of land that contains a redundant private hospital building. The applicants have advised that the hospital building has reached the end of its 'useful life' and that a number of significant building upgrades would be required for its continued use. The applicants are of the opinion that the site is not suitable for continued hospital use, given the level of investment needed and given the residential context of the site. It is their opinion that other appropriately zoned land is available to accommodate hospital / health care uses.
- The site is assessed as somewhat unique within the low density R2 residential zone (within a Warringah context) given that it consists of five contiguous, regular shaped allotments with three street frontages with a total length of approximately 150 m. The site is not impacted by any significant environmental constraints like flooding, bush fire, heritage, steep topography, sensitive ecology, flooding etc.
- Whilst the land is sloping in its topography, it is not excessively steep so as to limit its capability for accommodating future dwellings. The concept plans demonstrate that the slope of the land is able to be effectively utilised in the establishment of a basement car park to support the future dwellings. An advantage of the basement car park is that it minimises the extent of visible hard surface and vehicle circulation space which may otherwise impact on the landscape character of the site.
- Overall the physical characteristics of the land, combined with it being a large consolidated holding, enables it to succeed in resolving some of the challenges relating to urban renewal within what is regarded as predominantly a low density residential setting, albeit with a mix of different residential housing forms within the locality.
- Overall, given the characteristics of the site it is assessed that it is capable of accommodating the nature and density of development proposed, subject to further detailed assessment of the specific dwelling designs at development application stage.

Further to the above it is noted that there is currently demand for more housing and increased housing diversity within the Warringah LGA. The approximate breakdown of existing dwelling stock in the LGA is:

- Detached dwellings (63.3%)
- Villa/townhouse/dual occupancy (13.9%)
- Unit/apartment (22.8%)

This planning proposal will contribute towards improving the diversity of housing provision in Warringah and contribute to meeting the Warringah LGA dwelling targets.

Council is not in favour of simply rezoning the site as R3 Medium Density Residential, for the following reasons:

- If the site was zoned R3, it is highly likely it would be developed with a large residential flat building, as opposed to the attached dwellings currently under consideration.
- The proposed attached dwellings are considered to be more in keeping with the generally low density residential character of the neighbourhood. The dwellings will be broken up into five separate (above ground) elements, similar in scale to five detached dwellings. This will be achieved through the implementation of a Voluntary Planning Agreement between the applicants and Council.

- The proposed 14 attached dwellings will each be smaller than a typical detached dwelling, and larger than a secondary dwelling, but will result in a housing density only slightly higher than what could be achieved under the current R2 zoning, assuming one detached dwelling and one secondary dwelling per lot.
- The attached dwelling style is generally compatible with the subdivision pattern of much of Freshwater, where narrow lots accommodating narrow houses are common.
- Development of the site with a residential flat building would be likely to result in a significantly higher density development, not in keeping with the current zone objectives, or the surrounding low density development.

3 Is there a net community benefit?

This planning proposal will deliver a net community benefit. The key community benefits are assessed to include:

- there is currently demand for more housing, which the proposal responds to.
- there is currently demand for increased housing diversity, which the proposal responds to.
- there is currently demand for this form of housing and the proposal responds to these community needs by providing housing that is:
 - smaller and more accessibly located than many detached dwellings within low density areas;
 - larger than an apartment;
 - that has its own outdoor private open space and its own secure and directly accessible car parking.
- Development of the site in the manner proposed will progress the orderly redevelopment of the land in a manner that is compatible with the zoning objectives and prevailing residential character.
- The proposal will make a positive contribution to the streetscape amenity and residential function of this location. The proposed housing form is more compatible with the desired residential character than the current hospital structure that has a monolithic style building form, limited landscape areas, and close proximity to adjoining dwellings (to the east). It is also more compatible than a residential flat building on the site would be, if the site was to be simply rezoned as R3 Medium Density Residential land.
- The site is located near various activity centres and within close proximity to the bus network. The land is 350 m from a neighbourhood centre and approximately 250 m from bus stops on Harbord Road. The location is also convenient to regional scale shops, services and employment opportunities most notably in nearby Brookvale, Dee Why and Manly.
- The development of the site in the manner proposed is an opportunity to achieve additional housing in a manner that is consistent with State Government planning policies.

Section B - Relationship to Strategic Planning Framework.

4 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is consistent with the objectives and actions of the relevant metropolitan and sub-regional strategies applicable to the area as detailed below.

‘A plan for growing Sydney’

‘A plan for growing Sydney’ is the State government’s current metropolitan planning strategy for Sydney. The strategy contains a number of *Goals* and accompanying *Directions* some of which are relevant to the proposal; those relevant are addressed below.

The proposal is consistent with the strategy and the following aspects are noted in response.

Goal 2 - A city of housing choice with homes that meet our needs and lifestyles.

Direction 2.1 Accelerate housing supply across Sydney

Additional housing is needed to meet the growth and changing housing needs of Sydney's population. The proposal is consistent with this direction in that it will increase housing yield from 5 to 14 subdividable dwellings.

Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs

Key to this direction is the location of urban renewal in or near centres within close proximity to the public transport network. The proposal is consistent with this direction given that the land is 350 m from a neighbourhood centre and approximately 250 m from bus stops on Harbord Road.

The location of the site is convenient to shops, services and employment opportunities most notably in nearby Brookvale, Dee Why and Manly.

Direction 2.3 Improve housing choice to suit different needs and lifestyles

This direction identifies that the fastest growing households in Sydney are single person households yet despite this trend most of Sydney's housing stock comprises detached housing 57.3%. Appropriate housing is needed for people as they age and seek to downsize their home. Research indicates a current shortage of semi-detached houses across Sydney and a shortage of apartments in the middle and outer areas of Sydney.

In response, the proposal is consistent with this goal and its accompanying directions in that:

- The suburb of Freshwater is located within the middle ring of metropolitan Sydney;
- The proposal will increase the diversity of housing that is smaller scale in its form, appropriate to meet the needs of smaller households for which there is strong and growing demand.

Goal 3 - A great place to live with communities that are strong, healthy and well connected

- The location of the land is within an established residential community, serviced by infrastructure and within reasonable walking distance of public transport, shops and recreational spaces. The proposal is assessed as being consistent with this goal.

Direction 3.1 Revitalise existing suburbs This direction aims to focus new housing within Sydney's established suburbs in order to bring benefits to the community's social and economic well-being.

Goal 4 - A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

By re-developing urban land within established urban areas, with slightly higher housing densities, the pressure to provide new housing within new Greenfield locations on the fringe of urban areas is reduced. In this way Sydney's sensitive ecological characteristics are preserved. The proposal is consistent with this goal and principle through its renewal and higher use of an established residentially zoned land holding.

In terms of sub regional considerations Warringah is located within the designated North-East Subregion. Detailed Sub-regional plans are presently in the making by the Department of Planning and Environment, however in the meantime the Metropolitan Strategy identifies some key principles and directions for future planning and growth within the subregion.

Relevant to the proposal it is intended that increases in the supply of housing will be focused on centres with good public transport. Further, the subregion will offer a growing diversity of high amenity living and working environments.

The proposal is consistent with these objectives in that:

- It will increase the diversity of housing. It will provide a style of housing that is in-demand in order to meet the changing needs of the population.

- The location of the site is convenient to shops, services and employment opportunities most notably in nearby Freshwater Village, Brookvale, Dee Why and Manly.
- The location of the site is convenient to public transport (bus) services providing links to nearby centres (noted above), recreation areas, facilities, and community services.

4.1 Draft North East Subregional Strategy (2007)

The *Draft North East Subregional Strategy* was prepared by the Department of Planning and Infrastructure in 2007. It contains targets for housing (10,300 new homes) and employment (12,500 new jobs) in Warringah by 2031, in response to the forecast growth of Sydney contained in the 2005 Metropolitan Strategy.

There is currently a lack of housing diversity in the Warringah LGA compared to Sydney in general. The breakdown of existing dwelling stock in the LGA is: Detached dwellings (63.3%); Villa/townhouse/dual occupancy (13.9%); Unit/apartment (22.8%).

This planning proposal would improve the diversity of housing provided in Warringah and contribute to meeting Warringah's dwelling targets.

5 Is the planning proposal consistent with Council's local strategy or other local strategic plan?

5.1 Warringah Community Strategic Plan 2023

The Warringah Community Strategic Plan 2023 sets out the long term aspirations of the Warringah community that is: a vibrant community; lifestyle and recreation opportunities; a healthy environment; connected transport; working together for the greater good of all; and liveable neighbourhoods. It reflects where the Warringah community want to be in ten years and is the key reference point for decision making during this period.

This planning proposal will serve to satisfy Objective 5.3 of the Community Strategic Plan by offering a variety of housing choice that meets the needs of the Warringah community and complements the local neighbourhood and the Warringah lifestyle.

6 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP's)?

This planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs).

6.1 SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)

The planning proposal is consistent with SEPP 32 in providing the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.

6.2 SEPP No 55 Remediation of Land

The applicant is to prepare a Stage 1 Preliminary Contamination Assessment and, if required, a Stage 2 Detailed Contamination Assessment, post gateway to assess the potential risk to human health and the environment and to determine the sites suitability for residential uses.

7 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

It is considered that the planning proposal is consistent with the relevant Directions issued under Section 117(2) of the *Environmental Planning and Assessment Act, 1979* by the Minister to Councils, as demonstrated in the assessment table.

Section 117(2) Directions	Requirements	Comment	Consistent
2. Environment and Heritage			
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	There is nothing of heritage significance on or in the vicinity of the subject site.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	The Planning Proposal is consistent with this direction, in that it: ▪ Facilitates the provision of in-demand terrace style housing, increasing the variety of housing stock in the locality ▪ Facilitates additional housing in the Warringah LGA that is currently not provided on the site ▪ Provides additional residential development in an existing urban area that will be serviced by existing infrastructure ▪ Will facilitate a high level of residential amenity and provide a high quality design Nothing in the Planning Proposal precludes the requirements of this Direction regarding infrastructure and density from being achieved.	Yes
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that give effect to and	The Planning Proposal is consistent with this direction, in that it: ▪ will provide new dwellings in proximity to existing public transport links, including bus services along Harbord Road that provide services to the wider metropolitan region ▪ makes more efficient use of space and infrastructure by	Yes

Section 117(2) Directions	Requirements	Comment	Consistent
	are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	increasing densities on an underutilised site ▪ be capable of achieving the car parking requirements set out by the Warringah planning controls	
5. Regional Planning			
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The planning proposal is generally consistent with the objectives and strategies of the subregional strategy in that it will facilitate the delivery of residential floor space to contribute towards meeting dwelling targets within Warringah LGA.	Yes
6. Local Plan Making			
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and (c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	The planning proposal does not introduce any provisions that require any additional concurrence, consultation or referral.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. A Planning Proposal that will amend another environmental planning instrument in order to allow a	The planning proposal is consistent with this direction. It proposes to make the form of	Yes

Section 117(2) Directions	Requirements	Comment	Consistent
	particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A planning proposal must not contain or refer to drawings that show details of the development proposal. A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.	housing permissible within the zone via Schedule 1. The land is unable to be rezoned to R3 Medium Density because that would allow residential flat buildings on the site which is assessed as incompatible with the location. The development standards already within the LEP will be applicable to the land with the exception of clause 4.1 <i>Minimum subdivision lot size</i> which is proposed to be addressed in the Schedule 1 amendment. Whilst the planning proposal is supported by a concept plan it does not form part of the proposed LEP amendment. It is intended that the plan will form the basis of a Voluntary Planning Agreement between the applicant and Council. Neither the WLEP2011 nor the WDCP2011 contain specific controls for attached dwellings.	
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan: (a) is of minor significance, and (b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.	The planning proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of a diversity of residential dwellings which will contribute to the long term vitality of the community.	Yes

Section C - Environmental, Social and Economic Impact.

8 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?

Records indicate that the subject land does not contain critical habitat, threatened species populations, ecological communities or their habitats. Therefore, the potential for impact is assessed as low and unlikely.

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

The site is not known to be adversely affected by environmental issues such as riparian land, wetlands, wildlife corridors, flooding, acid sulphate soils, bushfire hazard, European or Aboriginal heritage. The land is located in 'Landslip Area B' (Flanking slopes from 5 to 25 degrees), this issue can be managed at the development assessment stage. It is determined that the planning proposal would have a negligible environmental impact.

10 Has the planning proposal adequately addressed any social and economic effects?

A range of positive social and economic impacts are expected to result from the proposed development. The planning proposal will result in:

- improvement of the diversity of housing choice within Warringah and contribute to meeting Warringah's housing targets;
- social benefits by the provision additional housing, for which there is high demand;
- social benefits by the provision of additional housing within an established urban area that is well located in close proximity to jobs, shops, services, transport, and open space;
- direct and broader economic benefits from the capital investment associated with the development;
- employment during the construction phase of the works; and
- economic benefits, arising from the investment in improvements to the land.

Section D - State and Commonwealth Interests.

11 Is there adequate public infrastructure for the planning proposal?

Yes, the land is located within an established urban area within close proximity to jobs, shops, services, public transport, and open space.

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

The planning proposal will have minimal impact, improving diversity of housing choice and contributing to meeting Warringah's housing targets. The views of State and Commonwealth agencies will be known after the Gateway Determination (noting that the only agency likely to have an interest in the planning proposal is the Department of Planning and Environment).

Part 4: Maps

The WLEP 2011 map that needs to be amended for this planning proposal is:

- Schedule 1 Additional Permitted Uses Map – to identify the site being Lot's 1, 2, 33, 34 and 35 of DP 7912.

Part 5: Community Consultation

Council placed the planning proposal on non-statutory public exhibition from Monday 14 July 2014 until Monday 28 July 2014. Notification included:

- Advertisements over three Saturdays (12/7/14; 19/7/14 and 26/7/14) in the Manly Daily notifying of the public exhibition.
- Notification letters to surrounding land owners.
- Advertising signs on site.
- Information provided on Council website and at Council Civic Centre of the planning proposal as submitted to Council.

Eight (8) submissions were received in response to the public exhibition period. Issues raised in submissions related to:

- The proposed increase in dwelling density.
- The character of surrounding development.
- The appropriateness of spot rezoning and the precedent it may set.
- View impacts.
- Support for the form of housing proposed as opposed to a residential flat building or other non-residential uses.

In summary, issues raised in these submissions have been addressed in the report to the Warringah Development Assessment Panel meeting on 10 December 2014 and also in the report to Council at its meeting held on 10 February 2015. Copies of these reports are attached.

There have been no matters raised of such significance that should prevent the proposal proceeding to Gateway Determination.

There will be further opportunity after the Gateway Determination to refine the proposed development controls to guide the sites redevelopment. Further, there'll be opportunity for the community to review the proposal and have further input during the statutory public exhibition of the planning proposal.

Part 6: Project Timeline

The anticipated timeline of this LEP amendment is set out in the table below, noting that Council has no control over State agency timeframes. The following table provides an indicative timeframe for the Planning Proposal:

Planning Proposal Tasks		Anticipated Timeframes
1.	Referral to NSW Department of Planning and Environment for Gateway Determination (1 week)	September 2015
2.	Gateway Determination (4 weeks)	October 2015
3.	Timeframe for: ▪ Potential government agency consultation ▪ Any required amendments to the Planning Proposal prior to exhibition ▪ Public exhibition preparation (4 weeks)	Oct/Nov 2015
4.	Statutory Public Exhibition (assumed 28 days)	Oct/Nov 2015
5.	Assess Submissions (1 week)	Nov/Dec 2015
6.	Report to Council	December 2015
7.	Finalise LEP amendment – Parliamentary council for legal review	Jan/Feb 2016
8.	Complete	March 2016

Request for Written Authorisation to Exercise Delegation

Council requests authorisation to exercise delegation in amending the WLEP 2011 in relation to the proposal as per Council Resolution dated 9 December 2014:

That Council formally requests written authorisation from the Department of Planning and Environment to exercise delegation (and to sub-delegate this written authorisation to the General Manager of Warringah Council) to prepare and make the amending local environmental plan for the Planning Proposal at 184 Wyndora Avenue, Freshwater (Lot 1 and 2 of DP 7912 & Lot 33, 34, 35 of DP 7912), following the Gateway Determination and a resolution of Council to proceed to amend the WLEP 2011.

Conclusion

This planning proposal has been prepared in support of amending Schedule 1 of the Warringah LEP 2011 to allow up to 14 *Attached Dwellings* and Torrens title subdivision of those dwellings, on the land at 184 Wyndora Ave, Freshwater.

The site offers an appropriate opportunity for orderly redevelopment for a purpose for which there is high demand in an appropriate established residential location. It is assessed that there is a case for change in support of the proposed LEP amendment, noting:

- The nature and scale of the proposed housing form is compatible with the character of adjoining land and the locality.
- It will deliver increased housing in an appropriate location in close proximity to jobs, shops, services, transport, and open space.
- It will respond to the community's need for more housing and more housing diversity; more specifically a form of medium density housing that is smaller than a typical detached home but larger than an apartment dwelling.
- The land is capable of accommodating the proposed housing and is not environmentally constrained.
- The land is well located in close proximity to shops, public transport, services, employment areas, and open space.
- It will deliver a form of housing for which there is strong community demand.
- The physical characteristics of the land and it being a relatively large consolidated land holding enables it to succeed in resolving some of the challenges relating to urban renewal within a predominantly low density residential setting.
- Given the physical and environmental characteristics of the site it is assessed that it is capable of accommodating the nature and density of development proposed, subject to further detailed assessment of the specific dwelling designs at development application stage.
- Overall the proposal is assessed as an appropriate form of redevelopment for the site.

An amendment to the Warringah LEP 2011 via a Schedule 1 listing is assessed as appropriate in this instance, and is preferable to rezoning the site as R3 Medium Density Residential, which would allow for Residential Flat Buildings.

Council supports the progression of the planning proposal for Gateway Determination.