



OXFORD FALLS VALLEY
AND
BELROSE NORTH

PLANNING PROPOSAL

To transfer planning controls from Warringah Local
Environmental Plan 2000 into Warringah Local
Environmental Plan 2011 for certain land in Oxford
Falls Valley and Belrose North.

Prepared by Warringah Council
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Table of Contents

Introduction	3
Acronyms and Abbreviations	3
Site Context and Location	4
Background.....	4
Stage 1 – OFV/BN Strategic Review Process	5
Stage 2 – Next Steps for the OFV/BN Strategic Review	5
The Planning Proposal.....	6
Part 1: Objectives or Intended Outcomes.....	6
Part 2: Explanation of Provisions	7
Part 3: Justification.....	22
Section A - Need for the Planning Proposal.....	22
Section B - Relationship to Strategic Planning Framework.	22
Section C - Environmental, Social and Economic Impact.	23
Section D - State and Commonwealth Interests.	24
Part 4: Planning Proposal Maps.....	25
Part 5: Community Consultation.....	25
Part 6: Project Timeline.....	26
Part 7: Request for Written Authorisation to Exercise Delegation	26
Appendices	27
Appendix 1 - Council Report / Resolution – 5 June 2012.....	27
Appendix 2 - Draft OFV/BN Strategic Review Report	27
Appendix 3 - Submissions Report on the Draft OFV/BN Strategic Review Report (Including Individual Submissions Received)	27
Appendix 4 – WDAP Independent Opinion	27
Appendix 5 – Council Report / Resolution – 26 August 2014.....	27
Appendix 6 – Department’s Direction – January 2015	27
Appendix 7 – Council Report / Resolution – 24 February 2015.....	27
Appendix 8 - Planning Proposal Maps.....	27
Appendix 9 – S117 Directions	27
Appendix 10 – Consideration of Submissions from Public Authorities	27
Appendix 11 – Relevant State Environmental Planning Policies.....	27

Introduction

In December 2011 the Minister for Planning and Infrastructure deferred land in Oxford Falls Valley and Belrose North (OFV/BN) from the Warringah Local Environmental Plan 2011 (WLEP 2011) in response to stakeholder concern regarding the adequacy of consultation during the preparation of WLEP2011. Therefore, planning controls under Warringah Local Environmental Plan 2000 (WLEP2000) continue to apply to the deferred land.

Subsequently, the NSW Department of Planning and Environment (the Department) and Warringah Council have worked in partnership via the establishment of a joint Project Control Group (PCG) to undertake Stage 1 of the OFV/BN Strategic Review process. Stage 1 of the Strategic Review process has been undertaken to inform the content of this Planning Proposal – to determine how best to transfer the planning controls under WLEP2000 into the best fit zones and land use controls under WLEP2011 and to engage the community in the process.

The transfer of planning controls from WLEP2000 into WLEP2011 is required in accordance with the NSW Governments Standard Instrument (Local Environmental Plans) Order 2006. It is also required to eliminate unnecessary duplication, management and operational cost of operating under two Warringah LEP's.

Acronyms and Abbreviations

The following acronyms have been used throughout this report:

Council	Warringah Council
E3	Environmental Management Zone under WLEP2011
E4	Environmental Living Zone under WLEP2011
EP&A Act	Environmental Planning and Assessment Act, 1979
LEPs	Local Environmental Plans
LGA	Local Government Area
MLALC	Metropolitan Local Aboriginal Land Council
NSW	New South Wales
OFV/BN	Oxford Falls Valley and Belrose North
PAC	Planning and Assessment Commission
PAC Report, 2009	Planning and Assessment Commission, Review of four sites in Oxford Falls Valley for Urban Development, 2009.
PCG	OFV/BN Strategic Review Project Control Group
R2	Low Density Residential Zone under WLEP2011
R5	Large Lot Residential Zone under WLEP2011
RU4	Primary Production Small Lots under WLEP2011
S117 Directions	Section 117 Directions by the Minister under the EP&A Act, 1979
SP1	Special Activities Zone under WLEP2011
SP2	Infrastructure Zone under WLEP2011
SEPP	State Environmental Planning Policy
Strategic Review	OFV/BN Strategic Review
The Department	The NSW Department of Planning and Environment
The Minister	NSW Minister for Planning and Infrastructure
WDAP	Warringah Development Assessment Panel
WLEP2000	Warringah Local Environmental Plan 2000
WLEP2011	Warringah Local Environmental Plan 2011

Site Context and Location

This planning proposal covers approximately 1341.4 hectares of land in OFV/BN and land zoned E4 at Cottage Point, as shown on the study area maps (Appendix 8).

The land in OFV/BN is located within the Warringah Local Government Area (LGA) and is in the vicinity of Wakehurst Parkway and Forest Way. The land is bounded by Garigal National Park to the north and west and forms part of the Narrabeen Lagoon and Middle Harbour catchments. It adjoins predominantly low density residential development to the south.

The majority of land within OFV/BN is characterised by large lots containing significant areas of native vegetation / bushland. Some allotments contain residential dwellings, outbuildings, educational establishments, rural and commercial uses. Some allotments have been cleared to varying degrees.

There are a number of large landowners in the OFV/BN study area, with the Metropolitan Local Aboriginal Land Council currently owning approximately 37% of the land (with other land also under claim), the Crown owning 24%, private landowners owning 28% and infrastructure providers and/or various government departments owning 11% of the land.

Background

A range of reforms were made in September 2005 to the *Environmental Planning and Assessment Act, 1979* (EP&A Act) including the gazettal of the New South Wales Government's Standard Instrument (LEPs) Order 2006 which required that all New South Wales councils prepare new comprehensive LEPs in a standard instrument format.

WLEP2000 is a unique local planning instrument which took a 'place based' approach to land use planning rather than relying on traditional land use zones. It embodied the concept of 'a one stop planning shop' in that all applicable State Environmental Planning Policies (SEPPs) and Development Control Plans (DCPs) were contained within the one document.

A place based plan presented unique challenges for Warringah Council, relative to other councils, because translating this document into the standard instrument format required rationalising 73 place based 'localities' into standard instrument zones.

The WLEP2000, B2 Oxford Falls Valley and C8 Belrose North Localities (which cover the land subject to this planning proposal) were proposed to be zoned E3 Environmental Management in the draft 2009 version of Warringah's standard instrument. This was based on a detailed translation methodology that was applied to all land within the Warringah LGA.

The draft WLEP2011 was exhibited from 12 October to 30 December 2009. The Minister, Department and Council received a number of submissions with regard to the proposed E3 Environmental Management zoning of land within OFV/BN.

In response to the submissions received, on 31 August 2011, the Minister announced that he intended to defer land covered by the B2 Oxford Falls Valley and C8 Belrose North localities from WLEP2011. On 9 December 2011, when WLEP2011 was made, both the B2 and C8 localities were deferred. Therefore, planning controls under WLEP2000 continue to apply to the deferred land.

Subsequently, the Department and Council have worked in partnership via the establishment of a joint project control group (PCG) to undertake Stage 1 of the OFV/BN Strategic Review process. Stage 1 of the Strategic Review process has been undertaken to inform the content of this Planning Proposal – i.e. to recommend how best to transfer the planning controls under WLEP2000 into the best fit zones and land use controls under WLEP2011 and to engage the community in the process. Stage 1 and 2 are detailed further as follows:

Stage 1 – OFV/BN Strategic Review Process

The following points briefly outline what steps have been undertaken to inform the content of this Planning Proposal:

- On 5 June 2012, Council resolved to undertake Stage 1 of the OFV/BN Strategic Review in partnership with the Department to determine how best to transfer the deferred lands in OFV/BN into WLEP2011 and to report the results of Stage 1 back to Council. (Appendix 1)
- Initial stakeholder consultation including a community information evening and site visits of all private landholdings within the study area was undertaken. Stakeholder submissions were received throughout this process.
- A Draft OFV/BN Strategic Review Report was prepared that recommended how to transfer planning controls from WLEP2000 into WLEP2011 (Appendix 2). This report was publicly exhibited from 22 June until 30 August 2013. 125 submissions were received (Appendix 3).
- A Submission Report was prepared on the Draft OFV/BN Strategic Review Report. (Appendix 3)
- The Draft OFV/BN Strategic Review Report and Submissions Report were provided to the Warringah Development Assessment Panel (WDAP) for an independent public meeting and opinion (Appendix 4).
- There was a Report to Council on 26 August 2014 outlining five planning proposal options. Council resolved that the Department consider the report to Council and select one of the five options to progress as a Planning Proposal (Appendix 5).
- In January 2015, the Department responded with a clear direction that a Planning Proposal be submitted based on Option 2, subject to replacing the proposed RU4 Primary Production Small Lot zoned land in proximity to Wakehurst Parkway with the E4 Environmental Living zone (Appendix 6). Justification for the proposed E4 zone is provided in Part 3, Section A(1) below.
- The above mentioned direction from the Department was reported to the Council on 24 February 2015.
- The preparation and submission of this OFV/BN Planning Proposal to the Department is in line with Council's resolution on 24 February 2015 (Appendix 7) and the Department's direction in January 2015.

Stage 2 – Next Steps for the OFV/BN Strategic Review

Stage 2 of the Strategic Review Process falls outside the scope of this planning proposal. Stage 2 involves an investigation into the future urban development potential of land as recommended by the Planning Assessment Commission (PAC) in its 2009 report of the Review of four sites in Oxford Falls Valley for Urban Development.

The Planning Proposal

Section 55 (2) of the Environmental Assessment & Planning Act 1979 outlines what a planning proposal must include. To comply with these requirements, this planning proposal comprises seven (7) main parts:

- 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 7 - Delegation Request

Part 1: Objectives or Intended Outcomes

The objective of this planning proposal is to transfer the planning controls for certain land in OFV/BN under WLEP2000 into the best fit zones and land use controls under WLEP2011, taking into consideration the recommendations of Stage 1 of the Strategic Review process.

The transfer of planning controls via this Planning Proposal is required in accordance with the NSW Governments Standard Instrument (Local Environmental Plans) Order 2006 and also to eliminate unnecessary duplication, management and operational cost of operating under two Warringah LEP's.

Overall, the recommended outcomes of Stage 1 of the strategic review process is that the best fit land use zone for the majority of the study area is E3 Environmental Management. There are however some smaller areas of land that have been recommended for alternative E4 (Environmental Living), RU4 (primary production small lots), SP2 (infrastructure), SP1 (special activities), R5 (large lot residential) and R2 (low density residential) zonings and additional permitted uses (refer to Appendix 8 - Maps).

It is important to note that this planning proposal is not intended to significantly change the urban development potential of land in Oxford Falls Valley and Belrose North.

Investigation into future urban development potential is the role of Stage 2 of the Strategic Review process, in line with the recommendations of the PAC Report, 2009. Stage 2 does not form part of this Planning Proposal.



Part 2: Explanation of Provisions

The objectives and intended outcomes of this planning proposal will be achieved by undertaking recommended amendments to WLEP2011 as outlined in the following table. The following table includes indicative amendments only and may be modified slightly when finalising the amendments to WLEP2011:

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
1	Section 2.1 - Land Use Zones	Include a new R5 Large Lot Residential Zone in WLEP2011	N/A	Under 'R3 Medium Density Residential' insert 'R5 Large Lot Residential'
2	Part 2 - Land Use Table	Insert a new R5 Large Lot Residential zone	N/A	Insert a new R5 Large Lot Residential zone in the land use table as follows: R5 Large Lot residential 1. Objectives of Zone • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
				areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact. • To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy. • To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares. 2. Permitted Without Consent Home-based child care; Home occupations 3. Permitted With Consent

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
				Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Home businesses; Home industries; Horticulture; Recreation areas; Roads 4. Prohibited development Any development not specified in item 2 or 3
3	Part 2 - Land Use Table (Zone E4 Environmental Living)	Expand the objectives of the E4 zone to cover land proposed to be zoned E4 in proximity to Wakehurst Parkway, not just land zoned E4 in Cottage Point.	Zone E4 Environmental Living 1 Objectives of zone - To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. - To ensure that residential development does not have an adverse effect on those values. - To provide for the continuance of a limited range of existing small-scale water-related business and leisure uses. - To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements	Zone E4 Environmental Living 1 Objectives of zone - To provide for a low-impact residential development in areas with special ecological, scientific or aesthetic values. - To ensure that residential development does not have an adverse effect on those values. - To provide for the continuance of a limited range of existing small-scale water-related business and leisure uses at Cottage Point. - To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
			and enhances the natural environment and has minimal visual impact. To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy.	enhances the natural environment and has minimal visual impact. - To protect and enhance the natural landscape by conserving remnant bushland and rock outcrops and by encouraging the spread of an indigenous tree canopy. - To protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares.
4	Section 4.1AA Minimum subdivision lot size for community title schemes	Inclusion of the new R5 Large Lot Residential Zone	(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones: (a) Zone RU4 Primary Production Small Lots, (b) Zone E3 Environmental Management, (c) Zone E4 Environmental Living	Insert amended wording: (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones: (a) Zone RU4 Primary Production Small Lots, (b) Zone E3 Environmental Management, (c) Zone E4 Environmental Living. (d) Zone R5 Large Lot Residential
5	Section 4.2A Minimum subdivision lot size for strata	Inclusion of the new R5 Large Lot Residential Zone	(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:	Insert amended wording: (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
	subdivision of residential or tourist and visitor accommodation in certain zones		(a) Zone RU4 Primary Production Small Lots, (b) Zone E3 Environmental Management, (c) Zone E4 Environmental Living.	accommodation: (a) Zone RU4 Primary Production Small Lots, (b) Zone E3 Environmental Management, (c) Zone E4 Environmental Living. (d) Zone R5 Large Lot Residential
6	Section 4.6 (6) Exceptions to development standards	Remove reference to the R5 zone in the note, as the R5 zone is now proposed to be included in WLEP2011	4.6(6) Note. When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU6 Transition or Zone R5 Large Lot Residential.	Insert amended wording: Note. When this Plan was made it did not contain Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry or Zone RU6 Transition.
7	Section 5.3(3)(a1) Development near zone boundaries	Add R5 Large Lot Residential to this list, as it is a new proposed zone in WLEP2011	(a1) land in Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone RE2 Private Recreation or Zone E4 Environmental Living, or	Insert amended wording: (a1) land in Zone RU4 Primary Production Small Lots, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B7 Business Park, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone RE2 Private Recreation or Zone E4 Environmental Living, or

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
8	Clause 6.6 Erection of Dwelling Houses in the Zone E3 Environmental Management	In order to transfer the lot size requirements of Localities B2 and C8 of LEP2000 into WLEP2011, this clause needs to be amended so that it also applies to not only the E3 zoned land but also land proposed to be zoned R5, RU4 and E4 within the study area. There is also a need to transfer the specified development rights of certain properties outlined in LEP2000, Locality B2 OXFORD FALLS VALLEY; Housing Density as: <i>(b) on Portions 199, 200, 985, 986, 1001, 1002, 1003, 1004, 1011, 1012, 1018 and 1019 Parish of Manly Cove and Lot 33 DP 870625 Pinduro Place, Cromer, where one dwelling may be erected provided the land exceeds 4,000m² in area and was lawfully created prior to 13 August 1982, or was otherwise lawfully created,</i>	6.6 Erection of dwelling houses in Zone E3 Environmental Management (1) The objectives of this clause are as follows: (a) to restrict the density of development and promote consolidation of land holdings in Zone E3 Environmental Management, (b) to protect and enhance the ecological values of natural watercourses and natural bushland in the zone, (c) to maintain and enhance the scenic quality of the zone including landforms and vegetation, (d) to minimise siltation and pollution of Narrabeen Lagoon and its catchment. (2) Development consent must not be granted to the erection of a dwelling house on a lot in Zone E3 Environmental Management if the lot has an area of less than 20 hectares.	Insert amended wording: 6.6 Erection of dwelling houses in Zone E3 Environmental Management, Zone R5 Large Lot Residential and certain land in Belrose Zoned RU4 Primary Production Small Lots that is covered by Area 21 on the Additional Permitted Uses Map and certain land in Oxford Falls Valley Zoned E4 Environmental Living that is covered by Areas 23, 25, 26 and 27 on the Additional Permitted Uses Map. (1) The objectives of this clause are as follows: (a) to restrict the density of development and promote consolidation of land holdings, (b) to protect and enhance the ecological values of natural watercourses and natural bushland, (c) to maintain and enhance the scenic quality of this land including landforms and vegetation, (d) to minimise siltation and pollution of Narrabeen Lagoon and its catchment. (2) Development consent must not be granted to the

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
		Note: The Manly Cove Parish Portion numbers specified above cover the following properties: Lot 2, DP 1007617, Lot 3, DP 1007617, Lot 985, DP 752038, Lot 986, DP 752038, Lot 1001, DP 752038, Lot 1002, DP 752038, Lot 1003, DP 752038, Lot 1004, DP 752038, Lot 1018, DP 752038, Lot 1019, DP 752038, Lot 1, DP 793363 and Lot 2, DP 793363. Note: All of the Manly Cove Parish Portion properties identified above exceed 4,000m². Therefore, reference to this land size is not required to be specified by the recommended amendment.	(3) Despite subclause (2): (a) development consent may be granted to the erection of 1 dwelling house on an existing lot in Zone E3 Environmental Management if the lot has an area of less than 20 hectares but not less than 2 hectares, and (b) development consent may be granted to the erection of 1 dwelling house on Lot 33, DP 870625, Pinduro Place, Cromer. (4) In subclause (3) (a), an existing lot means all adjacent or adjoining land held by the same person or persons on 8 March 1974.	erection of a dwelling house on the land identified by clause (6.6), if the lot has an area of less than 20 hectares. (3) Despite subclause (2): (a) development consent may be granted to the erection of 1 dwelling house on an existing lot on land identified by clause (6.6), if the lot has an area of less than 20 hectares but not less than 2 hectares, and (b) development consent may be granted to the erection of 1 dwelling house on Lot 33, DP 870625, Pinduro Place, Cromer and on Lot 2, DP 1007617, Lot 3, DP 1007617, Lot 985, DP 752038, Lot 986, DP 752038, Lot 1001, DP 752038, Lot 1002, DP 752038, Lot 1003, DP 752038, Lot 1004, DP 752038, Lot 1018, DP 752038, Lot 1019, DP 752038, Lot 1, DP 793363 and Lot 2, DP 793363, Oxford Falls. (4) In subclause (3) (a), an existing lot means all adjacent or adjoining land held by the same person or persons on 8 March 1974.
9	Schedule 1 Additional	Add additional Item 21	N/A	Insert new Item 21 as follows: 21 Use of certain land to the western side of Forest Way, Belrose

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
	Permitted Uses			(1) This clause applies to certain land to the western side of Forest Way, Belrose, shown as "Area 21" on the <u>Additional Permitted Uses Map</u>. (2) Development for the purposes of garden centres, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes is permitted with consent.
10	Schedule 1 Additional Permitted Uses	Add additional Item 22	N/A	Insert new Item 22 as follows: 22 Use of certain land at Challenger Drive, Belrose (1) This clause applies to so much of the land at Challenger Drive, Belrose, that is covered by Lease RE 412 592 issued by the Department of Lands, shown as "Area 22" on the <u>Additional Permitted Uses Map</u>. (2) Development for the purposes of extractive industries, recreation facilities (indoor), recreation facilities (outdoor), processing and recycling facility for construction and demolition waste and a concrete batching

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
				plant is permitted with consent.
11	Schedule 1 Additional Permitted Uses	Add additional Item 23 This is required to ensure that landuses permitted in the E3 Zone continue to be permitted in the E4 Zone for land proposed to be zoned E4 in proximity to Wakehurst Parkway, Oxford Falls - notably agricultural land uses.	N/A	Insert new Item 23 as follows: 23 Use of certain land zoned E4 in proximity to Wakehurst Parkway, Oxford Falls (1) This clause applies to land zoned E4 on the western side of Wakehurst Parkway, Oxford Falls that is shown as "Area 23" on the Additional Permitted Uses Map . (2) Development for the purpose of aquaculture, environmental facilities; extensive agriculture; farm buildings; home industries, and horticulture is permitted with consent.
12	Schedule 1 Additional Permitted Uses	Add additional Item 24	N/A	Insert new Item 24 as follows: 24 Use of certain land at Lot 100 Meatworks Avenue, Oxford Falls (1) This clause applies to land at Lot 100 Meatworks Avenue, Oxford Falls, being Lot 100, DP 1023183, shown as "Area 24" on the Additional Permitted Uses Map . (2) Development for the purposes of industrial activity and warehouse or distribution centre

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
				is permitted with consent.
13	Schedule 1 Additional Permitted Uses	Add additional Item 25 Permit 'place of public worship on the land with consent, in addition to other landuses permitted with consent within the E4 zone in proximity to Wakehurst Parkway (i.e. aquaculture, environmental facilities; extensive agriculture; farm buildings; home industries, and horticulture).	N/A	Insert new Item 25 as follows: 25 Use of certain land at Wakehurst Parkway, Frenchs Forest (1) This clause applies to land at Wakehurst Parkway, Frenchs Forest, being Lot 1, DP 863123 and Lot 101, DP 719870, shown as "Area 25" on the Additional Permitted Uses Map . (3) Development for the purpose of a place of public worship, aquaculture, environmental facilities; extensive agriculture; farm buildings; home industries, and horticulture is permitted with consent.
14	Schedule 1 Additional Permitted Uses	Add additional Item 26 Permit 'recreation facility (outdoor), in addition to other landuses permitted with consent within the E4 zone in proximity to Wakehurst Parkway (i.e. aquaculture, environmental facilities; extensive agriculture; farm buildings; home industries, and horticulture).	N/A	Insert new Item 26 as follows: 27 Use of certain land at Lot 1110 Oxford Falls Road, Frenchs Forest (1) This clause applies to land at Lot 1110 Oxford Falls Road, Frenchs Forest, being Lot 1110, DP 752038, shown as "Area 26" on the Additional Permitted Uses Map .

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
				(2) Development for the purpose of recreation facility (outdoor), aquaculture, environmental facilities; extensive agriculture; farm buildings; home industries, and horticulture is permitted with consent.
15	Schedule 1 Additional Permitted Uses	Add additional Item 27 This is required to ensure that landuses permitted in the E3 Zone continue to be permitted in the E4 Zone for land proposed to be zoned E4 in proximity to Wakehurst Parkway, Oxford Falls - notably agricultural land uses.	N/A	Insert new Item 27 as follows: 23 Use of certain land zoned E4 in proximity to Wakehurst Parkway, Oxford Falls (3) This clause applies to land zoned E4 on the eastern side of Wakehurst Parkway, Oxford Falls that is shown as "Area 27" on the <u>Additional Permitted Uses Map</u> . (4) Development for the purpose of aquaculture, environmental facilities; extensive agriculture; farm buildings; home industries, and horticulture is permitted with consent.
16	Schedule 6 Amendment of other environmental planning instruments (6.1) State Environmental	If this planning proposal is adopted, the 'Land Application Map' in WLEP2011 identifying 'Deferred Matter' land will no longer be required. Therefore, SEPP (Exempt and Complying Development Codes)	6.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Clause 1.6 Interpretation—references to land use zones Omit clause 1.6 (1A). Insert instead:	Insert amended wording: 6.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Clause 1.6 Interpretation—references to land use zones

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
	Planning Policy (Exempt and Complying Development Codes) 2008	2008, Clause 1.6 would become redundant.	(1A) Land identified as "Deferred matter" on the Land Application Map within the meaning of Warringah Local Environmental Plan 2011 is, for the purposes of this Policy, taken to be in Zone E3 Environmental Management.	Omit Clause 1.6 (1A)
17	Schedule 6 Amendment of other environmental planning instruments (6.2) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	If this planning proposal is adopted, planning controls for the B2 and C8 localities of WLEP2000 will be transferred into WLEP2011, therefore Clause 4 (2A) & (3) of the SEPP will become redundant. Clause 4(6)(c) and Clause 4(8) have already been omitted from the SEPP (Housing for Seniors or People with a Disability) 2004 so reference to these omissions in WLEP2011 can now be deleted.	6.2 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 [1] Clause 4 Land to which Policy applies Omit clause 4 (3). Insert instead: (2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan. (3) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes. [2] Clause 4 (6) (c)	Insert amended wording: 6.2 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 [1] Clause 4 Land to which this Policy applies Omit clause (2A) and (3).

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
			Omit the paragraph. [3] Clause 4 (8) Omit the subclause.	
18	Schedule 6 Amendment of other environmental planning instruments (6.3) Warringah Local Environmental Plan 2000	The WLEP2011 'Land Application Map' which identifies 'Deferred Matter' land in Oxford Falls and Belrose North will be amended to remove reference to 'Deferred Matter' land. Therefore, reference to the 'Land Application Map' should be deleted from the WLEP2000 Clause 2 Note.	6.3 Warringah Local Environmental Plan 2000 Clause 2 Where does this plan apply? Insert at the end of the clause: Note. On the commencement of clause 1.8 of Warringah Local Environmental Plan 2011 , this plan ceases to apply to land to which that plan applies. However, this plan will continue to apply to land identified as "Deferred matter" on the Land Application Map under that plan.	Insert amended wording: 6.3 Warringah Local Environmental Plan 2000 Clause 2 Where does this plan apply? Insert at the end of the clause: Note. On the commencement of clause 1.8 of Warringah Local Environmental Plan 2011 , this plan ceases to apply to land to which that plan applies.
19	Land Zoning Map sheets: 003, 007 and 008A	Land Zoning Map sheets 003, 007 and 008A need to be updated to incorporate the proposed zones for the deferred matter land. These zoning changes have been determined based on outcomes of the Oxford Falls Valley and Belrose North	N/A	Amend Land Zoning Map sheets 003, 007 and 008A Refer to Land Zoning Map – Appendix 8

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
		Strategic Review process		
20	Additional Permitted Use Map sheets: 003, 007	Additional Permitted Use Map Sheets 003 and 007 need to be updated to include new Areas 21 to 26 to reflect the new proposed Schedule 1 Additional Permitted uses.	N/A	Amend Additional Permitted Use Map Sheets 003 and 007. Refer to Additional Permitted Use Map – Appendix 8
21	Acid Sulfate Soils Map: 007	Acid Sulfate Soils Map 007 needs to be amended to identify acid sulfate soil on land covered by this map. Note: There are no acid sulfate soils on land covered by Map 003 or 008A.	N/A	Amend Acid Sulfate Soils Map 007 Refer to Acid Sulfate Soils Map – Appendix 8
22	Height of Building Map sheets: 003, 007 and 008A	Height of Building Map sheets 003, 007 and 008A need to be updated to indicate an 8.5m height for all land subject to this planning proposal.	N/A	Amend Height of Building Map Sheets 003, 007 and 008A. Refer to Height of Building Map – Appendix 8
23	Land Application Map: 001	Land Application Map 001 needs to be updated by deleting reference to 'Deferred Matter' land.	N/A	Amend Land Application Map 001 by deleting reference to 'Deferred Matter' land. Refer to Land Application Map – Appendix 8
24	Lot Size Maps 003, 007 and 008A	Lot Size Maps 003, 007 and 008A need to be updated to indicate a 20ha lot size for the land proposed to be	N/A	Amend Lot Size Map Sheets 003, 007 and 008A. Refer to Lot Size Map – Appendix 8

	WLEP2011 (Relevant Section)	Required Change	Existing Wording	Indicative WLEP2011 Amendments <i>Note: Subject to future consultation with Parliamentary Counsel's Office for legal drafting of the amendment, Council foreshadows that the Planning Proposal would involve the following indicative amendments – these may be varied slightly during legal drafting.</i> (Additional requirements highlighted green)
		zoned: E3 Environmental Management, E4 Environmental Living (in proximity to Wakehurst Pkwy) RU4 Primary Production Small Lots (in proximity to Forest Way) and R5 Large Lot Residential and also to indicate a 600sqm lot size for land proposed to be zoned R2 Low Density Residential.		
25	Landslip Risk Maps 003, 007 and 008A	Landslip Risk Maps 003, 007 and 008A need to be amended to identify landslip risk within the study area.	N/A	Amend Land Slip Risk Map Sheets 003, 007 and 008A. Refer to Land Slip Risk Map – Appendix 8
26	Heritage Map 007	Heritage Map 007 needs to be amended to identify the small area of land in north eastern corner of the study area as forming part of the C12 Oxford Falls Conservation Area. This is in accordance with WLEP2000 heritage provisions.	N/A	Amend Heritage Map 007. Refer to Heritage Map – Appendix 8



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 the direct result of the outcomes of Stage 1 of the OFV/BN Strategic Review process and a direction from the Department (Appendix 6) with regard to zoning land in proximity to Wakehurst Parkway E4 Environmental Living.

In justification of the proposed E4 zone in proximity to Wakehurst Parkway:

- That characteristics of the land align well with the recommendations of LEP Practice Note 11-002, which notes that the E4 zone may be applicable to areas with existing residential development in a rural setting which still has some special conservation values.
- The E4 zone under WLEP2011 also aligns well with the desired future character statement of the B2 locality under WLEP2000 for the subject land, with the addition of an objective to “protect and enhance visual quality by promoting dense bushland buffers adjacent to major traffic thoroughfares”.
- As the landuse table for the E4 Zone under WLEP2011 is currently tailored specifically for land zoned E4 at Cottage Point, a number of additional permitted uses for land in proximity to Wakehurst Parkway would be appropriate to support development similar to that which currently exists and is permissible under WLEP2000 (as detailed in Part 2 above).

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

A planning proposal is the only way of formalising the zoning of the subject land, which is currently identified as a ‘Deferred Matter’ under WLEP2011. This is a necessary step towards establishing one LEP for Warringah.

Section B - Relationship to Strategic Planning Framework.

3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including ‘A Plan for Growing Sydney, 2014’)?

The key aim of this Planning Proposal is to transfer planning controls from WLEP2000 into WLEP2011. The Planning Proposal is not contrary to the planning principles, directions and priorities of ‘A Plan for Growing Sydney’.

The future North Subregional Strategy and Warringah Local Planning Strategy will determine how to effectively implement the planning principles, directions and priorities as outlined in ‘A Plan for Growing Sydney’ such as meeting allocated housing and employment targets across Warringah. This may result in future Planning Proposal amendments to WLEP2011 to achieve this.

4 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The planning proposal is consistent with the WLEP2011. This is addressed in detail in the OFV/BN Strategic Review Report (Attachment 2).

5 Is the planning proposal consistent with applicable state environmental planning policies (SEPP's)?

The planning proposal is consistent with the requirements of all applicable SEPPs, as outlined in Appendix 11.

If this planning proposal progresses to Gazettal, the following SEPPs will require amending to remove reference to WLEP2000 or 'deferred matter' land in WLEP2011 as follows:

5.1 SEPP (Exempt and Complying Development Codes) 2008

If this planning proposal is adopted, the 'Land Application Map' in WLEP2011 identifying 'Deferred Matter' land will no longer be required. Therefore, Clause 1.6 of this SEPP would become redundant and should be omitted from the SEPP.

5.2 SEPP (Housing for Seniors or People with a Disability) 2004

If this planning proposal is adopted, planning controls for the B2 and C8 localities of WLEP2000 will be transferred into WLEP2011, therefore Clause 4 (2A) & (3) of this SEPP that refer to WLEP2000 will become redundant and should be omitted from the SEPP.

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

The planning proposal is generally consistent with the relevant Section 117 Directions, as outlined in Appendix 9 of this Report.

Section 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?

The Draft OFV/BN Strategic Review Report (Attachment 2) considered the impact on critical habitat or threatened species, populations or ecological communities, or their habitats in detail when determining the best fit transfer of planning controls from WLEP2000 into WLEP2011 for the subject land. It is determined they will not be adversely affected by this planning proposal.

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

Environmental issues such as riparian land, wetlands, wildlife corridors, slope, flooding, acid sulphate soils, bushfire hazard and cumulative environmental impacts were considered as outlined in the Draft OFV/BN Strategic Review Report when determining the best fit transfer of planning controls from WLEP2000 into WLEP2011 for the subject land. This planning proposal will have a negligible environmental effect.

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

The Planning Proposal will have negligible social and economic effects as follows:

Social effects:

Heritage

The planning proposal will have a negligible impact on European or Aboriginal Heritage.

In accordance with WLEP2000, a small area of land in the north east corner of the study area will be covered by WLEP2011 Schedule 5 Environmental Heritage (C12 Oxford Falls Conservation Area).

Economic effects:

Operational benefits

The transfer of planning controls from WLEP2000 into WLEP2011 is required in accordance with the NSW Governments Standard Instrument (Local Environmental Plans) Order 2006. It is also required to eliminate unnecessary duplication, management and operational cost of operating under two Warringah LEP's.

Non-conforming land uses

In respect to economic impacts, the proposed E3, E4, R5, RU4, R2, SP1 and SP2 zones and planning controls under WLEP2011 will result in development similar to that which currently exists and is permissible under WLEP2000 on the subject land.

It is acknowledged however that there will be a number of non-conforming landuses resulting from this transfer process. In these instances the existing use right provisions of the EP&A Act, 1979 (Part 4, Division 10) will enable the continuation of lawfully established uses within the study area. Noting that an existing use is a use that is lawfully commenced but subsequently becomes a prohibited use under a new local environmental plan.

For example, an existing horse training facility is permitted to continue operating (under earlier consent) and possibly expand even though the site and surrounding areas may have been rezoned E3 Environmental Management under the new WLEP2011. An existing land use will only be lost if it ceases to be actually used for a period of 12 months or more.

Prohibited land uses can also be considered through a separate planning proposal process. Any landowner, or proponent acting on behalf of a landowner, may prepare and submit a planning proposal to the relevant planning authority. Council and the State Government will then consider the planning proposal in accordance with the requirements of the Act.

Section D - State and Commonwealth Interests.

10 Is there adequate public infrastructure for the planning proposal?

Yes, the planning proposal does not generate a need to upgrade or improve public infrastructure.

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

Government authorities were consulted during the public exhibition of the Draft OFV/BN Strategic Review Report. Submissions were received from the following government agencies and have been considered in detail as outlined in Appendix 10:

- TransGrid
- Transport Roads and Maritime Services
- Fisheries NSW, a Division of NSW Department of Primary Industries
- Office of Water, a Division of the NSW Department of Primary Industries
- NSW Department of Trade and Investment – Mineral Resources Branch
- Sydney Water
- NSW Rural Fire Service

The Planning Proposal has been aligned to reflect the requirements of these government agencies where considered applicable as outlined in Appendix 10.

Part 4: Planning Proposal Maps

Appendix 8 contains maps identifying the intent of the planning proposal and the area to which it applies including:

1. Study Area Map
2. WLEP2000 Locality Map
3. Proposed Zoning Map
4. Proposed Additional Permitted Uses Map
5. Proposed Acid Sulfate Soils Map
6. Proposed Height of Buildings Map
7. Proposed Land Application Map
8. Proposed Lot Size Map
9. Proposed Landslip Risk Map
10. Proposed Heritage Map

Part 5: Community Consultation

Extensive consultation was undertaken during Stage 1 of the OFV/BN Strategic Review process to inform this Planning Proposal, as detailed in the attached Strategic Review Report and Submission Report. Consultation included:

- A community information evening,
- Site visits to all privately owned properties within the study area,
- Public exhibition of the Draft Strategic Review Report,
- A Warringah Development Assessment Panel Independent public hearing
- A Report to Council on 26 August 2014 and 24 February 2015.

In addition to this, at each key stage throughout the review process stakeholders were invited to provide submissions.

Consultation for this Planning Proposal will be conducted in accordance with State Government legislation requirements.

Part 6: Project Timeline

The anticipated gazettal of this LEP Amendment is February 2016. Noting that Council has no control over the Department's timeframes. The below table provides an estimated timeframe for the Planning Proposal as follows:

Planning Proposal Tasks		Anticipated Timeframes
1	Referral to NSW Department of Planning and Environment for Gateway Determination (1 week)	April 2015
2	Gateway Determination (4 weeks)	May 2015
3	Timeframe (4 weeks) for: ▪ Potential government agency consultation ▪ Any required amendments to the Planning Proposal prior to exhibition ▪ Public exhibition preparation	June 2015
4	Statutory Public Exhibition (28 days)	July 2015
5	Assess Submissions (anticipated large number of submissions: 4 weeks)	August 2015
6	Public Hearing (if required) (5 weeks)	October September 2015
7	Report to Council (4 weeks)	November October 2015
8	Anticipated date Council will make the plan (if delegated) (2 weeks)	December November 2015
9	Anticipated date RPA will forward to the department for notification (if delegated) (2 weeks)	February December 2015

Part 7: Request for Written Authorisation to Exercise Delegation

Council requests written authorisation to exercise delegation to prepare and make the Oxford Falls Valley and Belrose North Amending LEP, following the Gateway Determination of this Planning Proposal.

Appendices

Appendix 1 - Council Report / Resolution – 5 June 2012

Appendix 2 - Draft OFV/BN Strategic Review Report

Appendix 3 - Submissions Report on the Draft OFV/BN Strategic Review Report (Including Individual Submissions Received)

Appendix 4 – WDAP Independent Opinion

Appendix 5 – Council Report / Resolution – 26 August 2014

Appendix 6 – Department’s Direction – January 2015

Appendix 7 – Council Report / Resolution – 24 February 2015

Appendix 8 - Planning Proposal Maps

Appendix 9 – S117 Directions

Appendix 10 – Consideration of Submissions from Public Authorities

Appendix 11 – Relevant State Environmental Planning Policies