

ITEM 8.8	PLANNING PROPOSAL - 184 WYNDORA AVENUE, FRESHWATER (PEX2014/0005)
REPORTING MANAGER	GROUP MANAGER STRATEGIC PLANNING
TRIM FILE REF	2015/006679
ATTACHMENTS	1 Report to WDAP - 10 December 2014 Meeting (Included In Attachments Booklet) 2 Decision of WDAP (Included In Attachments Booklet)

EXECUTIVE SUMMARY

PURPOSE

For Council to endorse the preparation and submission of a Planning Proposal and associated development controls for property No.184 Wyndora Avenue, Freshwater to the NSW Department of Planning and Environment (The Department) for Gateway Determination.

SUMMARY

The Planning Proposal seeks to change the housing density of the site to allow for construction of 14 town house style dwellings, over five existing lots at No.184 Wyndora Avenue, Freshwater which current contains a private hospital. It was publicly exhibited in July 2014 and eight submissions were received.

A report supporting the application was presented to Warringah Development Assessment Panel (WDAP) on 10 December 2014. The Panel's recommendation supported the concept, indicated that a set of controls be developed to ensure greater certainty of the final outcome, and that the development better reflects the detached style streetscape of the area. In addition to amending WLEP 2011, this would require either amendments to Warringah Development Control Plan 2011 (WDCP 2011) or controlling the built form of the development through a Voluntary Planning Agreement.

The Gateway determination is a conceptual milestone, after which the details of the proposed planning controls, (including DCP) is presented for public exhibition. The mechanism by which WLEP 2011 is proposed to be amended will be negotiated with the Department and the applicant, prior to formal submission for Gateway determination.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

RECOMMENDATION OF DEPUTY GENERAL MANAGER ENVIRONMENT

That Council endorse the preparation and progression of the Planning Proposal PEX2014/ 0005 No.184 Wyndora Avenue, Freshwater, as described in this report, for submission to the Department for Planning and Environment for Gateway Determination.

REPORT

BACKGROUND

On 27 June 2014 a Planning Proposal Application for Property No.184 Wyndora Avenue, Freshwater (Lot 1 and 2 of DP 7912 & Lot 33, 34, 35 of DP 7912) was lodged with Council on behalf of the landowner, St Andrews Healthcare. The proposal requests an amendment to WLEP2011 to enable the construction of 14 terrace style Torrens Title dwellings, each with two off street car parking spaces located within a shared basement garage and an area of communal open space.(Details contained within the WDAP Report, Attachment 1)

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

The property and surrounding land is currently zoned R2 – Low Density Residential under WLEP 2011. The zoning and minimum lot size requirement (450sqm) for the site currently prohibits the proposed development.

The applicant requests amendments to the WLEP2011 in order for the site to be redeveloped as envisaged by the applicant by:

- Including 'Attached Dwelling' as an additional permitted use under Schedule 1 of WLEP2011 (and the associated Additional Permitted Uses map);
- Permitting a maximum density of 14 dwellings across the site.

Planning Consideration

The Planning Proposal offers the revitalising of an under-utilised site and increasing opportunities for housing supply and diversity within Warringah. The site is assessed as being in an appropriate location with reasonable access to services and public transport. The size, shape and proportions of the existing site, supported by having three street frontages, is assessed as being capable of accommodating the proposed type of housing.

Currently WLEP2011 and WDCP 2011 do not contain development controls for this style of housing.

The Planning Proposal was reported to WDAP on 10 December 2014 (Report to WDAP – 10 December 2014 Meeting attachment). WDAP is in support of the Planning Proposal to Gateway Determination (Decision of WDAP attachment) as follows:

- A. *Advise Council it supports the Planning Proposal proceeding to a Gateway Determination*
- B. *Following the Gateway Determination:*
 - a. *That the final suite of development controls be predetermined to guide the future redevelopment of land*
 - b. *If the site proceeds in being planned for attached dwellings that appropriate steps be taken to ensure the physical redevelopment of the land takes place prior to the subdivision of attached dwellings on land in the manner proposed by the development officers report and*
 - c. *Townhouse style in the proposal that looks like row housing conflicts with the detached housing streetscape and a design with more modulation is required*
 - d. *Development controls must be incorporated to ensure the form of any design is consistent with the character of the immediate area*
 - e. *The community be further consulted as part of the exhibition of the proposal*

Whilst the recommendations of WDAP are supported it is recommended that prior to formal submission of the application for Gateway Determination, that further negotiations be undertaken

with both the applicant and the Department to develop the right mechanism and controls to ensure greater certainty of the final outcome for the site. This will include which sections of WLEP 2011 to amend and how the development controls, i.e. WDCP 2011 and/or Voluntary Planning Agreement or other mechanism, is used to manage the future development. If the controls are acceptable to the Department and the Gateway Determination is given, Council will then exhibit the full set of controls for public comment.

CONSULTATION

A detailed summary of consultation undertaken to date is provided in the report to WDAP (Report to WDAP – 10 December 2014 Meeting attachment). The proposal was publicly exhibited in July 2014 and eight submissions were received.

CONCLUSION

The Planning Proposal is assessed as having merit and has satisfied the requirements of a pre-Gateway assessment. It is recommended that Council supports the concept of increasing the density of the site and that prior to submitting the application to the Department for Gateway Determination, further work be undertaken to establish the most appropriated and acceptable mechanisms to ensure greater certainty of the future development of the site.

FINANCIAL IMPACT

Nil

POLICY IMPACT

Nil

held 17 December 2014.

RESOLVED BY EXCEPTION

**8.7 REVIEW OF WARRINGAH DEVELOPMENT CONTROL PLAN 2011 SECTION A.7
NOTIFICATION AND WARRINGAH DEVELOPMENT CONTROL PLAN 2000 SECTION
2.6 NOTIFICATION**

012/15 **RESOLVED**

Cr Regan / Cr Harrison

That Council:

- A. Amend Section A.7 "Notification" of the Warringah Development Control Plan 2011 to delete the requirement to attach an A4 size site plan and elevations to the written notice.
- B. Amend Section 2.6 "Notification and Advertising Process for Applications" of Warringah Development Control Plan 2000 (Notification) to delete the requirement to attach an A4 size site plan and elevations to the written notice.

RESOLVED BY EXCEPTION

8.8 PLANNING PROPOSAL - 184 WYNDORA AVENUE, FRESHWATER (PEX2014/0005)

013/15 **RESOLVED**

Cr Regan / Cr Harrison

That Council endorse the preparation and progression of the Planning Proposal PEX2014/ 0005 No.184 Wyndora Avenue, Freshwater, as described in this report, for submission to the Department for Planning and Environment for Gateway Determination.

RESOLVED BY EXCEPTION

**8.10 ADOPTION OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES
INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR
AND COUNCILLORS**

014/15 **RESOLVED**

Cr Regan / Cr Harrison

That the amended GOV-PL 120 Policy for Payment and Reimbursement of Expenses Incurred by, and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Issue 16 dated February 2015 be adopted.

RESOLVED BY EXCEPTION

NOTE: The Acting General Manager reported the resolution on the confidential matter passed by exception.