



Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

Proposal Title : **Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)**

Proposal Summary : **The planning proposal seeks to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826) to R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management under Warringah Local Environmental Plan 2011.**

PP Number : **PP_2015_WARRI_001_00** Dop File No : **15/01110**

Proposal Details

Date Planning Proposal Received : **06-Jan-2015** LGA covered : **Warringah**
Region : **Metro(CBD)** RPA : **Warringah Council**
State Electorate : **WAKEHURST** Section of the Act : **55 - Planning Proposal**
LEP Type : **Spot Rezoning**

Location Details

Street : **Ralston Avenue**
Suburb : **Belrose** City : **Sydney** Postcode : **2085**
Land Parcel : **Lot 1 DP 1139826**

DoP Planning Officer Contact Details

Contact Name : **Lee McCourt**
Contact Number : **0285754129**
Contact Email : **lee.mccourt@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Theo Zotos**
Contact Number : **0299422111**
Contact Email : **theo.zotos@warringah.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Tim Archer**
Contact Number : **0285754120**
Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**
Regional / Sub Regional Strategy : **Metro North East subregion** Consistent with Strategy : **Yes**

Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

MDP Number :	Date of Release :	
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0	No. of Dwellings (where relevant) :	180
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 Delivery has not met any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The planning proposal was originally lodged with Warringah Council. On 17 December 2013, Council, resolved not to support the proposal. As a result the applicant lodged a pre-Gateway review with the Department (PGR_2014_WARRI_001_00).**

On 23 July 2014, the Sydney East Joint Regional Planning Panel considered the request for a pre-Gateway review and determined that the proposal should proceed to a Gateway determination with the following conditions:

- a) rezoning the subject site R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management;**
- b) introduce a minimum lot size of 600m², or lower;**
- c) apply a building height of 8.5m to land zoned R2 Low Density Residential, consistent with nearby residential areas;**
- d) any future development approval to require the potential impacts upon threatened species listed in the schedules of the Threatened Species Conservation Act 1995 and Environmental Protection & Biodiversity Act 1999 to be adequately addressed and investigated, including measures to mitigate any significant impacts; and**
- e) development will need to be designed and constructed so as to manage the potential risk from bushfire. Future development applications will need to comply with the Environmental Planning and Assessment Act 1979 and the requirements of the NSW Rural Fire Service Planning for Bushfire Protection 2006.**

The planning proposal seeks to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826) from RE2 Private Recreation to R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management under Warringah Local Environmental Plan 2011.

It is noted that the planning proposal in its current form refers to E2 Environmental Conservation Zone, as originally lodged with Council. However, following refusal of the application by Council the application was reviewed by the Sydney East Joint Regional Planning Panel whom did not support the application of E2 Environmental Conservation zone. The planning proposal will need to be revised to remove all reference to E2 zone to reflect the recommendations of the Sydney East Joint Regional Planning Panel as endorsed by the Department.

Warringah Council has accepted the offer to act as the relevant planning authority for this

Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

planning proposal.

The Department supports an amended planning proposal proceeding to Gateway determination and supports Council acting as the relevant planning authority for the matter.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The statement of objectives adequately describes the intention of the planning proposal to amend the Warringah Local Environmental Plan 2011.**

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

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

Comment : **The explanation of provisions adequately addresses the intended changes to the Warringah Local Environmental Plan 2011.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The proposal is consistent with the aims and objectives of s117 Directions as it provides additional housing within close proximity to existing urban areas and public transport, whilst conserving and maintaining significant natural bushland.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains indicative mapping which reflects the original intent of the pre-Gateway application, and does not reflect the recommendations of the Sydney East Joint Regional Planning Panel.**

As such, the planning proposal will need to be revised to provide mapping which is to the LEP mapping standards and shows both the existing and proposed controls for the Land Use Zone, Lot Size and Height of Building for the subject site. These changes

Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

reflect the recommendation of the Sydney East Joint Regional Planning Panel as endorsed by the Department.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A minimum 28 day exhibition period is proposed.**

PROJECT TIMELINE

The planning proposal contains an estimated project timeline of 12 months.

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 :

Comments in relation to Principal LEP : **Warringah Local Environmental Plan was notified in 2011.**

Assessment Criteria

Need for planning proposal : **The planning proposal is not a result of strategic studies, rather a result of a pre-Gateway review application.**

A planning proposal is deemed to be an appropriate mechanism to rezone the subject site to allow for low density residential development.

Consistency with strategic planning framework : **The proposal demonstrates strategic merit and is consistent with the current metropolitan, regional and local planning frameworks.**

The proposal is consistent with 'A Plan for Growing Sydney' (2014), as it supports the growth of Sydney, delivers new housing and increased housing choice and contributes toward increasing employment opportunities. However, the planning proposal should be updated to refer to 'A Plan for Growing Sydney', released on 14 December 2014.

The proposal is also consistent with the overall intent of the draft North East Subregional Strategy (2007) and supported by the Northern Beaches Regional Action Plan which seeks to improve land supply for housing in the Northern Beaches region.

Overall, the proposal is considered appropriate as it will broaden the range of housing choice, is capable of being connected to existing infrastructure and provides low density residential development in proximity to services and existing residential areas.

Environmental social economic impacts : **The site is not constrained by flooding, mine subsidence, acid sulphate soils, coastline hazards or significant land slip. Due to the historical use of the land, and surrounding residential development, it is unlikely to be contaminated by any previous use.**

However, critical habitats or threatened species, populations and ecological communities

Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

have been identified on site. Any future development approval will require the potential impacts upon threatened species listed in the Threatened Species Conservation Act 1995 and Environmental Protection & Biodiversity Act 1999 to be adequately addressed and investigated, including measures to mitigate any significant impacts. Notwithstanding, consultation with the Office Environment and Heritage will be required as part of the planning process.

Future development of the site will also need to be designed and constructed to manage the potential risk from bushfire. Future development applications will need to comply with the Environmental Planning and Assessment Act 1979 and the requirements of the NSW Rural Fire Service Planning for Bushfire Protection 2006. Note consultation the NSW Rural Fire Service is required under s117 Direction 4.4 Planning for Bushfire Protection as previously discussed.

There is no evidence suggesting adverse impact on the economy as a result of the proposed rezoning.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	Nil
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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
1. Appointment of RPA - Warringah Council.pdf	Proposal Covering Letter	Yes
2. Planning Proposal.pdf	Proposal	Yes
3. Planning Proposal - Appendix A-D.pdf	Proposal	Yes
3. Planning Proposal - Appendix E-H.pdf	Proposal	Yes
3. Planning Proposal - Appendix I - K.pdf	Proposal	Yes

Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

3. Planning Proposal - Appendix L - Geotechnical.pdf	Proposal	Yes
3. Planning Proposal - Appendix M - Q.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.2 Mine Subsidence and Unstable Land
 4.4 Planning for Bushfire Protection
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **1. Prior to undertaking public exhibition, the planning proposal is to be updated, as follows:**
 (a) amend the planning proposal to remove all reference to E2 Environmental Conservation Zone;
 (b) revise the planning proposal to demonstrate consistency with 'A Plan for Growing Sydney', released on 14 December 2014;
 (c) amend the Land Use Zoning Map by rezoning the site to R2 Low Density Residential, RE1 Public Recreation and E3 Environmental Management;
 (d) amend the Lot Size Map to apply a minimum lot size of 600m² to land zoned R2 Low Density Residential;
 (e) amend the Height of Building Map to apply a building height of 8.5m to land zoned R2 Low Density Residential.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning & Infrastructure 2013).

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 & Infrastructure 2013).

3. 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.

4. Consultation is required with Government Agencies, as follows:
(a) Office of Environment and Heritage; and
(b) Transport for NSW – Roads and Maritime Services.

The agencies are 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.

4. 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).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : **The proposal is considered to have strategic merit in proceeding to Gateway, demonstrating consistency with the current metropolitan, regional and local planning frameworks and relevant Section 117 Directions.**

Planning Proposal to rezone land at Ralston Avenue, Belrose (Lot 1 DP 1139826)

The Department supports the planning proposal proceeding, to allow for public exhibition and feedback on the proposal.

Signature:



Printed Name:

Tim Archer Date: 21/1/15

