



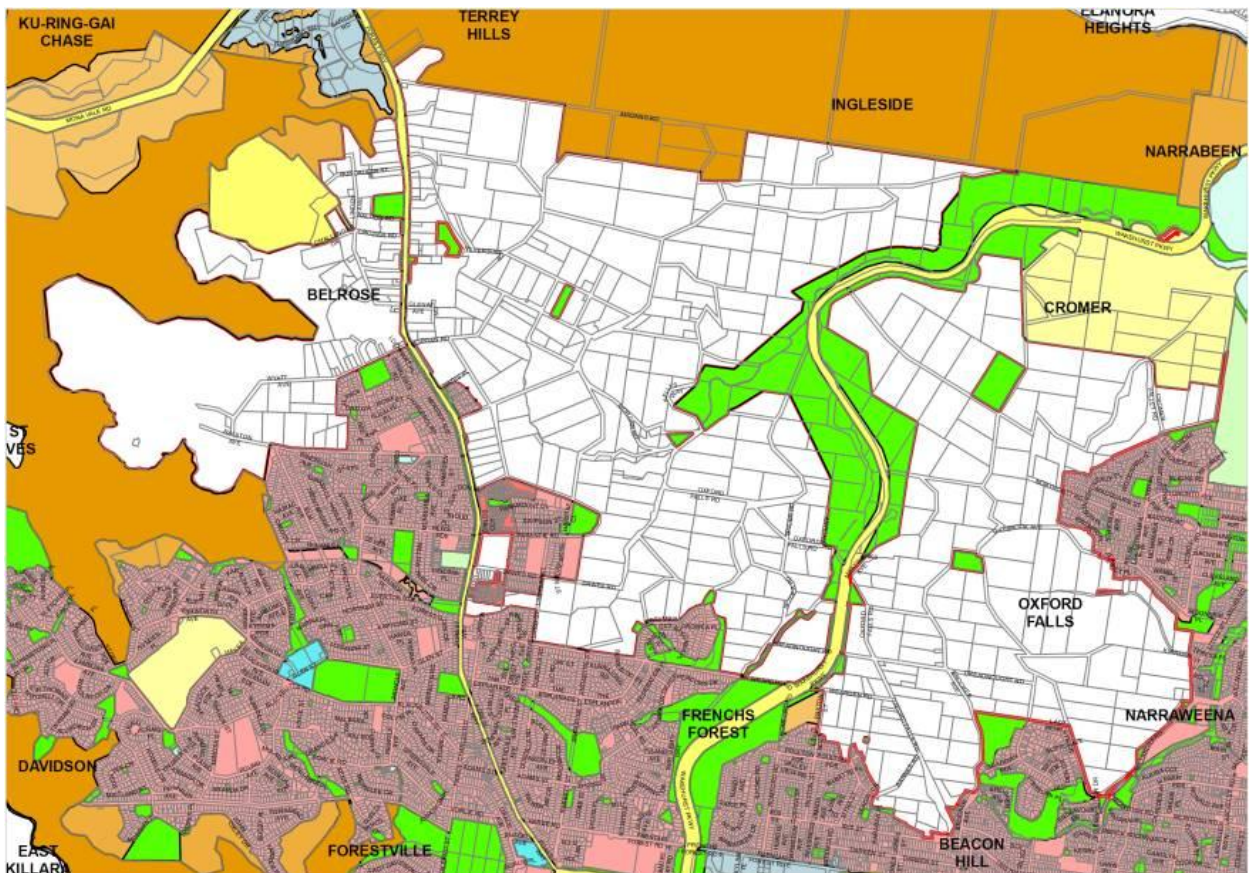
Planning &
Infrastructure



WARRINGAH
COUNCIL

DRAFT

OXFORD FALLS VALLEY AND BELROSE NORTH STRATEGIC REVIEW



April 2013

EXECUTIVE SUMMARY

The Department of Planning and Infrastructure and Warringah Council have worked in partnership to prepare the Oxford Falls Valley and Belrose North Strategic Review. The strategic review covers an area of 1341.4 hectares located approximately 20 kilometres from the Sydney Central Business District.

The review was initiated in response to stakeholder concern regarding the adequacy of consultation during the preparation of Warringah Local Environmental Plan 2011 (LEP 2011). The purpose of the strategic review has been to translate the planning controls under Warringah Local Environmental Plan 2000 (LEP 2000) into the best fit zones and land use controls under Warringah LEP 2011 and to engage the community in the process.

The draft strategic review has been informed by:

- A review of relevant planning legislation, studies, policies and guidelines;
- A review of existing information on environmental constraints and infrastructure provisions,
- Extensive stakeholder consultation via a community information evening, notification letters, website and Manly Daily updates, site visits and consideration of submissions received during the development of the draft report;
- A review of current land use controls; and
- Regular Project Control Group (PCG) meetings.

The draft findings of the strategic review do not significantly change the urban development potential of land in Oxford Falls Valley and Belrose North. This is the role of a future review (Stage 2), which will involve commissioning major studies as recommended by the Planning Assessment Commission in its 2009 report of the *Review of four sites in Oxford Falls Valley for Urban Development*.

Overall, the strategic review found that the best fit land use zone for the majority of the study area is the E3 Environmental Management zone. There are however some smaller areas of land that have been identified for alternative zonings and/or additional permitted uses.

It is intended that the findings of the strategic review inform the development of a planning proposal by Warringah Council to bring Oxford Falls Valley and Belrose North into Warringah LEP 2011.

Table of Contents

1.0 INTRODUCTION	1
1.1 Background to the Review.....	1
1.2 Scope of the Review.....	2
1.3 The Study Area	3
Map 001 Study Area Map	4
Map 002 Land Ownership Map	5
2.0 STRATEGIC PLANNING FRAMEWORK	6
2.1 NSW 2021.....	6
2.2 Draft Metropolitan Strategy 2031	6
2.3 Metropolitan Plan 2036.....	6
2.4 Draft North East Subregional Strategy.....	7
2.5 Living Warringah and the Strategic Community Plan 2012	7
3.0 REVIEW PROCESS/ TRANSLATION METHODOLOGY	9
3.1 Establishment of a Project Control Group.....	9
3.2 Probity Planning	9
3.3 Review of Existing Information/ Legislation.....	9
3.3.1 Review of Four Sites in Oxford Falls Valley for Urban Development by the Planning Assessment Commission	9
3.3.2 Previous Translation of Warringah LEP 2000 into LEP 2011	10
Table 1 B2 Oxford Falls Valley and C8 Belrose North Locality summary and E3 Environmental Management zoning summary	12
3.3.3 Relevant Standard Instrument LEP Zones and Landuses.....	15
3.3.4 EP&A Act 1979 and EP&A Regulations 2000 – Existing Use Rights.....	19
3.3.5 Relevant State Environmental Planning Policies.....	19
3.4 Stakeholder Consultation, Site Visits and Consideration of Submissions.....	21
Diagram 001 Community Engagement Opportunities during and following the Strategic Review.....	22
3.4.1 Online Correspondence and Information.....	22
3.4.2 Public Information Session.....	22
3.4.3 Site Visits.....	23
3.4.4 Submissions during the Strategic Review	23
Map 003 Landuses Observed During Site Visits	24
3.5 Consideration of Key Planning Issues	25

Table of Contents (cont.)

3.6 Environmental Constraints and Infrastructure Planning Considerations	27
3.6.1 Primary Environmental Constraints Assessment and Weighting	27
Table 2 Cumulative Level of Environmental Constraint	28
Map 004 Cumulative Level of Environmental Constraints	29
3.6.2 Zoning Recommendations based on the Consideration of Primary Environmental Constraints	30
Table 3 Summary of Results of Primary Environmental Constraints Assessment	30
Map 005 Outcome of the Primary Environmental Constraints Analysis	31
3.7 Secondary Environmental Constraints, Infrastructure and Planning Considerations	32
Map 006 Outcome of the Secondary Environmental Constraints Analysis	34
4.0 RECOMMENDATION	35
4.1 Outcome of the Strategic Review	35
Map 007 Proposed Land Zoning Map	37
Map 008 Proposed Additional Permitted Uses Map	38
4.2 Implementing the Recommendations of the Strategic Review	39
Warringah Local Environmental Plan 2011	39
Section 117 Directions	41
5.0 NEXT STEPS	42
References	43
Appendix 1	45
Appendix 2	49
Appendix 3	54
Appendix 4	54
Appendix 5	57
Appendix 6	64
Appendix 7	68
Appendix 8	71
Appendix 9	73

1.0 INTRODUCTION

1.1 Background to the Review

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 (Local Environmental Plans) Order 2006 which required that all New South Wales councils prepare new comprehensive Local Environmental Plans (LEPs) in a standard instrument format.

Warringah LEP 2000 is a unique local planning instrument which took a 'place based' approach to landuse 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.

Localities B2 Oxford Falls Valley and C7 Belrose North (shown on Map 001) were proposed to be zoned E3 Environmental Management in the draft version of Warringah's standard instrument. This was based on a detailed translation methodology that was applied to all land within Warringah LGA.

The draft Warringah LEP 2011 was exhibited from 12 October to 30 December 2009. The Minister for Planning and Infrastructure, Department of Planning and Infrastructure and Council received a number of submissions with regard to the proposed E3 Environmental Management zoning for land within the Oxford Falls Valley and Belrose North. The issues raised in the submissions included:

- a view that current controls under Warringah LEP 2000 allow for a greater range of potential development activities compared to the proposed E3 Environmental Management zone;
- a view that the E3 Environmental Management zone is not appropriate for cleared land or land adjacent to existing residential areas;
- an objection to the need to rely on existing use rights;
- an objection to the loss of the permissibility of seniors housing for some land adjoining urban areas;
- support for the protection of the environment (sensitive bushland areas; threatened species, natural rock formations, water catchments and aesthetic qualities) via E3 Environmental Management or E2 Environmental Conservation zones; and
- an objection to the level of public consultation in the preparation of the draft LEP.

In response to the submissions received, on 31 August 2011, the Minister for Planning and Infrastructure announced that he intended to defer the areas of Oxford Falls Valley and Belrose North from Warringah LEP 2011. On 9 December 2011, when Warringah LEP 2011 was made, both Oxford Falls Valley and Belrose North localities were deferred, meaning that planning controls under LEP 2000 continue to apply to this land.

On 5 June 2012, Council resolved to undertake a joint strategic review with the Department of Planning and Infrastructure of the Oxford Falls Valley and Belrose North localities.

1.2 Scope of the Review

The scope of works for the strategic review includes:

1. Review existing information on constraints imposed by the physical environment (eg bushfire risk, flora and fauna, topography). This included a review of constraints models used in the previous assessment of this area;
2. Review existing provision/needs for infrastructure;
3. Identify existing land uses and establishing whether existing and continuing use rights apply in the deferred area;
4. Review development that is generally not consistent with the desired future character of the locality (Category 3 uses under the Warringah LEP 2000) and identifying landuses that are suitable based on the findings of tasks 1 and 2;
5. Determine an agreed policy position in relation to the use of special uses zones and additional uses for future planning controls under the Draft LEP in the deferred areas;
6. Identify sites where:
 - the E3 Environmental Management zone should remain as previously exhibited;
 - additional uses could be added to the E3 Environmental Management zoning; or
 - a different zone could apply such as SP2 Infrastructure, R2 Low Density Residential, RU4 Primary Production Small Lots or R5 Large Lot Residential;
7. Review proposed changes to the E3 Environmental Management zone in the deferred area and considering implications of clause 6.6 of the LEP (“Erection of dwelling houses in Zone E3 Environmental Management”) on land holdings within the proposed zone;
8. Undertaking community engagement and consultation to gather views of key stakeholders; and
9. Recommending proposed land use zones and other relevant planning controls for inclusion in a planning proposal.

1.3 The Study Area

The study area comprises approximately 1341 hectares of land located within the Warringah Local Government Area (LGA). The land is located in the vicinity of Wakehurst Parkway and Forest Way, as shown on the Study Area Map (Map 001).

The land is bounded by Garigal National Park to the north and west. It forms part of the Narrabeen Lagoon and Middle Harbour catchments and adjoins predominantly low density residential development to the south.

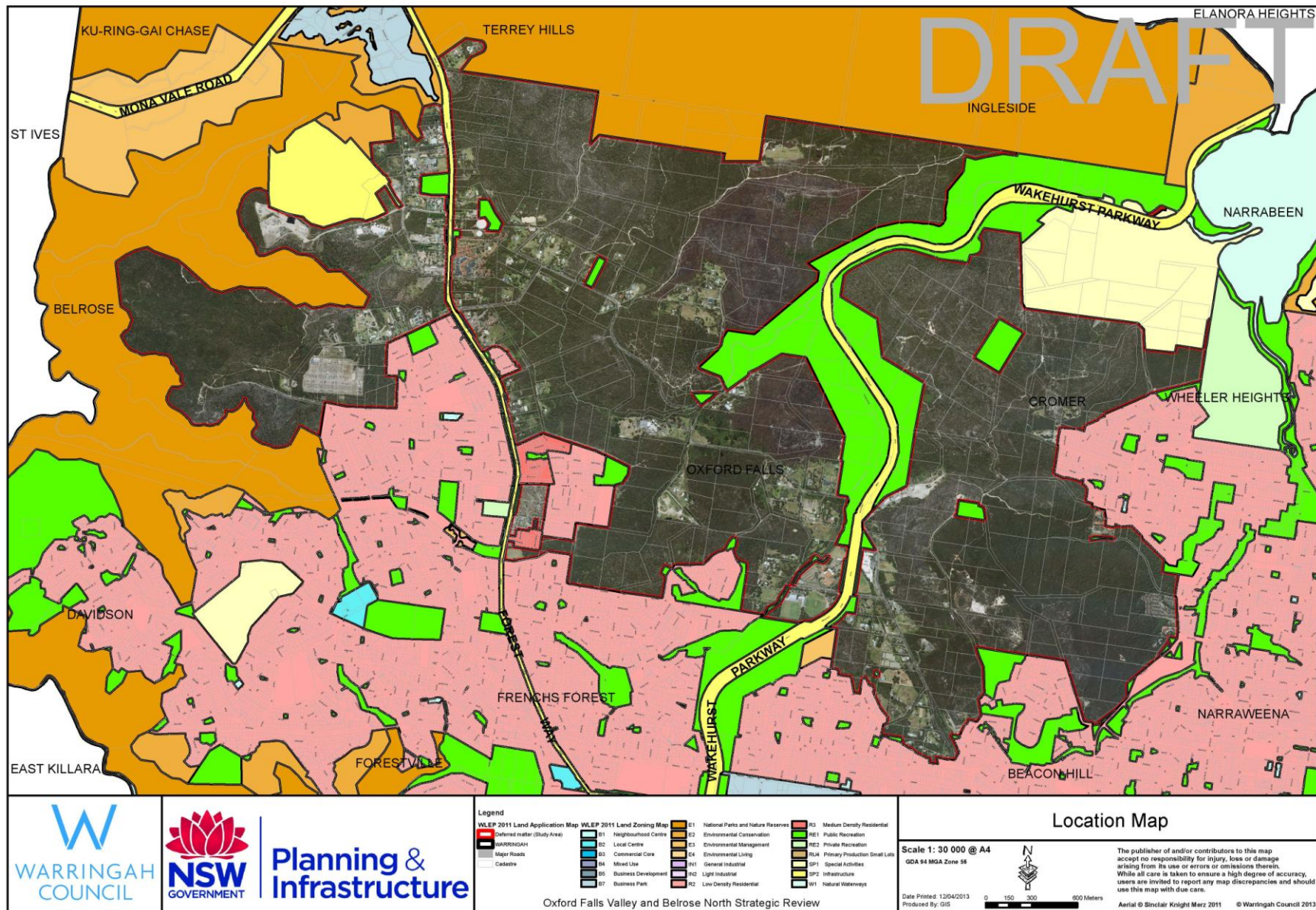
The majority of land within the study area is characterised by large lots containing significant patches of native vegetation. Some allotments contain residential dwellings, outbuildings, educational establishments and commercial uses. The land in the study area has been cleared to varying degrees.

There are a number of large landowners in the study area including:

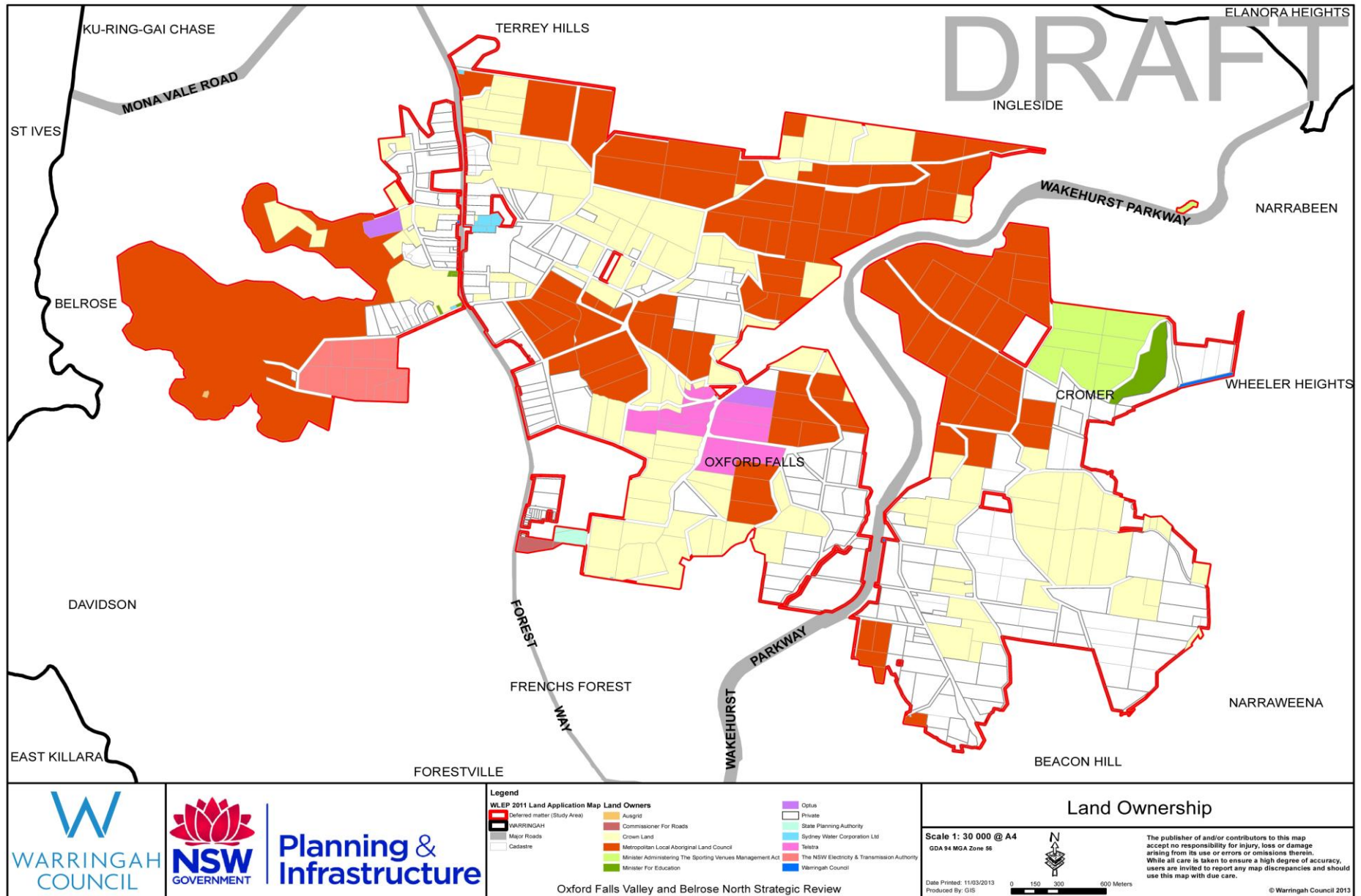
- the Metropolitan Local Aboriginal Land Council (MLALC) owning approximately 37% of land;
- the Crown owning 24% of the land;
- private landowners owning 28% of the land; and
- infrastructure providers and/or various government departments owning 11% of the land.

This is illustrated on the Land Ownership Map (Map 002).

Map 001 Study Area Map



Map 002 Land Ownership Map



2.0 STRATEGIC PLANNING FRAMEWORK

2.1 NSW 2021

NSW 2021: A Plan to make NSW number one is the government's strategic business plan, which sets the priorities for action by the government.

There are three key goals in the Plan that are relevant to this strategic review.

Firstly the Plan seeks to involve the community in decision making on government policy, services and projects. This strategic review has planned for consultation events to ensure stakeholders can provide input for consideration at key points in the review process.

Secondly, the government's goal is to strengthen our local environment and improve people's lives by protecting natural environments. The strategic review seeks to ensure that areas of natural value will continue to be protected through the use of environmental protection zones.

Finally, the Plan's goal is to place downward pressure on the cost of living. Although the strategic review will not increase the development potential of land in the study area, it will ensure that the supply of land for housing is not reduced.

2.2 Draft Metropolitan Strategy 2031

The Draft Metropolitan Strategy is the latest strategy released by the Department of Planning and Infrastructure to set the framework for Sydney's growth to 2031 and beyond.

The draft Strategy lays a strong and ambitious strategic planning foundation for the metropolitan region that will put Sydney on course to cement its position as Australia's pre-eminent city. To achieve this, the focus of the Strategy is on boosting housing and job growth across Sydney.

Under the Draft Metropolitan Strategy, the Oxford Falls Valley and Belrose North area is identified as an area of rich environmental significance and an asset that Sydney must retain and protect.

The Draft Metropolitan Strategy for Sydney is available for comment until 31 May 2013. For more information, visit <http://strategies.planning.nsw.gov.au/MetropolitanStrategyforSydney.aspx>

2.3 Metropolitan Plan 2036

The Metropolitan Plan for Sydney 2036 aims to integrate land use planning and transport planning across the city to provide a framework for sustainable growth and development.

The Metropolitan Plan was prepared with the vision that, by 2036, Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint.

A key action of the Metropolitan Plan is to locate 80 per cent of new housing within walking distance of existing or planned centres (this radius increases with the size of the centre i.e. 150m for a Neighbourhood centre up to 2km for a Regional city).

Although the aim of this strategic review is to identify development controls that most closely reflect existing planning controls for the area, it is important to note that the area is relatively isolated from key centres which provide jobs and services.

2.4 Draft North East Subregional Strategy

The draft North East Subregional Strategy was prepared by the Department of Planning and Infrastructure in 2007.

It contains targets for housing and employment to 2031 in response to the forecast growth of Sydney contained in the 2005 Metropolitan Strategy.

Under the draft North East Subregional Strategy, the Warringah LGA has a dwelling target of 10,300 new homes and an employment target of 12,500 new jobs.

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%)

Oxford Falls Valley and Belrose North are identified in the draft Strategy as non-urban land. The draft strategy also highlights that there is no need to develop non-urban lands (not already identified on the Metropolitan Development Program) to meet the dwelling targets for the North East subregion to 2031.

Protecting the subregion's unique diversity of plants and animals is an aim of the draft Strategy because the subregion is rich in natural heritage and wildlife, and contains threatened species (flora and fauna). The majority of open space in the subregion is made up of bushland, including Ku-ring-gai Chase and Garigal national parks. The strategic review identifies areas of natural value that will continue to be protected and enhanced.

2.5 Living Warringah and the Strategic Community Plan 2012

Living Warringah adopted by Council on 22 November 2005, is Warringah's strategic plan for the next ten years. The plan includes a vision to create a vibrant community, improve quality of life by living and working in balance with the bush and beach environment.

Warringah is renowned for its natural beauty and Living Warringah acknowledges the communities' concern about conserving the environment and managing the impact from development and visitors.

The Plan's goals are to protect environmental biodiversity through bushland conservation, reserve networks and responsible land management.

The Warringah Strategic Community Plan 2012 aims to align the vision for the area with a strategic direction for its long term future. The Strategic Community Plan 2012 aims to plan appropriately for future housing in Warringah, balancing State Government growth targets, the changing demographic profile of the community, local needs and expectations, the need to reduce carbon emissions and resource consumption and the challenges of infrastructure limitations.

The strategic review satisfies the aims of Living Warringah and Warringah Strategic Community Plan 2012, as it will ensure environmentally valuable land is protected, while not reducing the development potential on land that currently permits development.

3.0 REVIEW PROCESS/ TRANSLATION METHODOLOGY

In identifying an appropriate translation of zones for the study area, the project team identified seven key steps in the process:

- Establish of a Project Control Group;
- Establish Probity Protocols;
- Review existing information /legislation;
- Stakeholder consultation;
- Consider key planning issues;
- Consider environmental constraints and infrastructure planning requirements; and
- Determine best fit zones and other planning controls.

3.1 Establishment of a Project Control Group

A Project Control Group ('PCG') consisting of Department and Council representatives was established to prepare and deliver the strategic review.

The PCG is responsible for detailing the scope of the study, developing a program, preparing briefs to engage a consultant to undertake a community consultation event, reviewing available data including submissions made by landowners and occupiers within the study area and drafting the strategic review report.

3.2 Probity Planning

Vic Baueris from Procure Group was engaged by the PCG as the probity advisor to ensure the strategic review is carried out with a high level of transparency.

The potential for perceived conflicts of interest was acknowledged due to:

- Land ownership by Warringah Council and State Government; and
- The decision to await the findings, conclusions and recommendations of the strategic review before progressing a planning proposal for the area.

The probity advisor provided advice on the governance structure and protocols adopted by the PCG in preparing the strategic review and will audit its performance at the completion of the strategic review.

3.3 Review of Existing Information/ Legislation

3.3.1 Review of Four Sites in Oxford Falls Valley for Urban Development by the Planning Assessment Commission

In 2009, the Planning Assessment Commission (PAC) undertook a review of four sites in the Oxford Falls Valley locality to determine whether the sites had potential for urban development.

The PAC concluded that none of the sites were capable of urban development for at least ten years because the sites do not substantially meet the sustainability criteria of the 2005 Metropolitan Strategy, particularly in relation to transport, access, housing diversity, environmental constraints and potential land use conflicts.

The PAC recommended that six major studies be undertaken to determine the future urban development capability of the area. These studies include:

- Transport and accessibility;
- Management of bushfire hazards;
- Water quality, aquatic ecology and hydrology of Narrabeen Lagoon and its catchments;
- Flora and fauna protection;
- Visual analysis; and
- Satellite communication buffers.

The PAC studies are a separate process, not to be confused with this strategic review and will require additional resources and timing. It will form the second stage of work to be completed for the area to determine future urban development potential. This work will follow on from this (stage one) strategic review.

3.3.2 Previous Translation of Warringah LEP 2000 into LEP 2011

In translating Warringah LEP 2000 into the standard instrument format, Warringah Council undertook the following process:

- Considered standard zone objectives against desired future character statements;
- Included additional local objectives that capture the intent of the desired future character statements;
- Identified category 1 and category 2 land uses as (generally) being permitted;
- Identified category 3 and prohibited land uses as being (generally) prohibited;
- Considered built form controls of LEP 2000 in terms of their outcomes;
- Identified provisions that replicated SEPP Seniors Housing and removing them from the LEP; and
- Considered environmental constraints mapping.

Following this process, Warringah Council proposed to zone five localities E3 Environmental Management in the Draft LEP 2011 including:

- A7 Mona Vale Road North
- B2 Oxford Falls Valley
- B9 Mona Vale Road East
- C8 Belrose North
- C10 Mona Vale Road West

These localities were identified as being appropriate for environmental protection for the following reasons:

1. Desired Future Character

The desired future character statements for all five localities contained the following requirements:

- Present character will remain unchanged;
- Natural landscapes will be protected and enhanced;
- Housing density will be limited to 1 dwelling per 20 ha; and
- Future development will be low intensity and low impact.

2. Categorisation of Land Uses

Almost all land uses were permitted in all localities under LEP 2000 with very few land uses prohibited. For example, the C1 Middle Harbour Suburbs Locality included the residential suburbs of Frenchs Forest, Forestville, Davidson and similar suburbs. In this locality, land uses such as industries (eg. foundries, surf board makers), bulky goods shops, vehicle repair stations and warehouses were permitted.

LEP 2000 categorised permitted land uses into three groups.

- Category One land uses are presumed consistent with the Desired Future Character statement for the locality.
- Category Two land uses may be consistent with the Desired Future Character statement for the locality.
- Category Three land uses are generally inconsistent with the Desired Future Character of the locality. Referring to Locality C1 Middle Harbour Suburbs, the following uses were Category 3 uses in this locality:
 - Industries (foundries, surf board makers);
 - Bulky goods shops;
 - Vehicle repair stations; and
 - Warehouses.

LEP 2000 applied different tests for development in the three categories. The test for Category Three land use applications was significantly more rigorous than that for Category One or Two land uses. It was based on an independent hearing and was largely based on impact of the development on the area and on the Desired Future Character of the locality.

Recognising the environmental sensitivity of the land in certain areas, 5 out of 74 localities in LEP 2000 were proposed to be zoned E3 Environmental Management. None of the five localities included Category One land uses. This means that no land uses were considered to be consistent with the relevant desired future character statement and all development applications were to be assessed under the more rigorous requirements for Category Two and Three land uses. In addition, all five localities included the highest number of land uses under Category Three.

3. Built Form Controls

The translation process recognised that the housing density standard of 1 dwelling per 20 hectares exclusively applied to the five localities. Other non urban localities in Warringah LGA had a housing density standard of 1 dwelling per 2 hectares which recognised the lower level of environmental constraints in these localities.

4. Removal of State Environmental Planning Policies (SEPPs) from Warringah's LEP

At the time of preparing LEP 2000, Council incorporated SEPPs into the LEP. The SEPPs then ceased to apply to Warringah because the relevant controls were included in the LEP.

Provisions from SEPP 5 Seniors Living were included in LEP 2000 and seniors housing was permitted on non-urban land, if the land adjoined land primarily used for urban purposes. Since LEP 2000 was made, controls relating to seniors housing under the SEPP became more rigorous. The SEPP no longer applied to land adjoining an urban area if the land was environmentally sensitive. In addition, a Site Compatibility Certificate is now to be issued first for land adjoining an urban area before seniors housing development can be considered. The more rigorous controls were not translated into LEP 2000.

When making LEP 2011, Warringah Council did not incorporate SEPPs into its LEP. Therefore, provisions relating to SEPP 5 were removed. This approach was supported by the Department.

5. Special Purpose Zones and Schedule 1 (Additional Permitted Uses)

In preparing LEP 2011, Council restricted its use of the Special Purpose (SP) zones. Many land uses that had historically been zoned SP adopted the prevalent surrounding zone. In particular, this principle was applied to schools. Hence, in the non urban areas of Warringah, schools are zoned RU4 Primary Production Small Lots or E3 Environmental Management.

In preparing LEP 2011, the Department of Planning and Infrastructure advised Council that Clause 28(2) of the State Environmental Planning Policy (Infrastructure) 2007 allows for the development and expansion of existing educational establishments (including private schools). Therefore, the inclusion of such sites in Schedule 1 (Additional Permitted Uses) was not necessary. This position remains current.

Table 1 identifies a comparison of the two localities against the E3 Environmental Management zone that was initially proposed for the two localities under LEP 2011.

Table 1 B2 Oxford Falls Valley and C8 Belrose North Locality summary and E3 Environmental Management zoning summary

Locality B2 Oxford Falls Valley (LEP 2000)	Locality C8 Belrose North (LEP 2000)	E3 Environmental Management (LEP 2011)
<i>Desired Future Character, Locality Statement:</i> The present character will remain unchanged. Future development will be limited to new detached style and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen lagoon and the Wakehurst Parkway.	<i>Desired Future Character, Locality Statement:</i> The present character will remain unchanged. The natural landscape will be protected. Buildings will be grouped in areas that will result in the minimum amount of disturbance of vegetation. Development will be limited to new detached style housing and low intensity, low impact	<i>Objectives of zone</i> •To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. •To provide for a limited range of development that does not have an adverse effect on those values. •To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings,

Locality B2 Oxford Falls Valley (LEP 2000)	Locality C8 Belrose North (LEP 2000)	E3 Environmental Management (LEP 2011)
The natural landscape will be protected. Buildings will be located and grouped in areas that will minimise disturbance of vegetation. A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Development in the locality will not create siltation or pollution of Narrabeen lagoon and its catchment.	uses. A dense bushland buffer will be retained along Forest Way. Development in the locality will not create siltation or pollution of Middle Harbour.	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.
Category one Nil. Category two Agriculture housing seniors housing but only on land that adjoins land used for urban purposes	Category one Development for the purpose of extractive industries (on land covered by licence number 64/193 metropolitan, Belrose—Warringah Gravel and Stone Supplies). Category two Agriculture housing seniors housing but only on land that adjoins land used for urban purposes	Permitted Without Consent Home-based child care; Home occupations Permitted With Consent 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;

Locality B2 Oxford Falls Valley (LEP 2000)	Locality C8 Belrose North (LEP 2000)	E3 Environmental Management (LEP 2011)
		Horticulture; Recreation areas; Roads
Category three animal boarding or training establishments bulky goods shops business premises child care centres community facilities entertainment facilities further education health consulting rooms heliports hire establishments hospitals hotels industries medical centres motor showrooms offices places of worship primary schools recreation facilities registered clubs restaurants retail plant nurseries service stations shops short term accommodation	Category three animal boarding or training establishments bulky goods shops business premises child care centres community facilities entertainment facilities extractive industries, unless this locality statement provides otherwise further education health consulting rooms heliports hire establishments hospitals hotels industries medical centres motor showrooms offices places of worship primary schools recreation facilities registered clubs restaurants retail plant nurseries service stations	Prohibited development Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Locality B2 Oxford Falls Valley (LEP 2000)	Locality C8 Belrose North (LEP 2000)	E3 Environmental Management (LEP 2011)
vehicle repair stations veterinary hospitals warehouses Prohibited development brothels extractive industries Seniors housing potentially hazardous industries potentially offensive industries vehicle body repair workshops canal estate development	shops short term accommodation vehicle repair stations veterinary hospitals warehouses Prohibited development brothels seniors housing potentially hazardous industries potentially offensive industries vehicle body repair workshops canal estate development	
Housing density The maximum housing density is 1 dwelling per 20ha of site area, with exceptions (refer to LEP 2000 locality statement)	Housing density The maximum housing density is 1 dwelling per 20 ha of site area, with exceptions (refer to LEP 2000 locality statement)	Housing density The maximum housing density is 1 dwelling per 20 ha of site area, with exceptions (Clause 6.6 of LEP 2011)
Building height Buildings are not to exceed 8.5 metres in height.	Building height Buildings are not to exceed 8.5 metres in height.	Building height Buildings are not to exceed 8.5 metres in height.

3.3.3 Relevant Standard Instrument LEP Zones and Landuses

The Standard Instrument Order 2006 sets out 35 standard zones for councils to use when preparing their new LEPs. This review considered a range of zones which are summarised below. Further zoning information is available in LEP Practice Note PN11-002 Preparing LEPs using the Standard Instrument: standard zones.

Rural Zones

RU4 Primary Production Small Lots

The RU4 Primary Production Small Lots zone is intended for land which is to be used for commercial primary industry production and not for land that is primarily residential in function. Warringah Council currently applies this zone in Duffys Forest and Terrey Hills.

Residential Zones

R2 Low Density Residential Zone

The R2 Low Density Residential zone is the lowest density urban residential zone which aims to provide for the housing needs of the community within a low density residential environment. The zone is generally restricted to services that meet the day-to-day needs of residents.

Warringah LEP 2011 applies the R2 Low Density Residential zone in large parts of the LGA and permits uses such as boarding houses, dwelling houses and group homes.

R3 Medium Density Residential Zone

The R3 Medium Density Residential zone is for land comprising of medium density accommodation. A variety of residential uses have been mandated in the zone to encourage housing choice and diversity. The R3 Medium Density Residential zone is generally applied in locations close to or within centres with a diverse range of established services and infrastructure.

Warringah LEP 2011 contains the R3 Medium Density Residential zone, and permits attached dwellings, dual occupancies, dwelling houses, multi dwelling housing, neighbourhood shops, residential flat buildings and seniors housing.

R5 Large Lot Residential Zone

The R5 Large Lot Residential zone is intended to cater for development that provides for residential housing in a rural setting and is generally located at the interface of environmentally sensitive land along one boundary and urban land along the other.

Warringah LEP 2011 does not currently use the R5 Large Lot Residential zone.

Business Zones

B1 Neighbourhood Centre Zone

The B1 Neighbourhood Centre zone is intended for small scale centres that include commercial premises that serve the day-to-day needs of residents. This zone should not be used for single 'neighbourhood shops,' as these can generally be permitted within the residential zones.

Warringah LEP 2011 uses the B1 Neighbourhood Centre zone, which aims to provide for a range of small-scale retail, business and community uses and permits business premises, shop top housing and shops.

B2 Local Centre Zone

The B2 Local Centre zone is generally intended for centres that provide a range of commercial, civic, cultural and residential uses.

Warringah LEP 2011 uses the B2 Local Centre zone, which aims to provide a range of retail, business, entertainment and community uses and permits commercial premises and shop top housing.

B6 Enterprise Corridor Zone

This zone is generally applied where commercial or industrial development is to be encouraged.

Warringah Council does not currently apply this zone.

Environmental Protection Zones

E2 Environmental Conservation Zone

The E2 Environmental Conservation zone is intended to protect land that has high conservation values outside national parks and nature reserves. The use of this zone needs to be justified by appropriate evaluation of the area in terms of high ecological, scientific, cultural or aesthetic attributes.

The following are examples of land where the E2 Environmental Conservation zone should be applied:

- Lands with very high conservation values;
- High conservation coastal foreshores or subject to coastal hazards;
- Land with a registered BioBanking agreement;
- Land with significant Aboriginal heritage values; and
- Land currently zoned for environmental protection with strict controls on development.

Warringah LEP 2011 currently applies the E2 Environmental Conservation zone in several locations adjoining national parks and land used for public recreation.

E3 Environmental Management zone

The E3 Environmental Management zone is to be applied to land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards. This zone might also be suitable as a transition between areas of high conservation value and other more intensive land uses.

The Environmental Management zone may be applied on land:

- With special ecological, scientific, cultural or aesthetic attributes;
- Where rehabilitation of the land's environmental qualities is required, as a transition between high conservation value land and other land;

- With native vegetation or forest cover; and
- That is highly constrained where slope, erodible soils or salinity may have a key impact on water quality.

Warringah LEP 2011 uses the E3 Environmental Management zone for 3 former localities: Mona Vale Road North, Mona Vale Road East and Mona Vale Road West.

E4 Environmental Living Zone

The E4 Environmental Living zone is intended for land with special environmental or scenic values and accommodates low impact residential development.

Warringah LEP 2011 uses the E4 Environmental Living zone at Cottage Point.

Special Purpose Zone

SP2 Infrastructure

The SP2 Infrastructure zone is intended to cover a wide range of physical and human infrastructure uses such as transport (roads and railways), utility undertakings and works, community uses such as churches, educational establishments (schools) and hospitals. However in some instances, it is more suitable for small infrastructure uses to be zoned the surrounding zone because SEPP (Infrastructure) 2009 permits certain infrastructure in the prescribed zone.

Warringah Council has applied the SP2 Infrastructure zone sparingly under LEP 2011 and has generally zoned educational establishments and churches to the prevalent surrounding zone rather than SP2 Infrastructure.

Schedule 1 - Additional Permitted Uses

Clause 2.5 of the Standard Instrument Order allows councils to permit additional uses for particular land. These uses are permitted in addition to those identified in the LEP Land Use Table or other planning instruments such as the ISEPP. Additional permitted uses are to be inserted in Schedule 1 of the LEP and may be mapped.

For clarity, land use permissibility should preferably be controlled by the zones and the Land Use Table. Where this is not possible and the intended outcome is adequately justified by council, the use of Schedule 1 may be acceptable. Generally, additional listings under LEP Schedule 1 should be minimised and should only proceed where council can demonstrate that there is no other acceptable zoning solution.

For the purposes of this strategic review, it was agreed that the use of Schedule 1 would be used sparingly and only in circumstances where it is difficult for the land use permissibility to be controlled by the Land Use Table. Generally, it is proposed that anomalous or non conforming sites are managed by existing use rights provisions of the *Environmental Planning and Assessment Act 1979*.

Warringah LEP 2011 currently has 18 items listed under Schedule 1.

Schedule 1(18) relates to the use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills (Area 1). This land is zoned RU4 Primary Production Small Lots but Schedule 1 also allows for:

educational establishments, garden centres, hospitals, hotel or motel accommodation, places of public worship, recreation areas, recreation facilities (indoor), recreation facilities (outdoor), registered clubs and restaurants or cafes.

Part of this strategic review considers whether it is suitable for Schedule 1(18) controls to be expanded to parts of the study area.

3.3.4 EP&A Act 1979 and EP&A Regulations 2000 – Existing Use Rights

Whilst every effort has been made to eliminate the number of non-conforming uses, there will be a small number of non-conforming land uses as a result of the recommended zoning. It is recommended that these properties rely on existing use rights under the *Environmental Planning and Assessment Act, 1979 (EP&A Act)* and the *Environmental Plan and Assessment Regulations, 2000 (EP&A Regulations)*.

An existing use (defined in *section 106 of the EP&A Act*) is a use that is lawfully commenced but subsequently becomes a prohibited use under a new LEP or other Environmental Planning Instrument (EPI). In simplified terms, existing use rights allow for a land use to operate the same lawfully established use on a parcel of land subject to the provisions of the *EP&A Act* and *EP&A Regulations* (relevant extracts at **Appendix 1**).

3.3.5 Relevant State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) deal with issues significant to the state. They are made by the Minister for Planning and Infrastructure. As an environmental planning instrument that is ranked above an LEP, it overrides any inconsistencies with an LEP. A list of SEPPs relevant to this strategic review are outlined below.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) 2007 (ISEPP) provides a consistent planning regime for infrastructure (including educational establishments) and the provision of services across New South Wales.

Specifically, Clause 28(2) of the ISEPP states that:

- (2) *Development for any of the following purposes may be carried out by any person with consent on any of the following land:*
- (a) *development for the purpose of educational establishments—on land on which there is an existing educational establishment,*
 - (b) *development for the purpose of the expansion of existing educational establishments—on land adjacent to the existing educational establishment.*

This means that the expansion or construction of an educational establishment (public or private) is permissible with consent on existing land containing an educational establishment or land adjoining an existing educational establishment without the need to:

- include such sites under Schedule 1 Additional Permitted Uses in an LEP; or
- explicitly list educational establishments as a permissible use under a land use zone.

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

This SEPP repealed the Seniors Living SEPP. Its purpose is to encourage the development of high quality accommodation for our ageing population and for people with disabilities that is in keeping with the local neighbourhood.

Clause 4 clarifies that the SEPP applies to land zoned primarily for urban purposes or land that adjoins land primarily zoned for urban purposes where one of the following is permissible: dwelling houses, residential flat buildings, hospitals, special purpose uses such as churches and schools and on land containing an existing registered club.

The SEPP explicitly defines land that is not zoned primarily for urban purposes. This includes land zoned principally for:

- Rural uses;
- Urban investigation;
- Residential uses on large lot residential such as R5 Large Lot Residential zone; and
- Land to which Warringah LEP 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North).

Clause 4(6) further lists land that the SEPP does not apply to and includes environmentally sensitive land. Environmentally sensitive land is any land zoned for environmental protection and includes land zoned E1 National Parks, E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living.

Clause 24 of the Seniors SEPP allows for the submission of a Site Compatibility Certificate application for seniors housing on land adjoining land used for urban purposes. This means that land within the review area that adjoins land zoned for urban purposes could be considered for a Site Compatibility Certificate. However, this excludes land zoned for environmental protection because the SEPP does not apply to land zoned for environmental protection.

SEPP (Exempt and Complying Development Codes) 2008

The policy provides exempt and complying development codes that have state-wide application. The SEPP identifies:

- in the General Exempt Development Code – the type of development that is on minor environmental impact and may be carried out without the need for development consent; and
- in the General Housing Code – types of complying development that may be carried out in accordance with a complying development certificate.

Schedule 6 of WLEP 2011 specifies that land identified as “Deferred Matter” (including the subject land) is, for the purposes of SEPP (Exempt and Complying Development Codes) 2008, taken to be in Zone E3 Environmental Management. This provision will need to be deleted once the land is undeferred.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. It sets out planning controls to encourage environmentally sustainable development and is relevant to the assessment of any future development on the quarry site on Challenger Drive, Belrose North.

SEPP 30 Intensive Agriculture

This policy sets out public notification requirements for development of cattle feedlots with a capacity of 50 or more cattle or piggeries with a capacity of 200 or more pigs. It is relevant to the study area because intensive agriculture is permitted with consent in some of the Standard Instrument zones that may be proposed as part of this strategic review.

3.4 Stakeholder Consultation, Site Visits and Consideration of Submissions

Community consultation is an important part of planning for Oxford Falls Valley and Belrose North.

The outcome sought from the community engagement is to ensure that all stakeholders in the community are adequately informed and provided with sufficient opportunities for their opinions and input to be considered. For this reason, the PCG facilitated extensive and early community consultation and opportunities for dialogue throughout the review process.

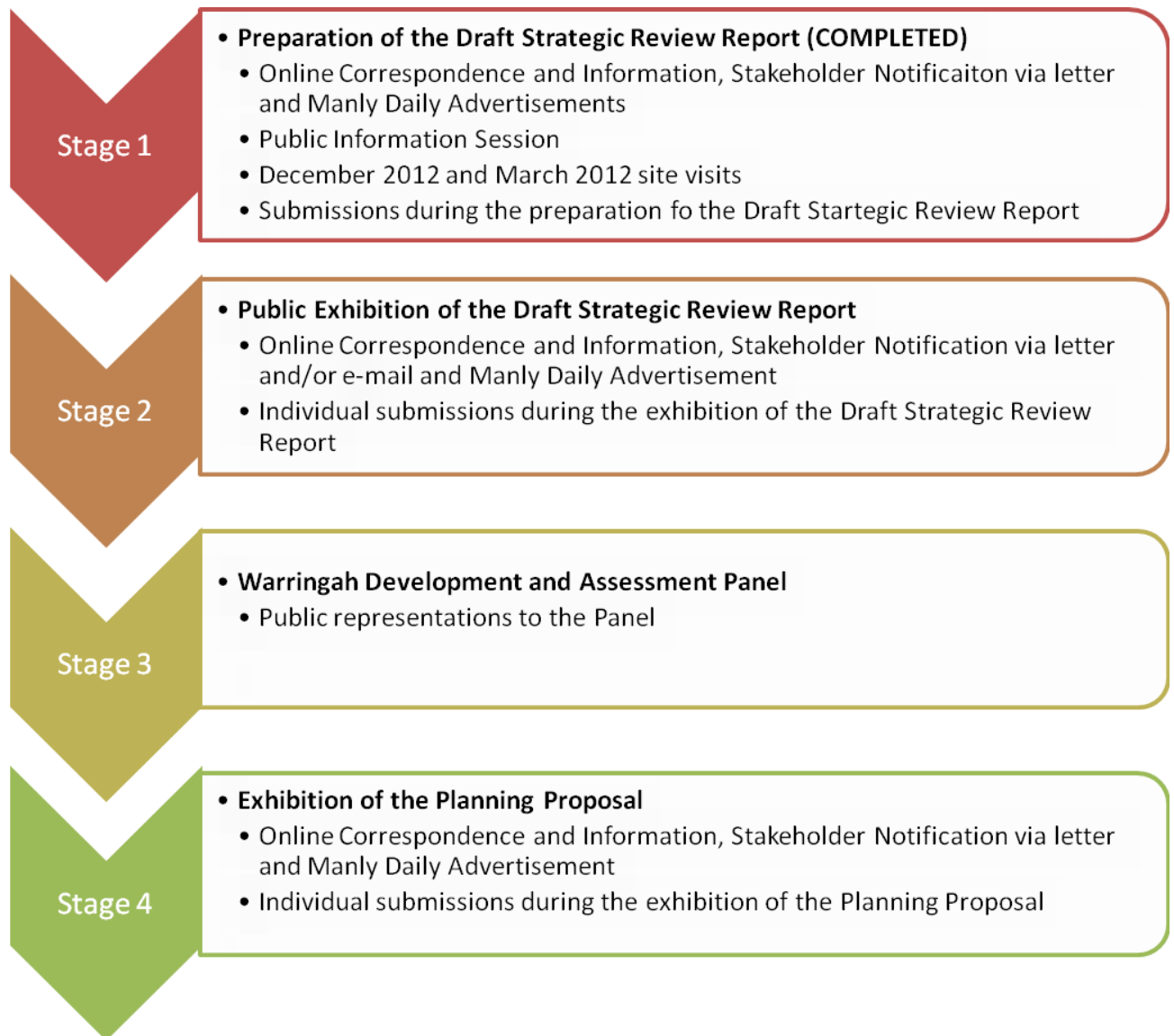
Engaging the community will involve four key stages:

1. Informing the community of the commencement and origin of the strategic review (via a letter to all landowners within and surrounding the study area, notification of interested community groups, web page updates, Manly Daily advertisements, and a community information evening on 15 October 2012);
2. Receipt and consideration of submissions from landowners during site visits and also from key stakeholders via telephone and email whilst undertaking the draft review;
3. Facilitating a public exhibition that includes inviting submissions from the community and reviewing the submissions made; and
4. Submitting the draft review to a meeting of the Warringah Development and Assessment Panel (WDAP) which will enable the community to voice its issues for further consideration.

A significant volume of correspondence was received by the Department, Minister and Council from residents, land owners and community groups, in respect of the proposed zoning for Oxford Falls Valley and Belrose North in the exhibited version of Warringah's LEP 2011 and during the preparation of this draft strategic review report.

The draft strategic review has incorporated the views of the community and is consistent with stage 1 and 2 outlined above. The remaining two key stages in engaging with the community will be undertaken at the completion and endorsement of this draft report. Further community input will also be sought when a planning proposal, informed by this strategic review is exhibited. Diagram 001 illustrates the community engagement opportunities facilitated throughout this process.

Diagram 001 Community Engagement Opportunities during and following the Strategic Review



Several opportunities and methods of engaging with the community were utilised during the preparation of the draft strategic review. These are described below and form part of the first two key stages of community engagement.

3.4.1 Online Correspondence and Information

The Department of Planning and Infrastructure and Warringah Council kept the community informed on the strategic review by regularly updating the Department's and Council's websites and providing updates on consultation events through the Manly Daily. Additionally, a dedicated email address of ofbn-review@planning.nsw.gov.au was created for the public to make submissions or contact the project team.

3.4.2 Public Information Session

A public information session was held on 15 October 2012 at the Forestville Memorial Hall. The session informed the community of the scope of the review and allowed key issues to be raised. A video recording of the event can be viewed at http://www.planning.nsw.gov.au/planning-reviews-and-panels#oxford_falls_belrose_nth_warringah.

The session was facilitated by an independent community engagement expert, Straight Talk. An outcomes report of the session was prepared and made public in December 2012 at <http://www.planning.nsw.gov.au/LinkClick.aspx?fileticket=GGG9YrORfIQ%3d&tabid=511&language=en-US>.

A commitment was made during the public information session that questions raised during the evening would be addressed and responded to as part of this strategic review. The full list of questions and the PCG's response is included in **Appendix 2**.

A key outcome of the community meeting was a commitment to conduct individual site visits within the study area.

3.4.3 Site Visits

Site visits of private land holdings in the study area were undertaken in December 2012 by representatives from both Warringah Council and the Department of Planning and Infrastructure. A total of 179 sites were inspected on these days. In addition, the team inspected landholdings owned by the Metropolitan Aboriginal Land Council (MLALC), Optus, Sisters of the Good Samaritan, Belrose Country Club and the Catholic Archdiocese of Sydney.

The purpose of the site inspections was twofold:

1. To determine the land uses currently operating on each site; and
2. To verify, where possible, technical information made available by Council that was used in the review.

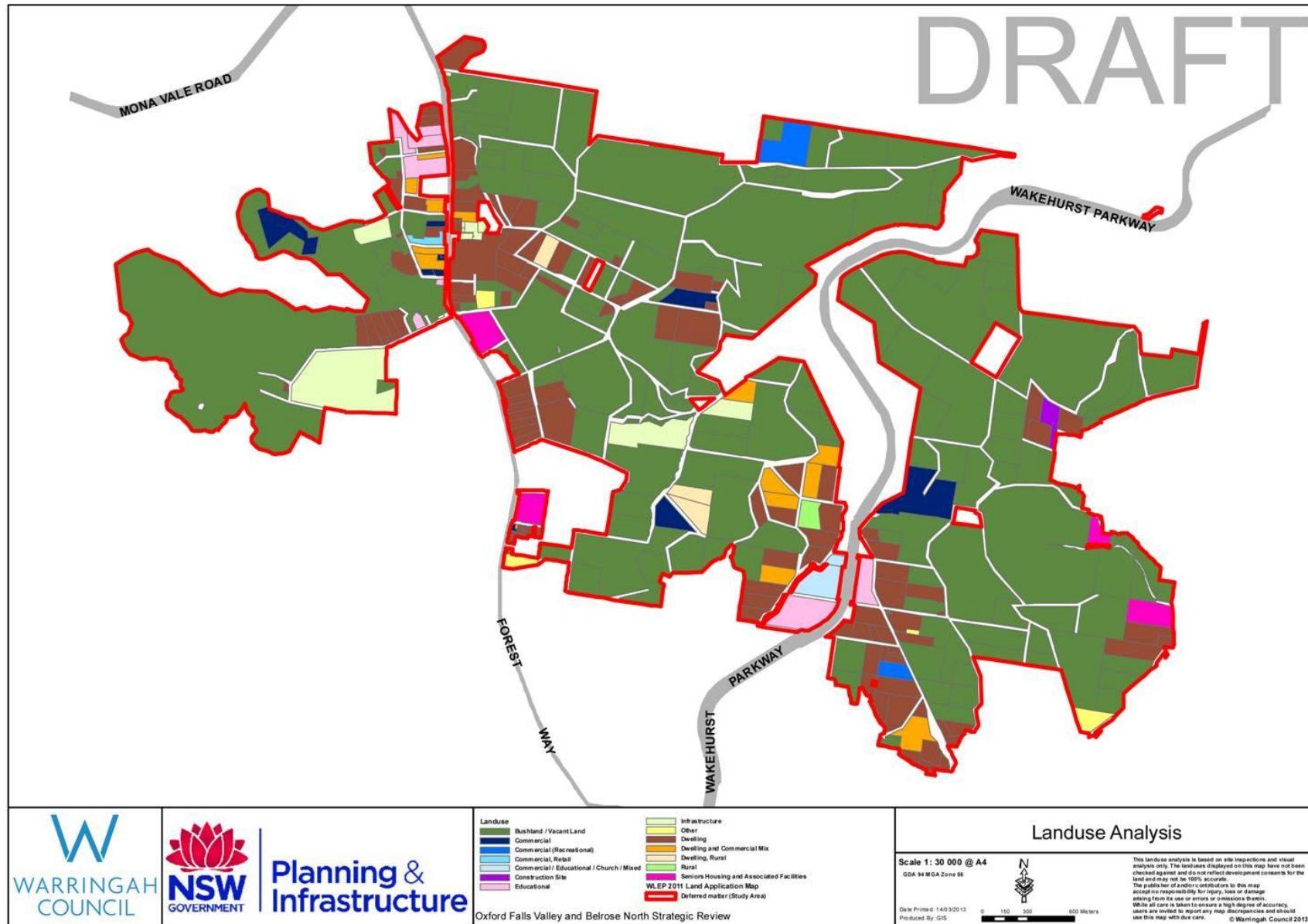
Prior to the site inspections, landowners were sent individual letters detailing inspection dates for their properties. A sample is included in **Appendix 3**. Project officers were available to answer questions about the review process during the site visit as well as record any comments and accept written submissions.

A proforma site inspection checklist was prepared to record relevant data. A sample proforma sheet is included in **Appendix 4**. Calling cards and information factsheets were also prepared and left at properties where landowners or occupiers were not available to grant access to their site (**Appendix 4**). Data gathered from these site visits assisted in generating the Landuses Map, illustrated as Map 003.

3.4.4 Submissions during the Strategic Review

A total of 37 submissions were received during the preparation of the draft strategic review report. Details of these submissions and the PCG's response are in **Appendix 5**. Landowners will be provided with an additional opportunity to comment on the draft report when it is publicly exhibited.

Map 003 Landuses Observed During Site Visits



3.5 Consideration of Key Planning Issues

During the preparation of the draft strategic review, a number of planning issues were identified which required consideration in determining the best fit zone for each site. These are discussed below.

Expansion of schools in the E3 Environmental Management zone

A concern was raised early on in the review about the permissibility of educational establishments such as schools in the E3 Environmental Management zone. This is addressed under section 3.3.4 of this review.

Permissibility of seniors housing within the review area

Submissions have been received objecting to the loss of seniors housing opportunities on some land adjoining urban areas if the land is zoned E3 Environmental Management.

The provisions from the State Environmental Planning Policy 5 (Seniors Living) allowed for seniors housing on non-urban land adjoining an urban area. This SEPP has been superseded by SEPP (Housing for Seniors or People with a Disability) 2004 which is detailed under section 3.3.4 of this report. In essence, the current SEPP applies to land zoned primarily for urban purposes or land adjoining land zoned primarily for urban purposes but not land that is zoned for environmental protection. The latter was not a consideration under SEPP Seniors Living. The current SEPP recognises the environmental value of urban fringe sites which is not too dissimilar to the considerations under LEP 2000 where the key themes of the locality statements are to protect and enhance the natural environment.

The value of the natural environment within the study area has been considered through the primary and secondary environmental constraints analysis and confirms the high environmental value of a large portion of the strategic review area. If LEP 2000 had been updated to incorporate the latest SEPP controls for seniors housing, it would have included more restrictive controls relating to seniors housing on environmentally sensitive land, to reflect the current provisions under the 2004 SEPP.

Use of Schedule 1 Additional Permitted Uses

Section 3.3.3 of this report highlights circumstances where the use of Schedule 1 Additional Permitted Uses is acceptable. The review process has identified a number of sites where the use of Schedule 1 will ensure that the planning controls most closely reflect existing planning controls and take into account the desired future character of an area. Schedule 1 is also proposed to include certain land at Challenger Drive, Belrose which was included in Schedule 1 in the DLEP 2011 before the land at Oxford Falls Valley and Belrose North was deferred from the DLEP 2011. Details of the Challenger Drive site are outlined under section 4.2 of this report.

Cumulative Impact

The strategic review identified that certain sites may, in the future, have potential to accommodate additional development because they are not significantly affected by environmental constraints applied in this review. However, their release will be dependent on the infrastructure provision that supports urban development and an assessment of the cumulative negative impacts any additional density would generate on the water quality of the Narrabeen lagoon.

For the time being, the PCG agreed to zone this land E3 Environmental Management because zoning for urban purposes without undertaking detailed strategic work could have a significant detrimental impact on the desired future character of the area and the environment. Zoning for higher density is currently also inconsistent with the recommendations in the 2009 PAC review.

Future Urban Development Potential

This strategic review does not examine the future urban development potential within the study area. This will be undertaken as a separate strategic project in line with the recommendations of the PAC report outlined under section 3.3.1 of this report. This also means that Clause 6.6 of LEP 2011 which sets a density control of 1 dwelling per 20 hectares will continue to apply to all land within the study area.

The density control was developed in 1974 under an Interim Development Order 51 to respond to the water quality issues of the Narrabeen Lagoon Catchment impacted on by the residential development in the 1960s and 1970s within the study area. Revising the density control within the study area is therefore premature until water quality impacts for the catchment is considered in detail.

Protection of the Environment

The PCG agreed to use the most recent available data on environmental constraints as part of this review to ensure that land with prohibitive, severe or significant environmental constraints was appropriately considered when translating the land into LEP 2011.

Applying the SP2 Infrastructure zoning

The PCG agreed to the use of the SP Infrastructure zone, where appropriate.

Change in the value of land

Several submissions raised concern that the E3 Environmental Management zone would represent a downzoning and would devalue their land as LEP 2000 contains a greater range of potential development activities compared to the permissible landuses of the E3 Environmental Management zone.

The purpose of this strategic review is to apply planning controls that most closely reflect existing planning controls. Whilst value of land is not a planning consideration, this strategic review did examine a best fit zone having regard to the character statements for the two localities under LEP 2000.

Section 3.3.2 of this report outlines the complexity of determining the best fit translation of Category 1, 2 and 3 landuses under LEP 2000 in to a permissible and prohibitive landuse format under LEP 2011.

Use of E3 Environmental Management Zone on cleared land

A number of submissions presented a view that the E3 Environmental Management zone is not appropriate for cleared land or land adjacent to existing residential areas. LEP Practice Note 09-002 outlines where the E3 Environmental Management zone may be applied and also indicates that it is generally not intended for cleared lands. In determining whether the application of the E3 Environmental Management zone is appropriate, the project team considered the desired future character statements under LEP 2000 in the translation process. In addition, LEP Practice Notes 09-002 and 11-002 indicate that E3 Environmental Management zone can be applied as a transition area between high conservation area and intensive landuses. Applying this approach, it was not always appropriate to zone land adjoining an existing residential area or cleared land to an alternative zone. This is discussed further under section 4.1 of this report which recommends and justifies the proposed zoning controls for the study area.

Existing Use Rights.

A number of submissions objected to the need to rely on existing use rights. This is further discussed under section 3.3.3 of this report.

3.6 Environmental Constraints and Infrastructure Planning Considerations

This section outlines the four step methodology applied to determine a best fit zone for land in the study area.

Step 1 involved undertaking a primary environmental constraint review to identify land that was significantly constrained.

Step 2 involved identifying sites that weren't significantly constrained by primary environmental constraints analysis but are isolated sites or sites that would have a significant cumulative impact if upzoned. These sites did not meet the criteria in the sieving process and were not considered for zoning other than E3 Environmental Management.

Step 3 involved identifying individual important environmental layers in a secondary environmental sieve to eliminate additional sites that were significantly affected by an important environmental consideration.

Step 4 examined the remaining sites on a site by site basis in order to identify a best fit zone for each.

These steps are outlined in detail below.

3.6.1 Primary Environmental Constraints Assessment and Weighting

The primary environmental constraints methodology used for this review is an updated version of the methodology developed for the Warringah Council (2007) Planning Report – Oxford Falls Valley Assessment of Rezoning/Development Proposals and which informed the 2009 PAC review of the four sites in Oxford Falls Valley.

The previous assessment tool was based on the best available data at the time. Since this time, Council has undertaken a number of additional studies and data collection assessments including updated vegetation and biodiversity mapping and mapping of the Flood Planning Level for LEP development. Eight primary constraints were considered including the following constraints:

- riparian;
- significant vegetation;
- wetland buffers;
- slope;
- designated wildlife corridor or core habitat;
- flooding;
- acid sulphate soils; and
- threatened species habitat.

Appendix 6 and **7** outlines the Primary Environmental Constraints Assessment and Weighting including detail on what:

- environmental constraints were considered;
- environmental data was used to determine the weighted score; and
- weighted score was given to each environmental constraint and how the weighting was determined.

Once a weighted score was determined for individual environmental constraints, a cumulative level of environmental constraint was then determined and categorised as either:

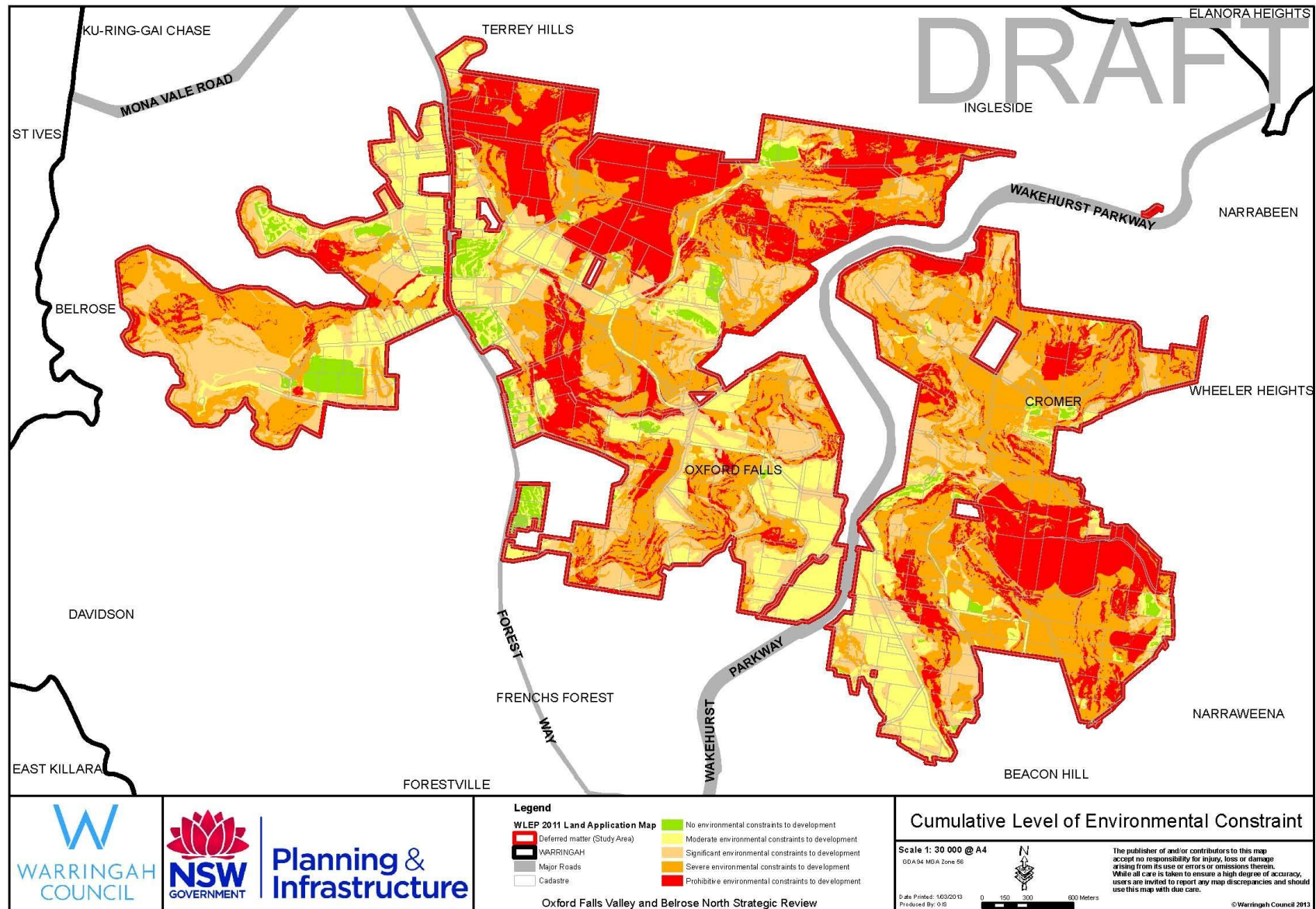
- prohibitive;
- severe;
- significant;
- moderate; or
- no significant environmental constraint.

The nomenclature and spread of scores used were adjusted to match those used in the 2006 study. Table 3 shows the cumulative scores and categories used in the assessment. The outputs of this assessment is illustrated in Map 004.

Table 2 Cumulative Level of Environmental Constraint

Score	Cumulative Level of Environmental Constraint	Map identification colour
49-116	Prohibitive environmental constraints to development	
33-48	Severe environmental constraints to development	
16-32	Significant environmental constraints to development	
1-15	Moderate environmental constraints to development	
0	No environmental constraints to development.	

Map 004 Cumulative Level of Environmental Constraints



3.6.2 Zoning Recommendations based on the Consideration of Primary Environmental Constraints

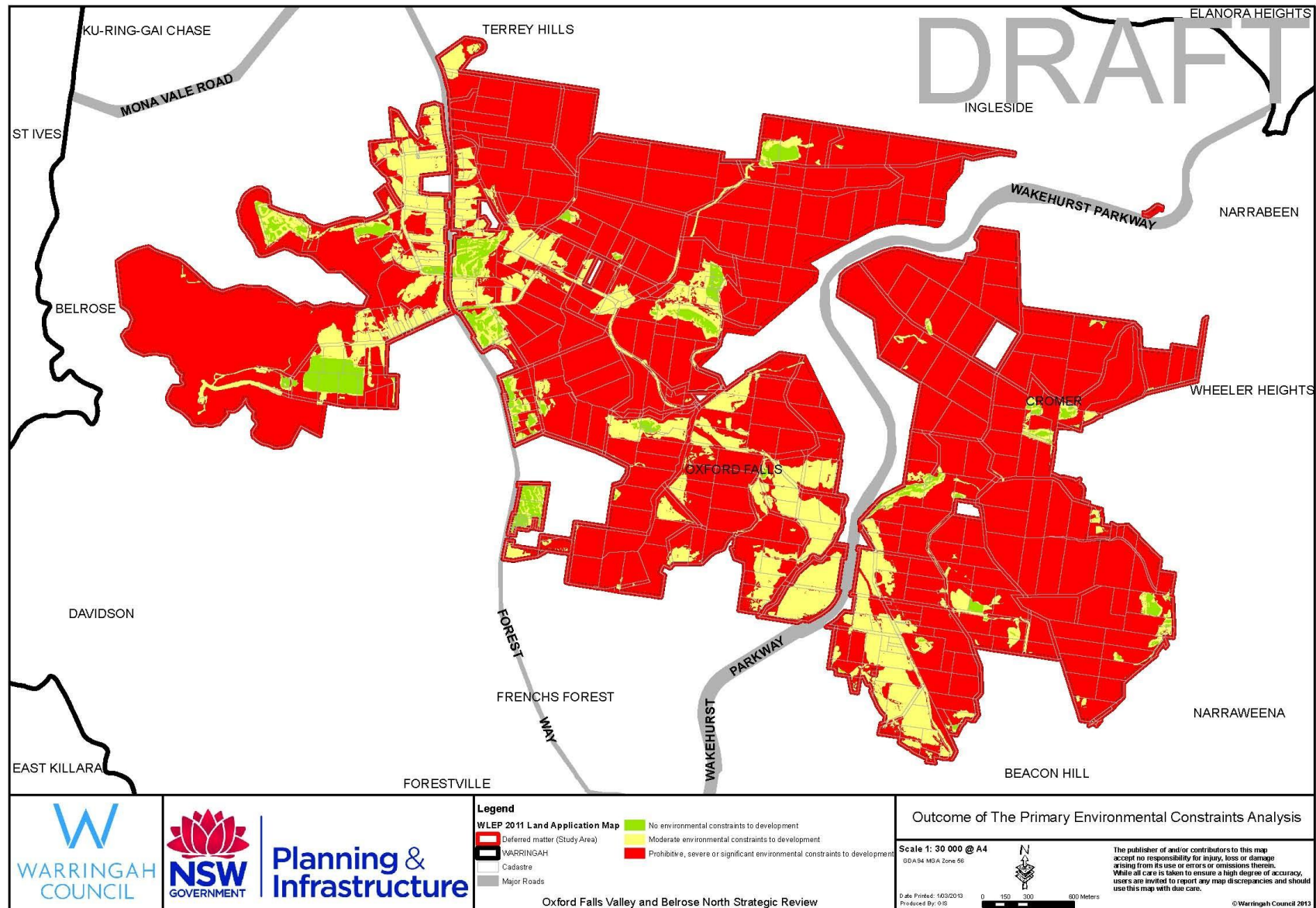
For the purpose of the Strategic Review, the PCG determined that areas of land with a 'Prohibitive' 'Severe' or 'Significant' level of environmental constraint should be zoned E3 Environmental Management as these areas have levels of environmental significance which can be directly correlated with the objectives of the E3 Environmental Management zone. Further, such zoning is also consistent with the desired future character for both C8 Belrose North and B2 Oxford Falls Valley localities under the WLEP 2000.

The PCG also determined that land classified as having 'Moderate' or 'No' level of environmental constraint should be further assessed against secondary constraints (such as bushfire risk, heritage, infrastructure servicing, distance to services and communications buffers etc) prior to determining an appropriate zoning for that land. This is demonstrated with reference to the deferred areas on Map 005 shaded green or yellow. Table 3 below illustrates a summary of the three categories with zoning recommendations.

Table 3 Summary of Results of Primary Environmental Constraints Assessment

Level of Environmental constraint to development	Recommended Zoning	Map 005 identification colour
Prohibitive, severe or significant environmental constraint to development	E3 Environmental Management	
Moderate environmental constraint to development	Further assessment required to determine zoning	
No environmental constraint to development	Further assessment required to determine zoning	

Map 005 Outcome of the Primary Environmental Constraints Analysis



3.7 Secondary Environmental Constraints, Infrastructure and Planning Considerations

Sites marked in yellow and green on Map 005 were considered further against the following four stages:

Stage 1: Isolated and Constrained Land

The first part examined the remaining land against the following criteria:

- Whether it was isolated from urban land;
- Whether it was surrounded by bushland and/or vacant land or prohibitive, severe or significantly constrained land;
- Whether the desired future character of the land was compatible with the E3 Environmental Management objectives; and
- Whether the cumulative impact of rezoning the land would be significant enough to warrant further studies to support the rezoning.

The PCG agreed that land that was affected by one or more of the above considerations should also be zoned E3 Environmental Management because these features can be directly correlated with the objectives of the E3 Environmental Management zone. This land is coloured pink on Map 006.

Stage 2: Physical and Human Infrastructure Considerations

Secondly, the PCG identified land that contains existing physical and human infrastructure in the study area such as utility undertakings and community uses (i.e. churches and educational establishments) and existing seniors housing developments. The PCG agreed to undertake more detailed zoning and landuse control considerations for these sites. These sites are hatched in black on Map 006.

Stage 3: Secondary Constraints Analysis

Thirdly, similar to the process undertaken for the primary environmental constraints analysis, a secondary analysis was undertaken which considered key planning and environmental issues such as bushfire, heritage, infrastructure provision and distance to services. The secondary constraints analysis is detailed in **Appendix 8**.

The PCG determined that land that received Category 3 rating based on the secondary constraints analysis should also be considered for E3 Environmental Management zoning. This land is hatched in blue on Map 006.

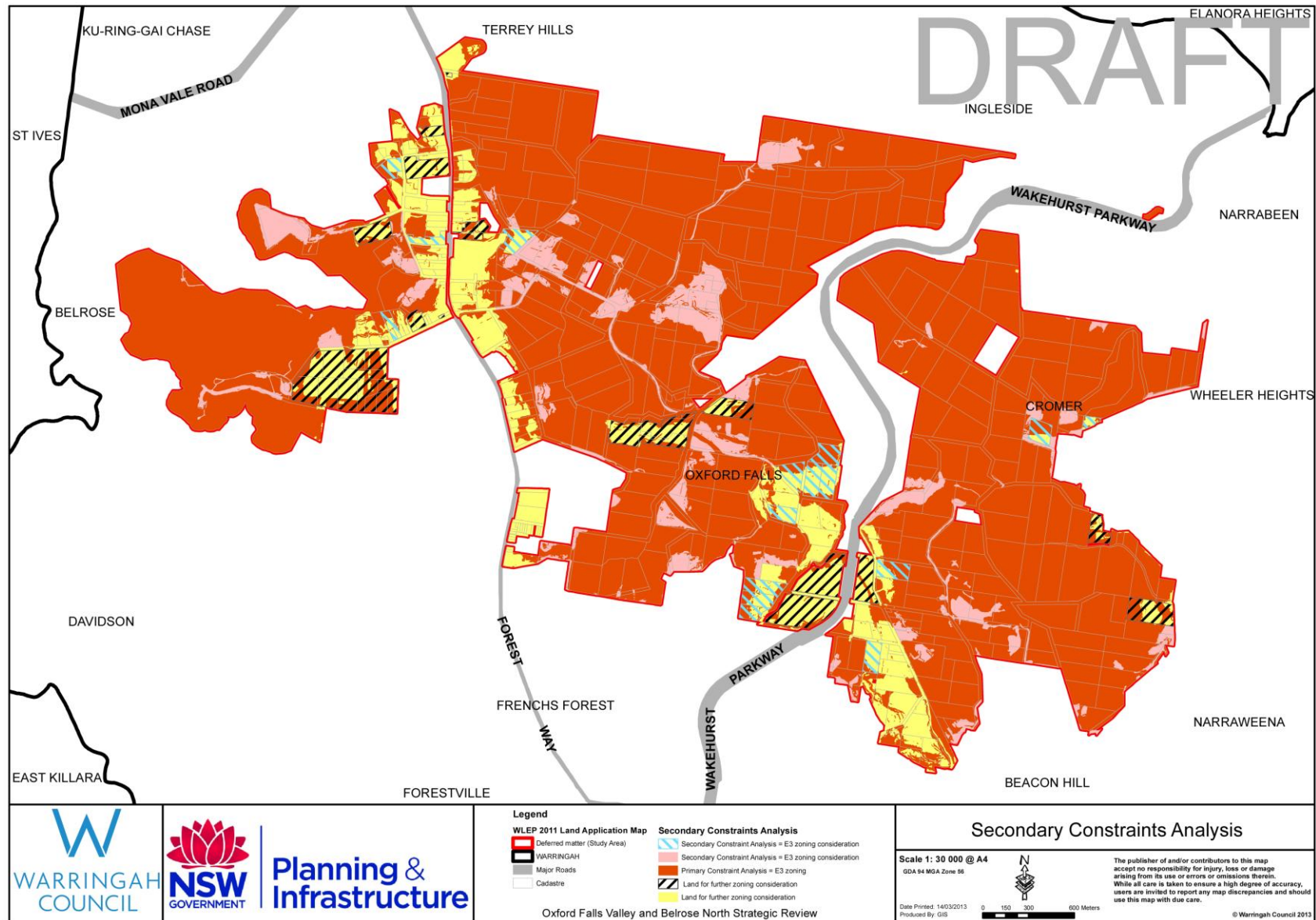
Stage 4: Land Identified For More Detailed Zoning Consideration

As a result of the primary and secondary constraints analysis (including stages 1 to 3 above), land marked in yellow on Map 006 was identified by the PCG for more detailed zoning consideration, as this land is the least constrained in the study area.

The following matters were considered in more detail when determining a suitable land use zone for this land:

- Relevant planning legislation, studies, policies and guidelines;
- The broader strategic context;
- How and why other land was zoned to underpin LEP 2011;
- Consideration of key planning issues as outlined in Section 3.5 of this report;
- Existing information on environmental constraints and infrastructure provision on the subject and surrounding land;
- Whether the site adjoins an urban area and/or environmentally sensitive land;
- Verification of information via site visits and consideration of stakeholder submissions to date;
- The existing and desired future character of the area;
- Determination of best fit zoned and planning controls based on controls under LEP 2000.

Map 006 Outcome of the Secondary Environmental Constraints Analysis



4.0 RECOMMENDATION

4.1 Outcome of the Strategic Review

In applying the above translation methodology, the following zoning controls are recommended and are illustrated on the Proposed Land Zoning Map (Map 007).

The proposed zoning map indicates that a large portion of land within the review area is proposed to be zoned E3 Environmental Management with smaller areas of land recommended for different zoning.

In summary, the key zoning recommendations are as follows:

Zone E3 Environmental Management

The E3 Environmental Management zone is proposed to apply to the majority of the review area on land that is significantly constrained by environmental and infrastructure factors. This also includes land that is isolated, does not adjoin urban areas and/or would cumulatively have a significant impact if zoned to an alternative zone without first undertaking studies recommended by the PAC.

Zone R2 Low Density Residential

The R2 Low Density zone is proposed to apply in the following locations:

- Dawes Road Precinct- this land is currently subject to an advanced Planning Proposal which commenced prior to the start of this review and proposes R2 Low Density Residential zoning.
- Seniors Housing – there are several existing seniors housing sites within the strategic review area. Whilst it is unlikely these will be redeveloped in the near future, the proposed R2 Low Density Residential zone acknowledges the existing use of these sites and ensures that the current use for seniors housing is not non-conforming.

Zone R5 Large Lot Residential

The R5 Large Lot Residential zone is recommended for areas of land located on the northern side of Wyatt Avenue and eastern side of Forest Way. This land is generally located at the interface of environmentally sensitive land along one boundary and urban land along the other. The recommended zoning provides a way of minimising landuse conflicts within the zone and adjoining zones. It also supports residential housing in a rural setting whilst preserving and minimising impacts on environmentally sensitive locations and the scenic quality of the area.

The recommended R5 Large Lot Residential zone will ensure that future development will not result in an unreasonable increase in the demand for public services and facilities and can make efficient use of existing infrastructure and services prior to finalisation of a future Warringah Housing Strategy which will determine how best to meet Warringah's housing targets and housing needs. In this regard, the minimum lot size restrictions that currently apply to the land are recommended to remain unchanged. Land zoned R5 Large Lot Residential that adjoin an urban area will be eligible to apply for a Site Compatibility Certificate for seniors housing.

Zone RU4 Primary Production Small Lots

This zone is proposed to apply to an area of land on the western side of Forest Way because of this land's geographical location, existing and desired future character and the level of environmental and infrastructure constraints which were verified during the December 2012 site visits.

It is also recommended that a list of Schedule 1 Additional permitted Uses, similar to Schedule 1(18) in LEP 2011 also be applied to this land in order to capture the majority of the landuses that currently operate on the land. Map 008 annotates this as "Area 11". Landuses operating on this land that are not identified explicitly under Schedule 1 rely on existing use rights.

Zone SP2 Special Purpose

The PCG agreed to apply the SP2 Infrastructure zone to all significant infrastructure land within the study area. This includes the telecommunications facilities operated by Telstra and Optus. This is consistent with the application of the SP2 Infrastructure zone elsewhere under LEP 2011.

Schedule 1 Additional Permitted Uses

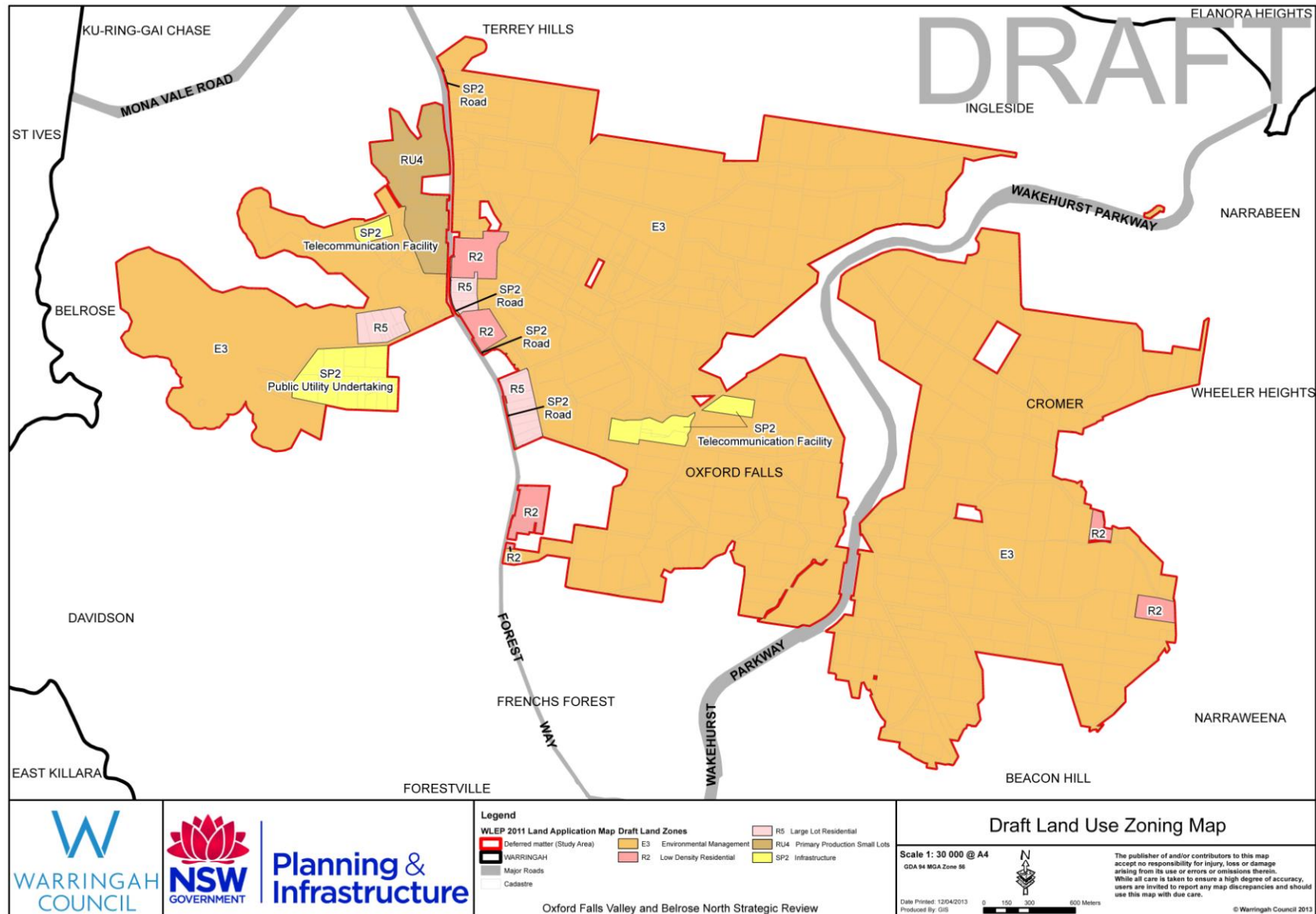
In addition to the proposed RU4 Primary Production Small Lots zone along the western side of Forest Way, Belrose, this review recommends that certain land along Wakehurst Parkway, Frenchs Forest also be included under Schedule 1 to allow development for the purpose of a place of public worship. Map 008 annotates it as "Area 12". This site is proposed to be zoned E3 Environmental Management which does not permit places of public worship. The site provides social infrastructure in the form of a large church with ancillary landuses and it is important that the strategic review recognises the existing use. An alternative zoning could be SP2 Place of Public Worship, however, this would be inconsistent with how other churches are currently zoned within the LGA.

The PCG has also agreed to include Schedule 1 items that were submitted to the Minister for Planning and Infrastructure in the Draft LEP 2011. This includes certain land at Challenger Drive, Belrose (Area 13) which is currently used for a quarry (extractive industries) and a small number of additional uses including recreation facilities (indoor), recreation facilities (outdoor), processing and recycling facility for construction and demolition waste and a concrete batching plant.

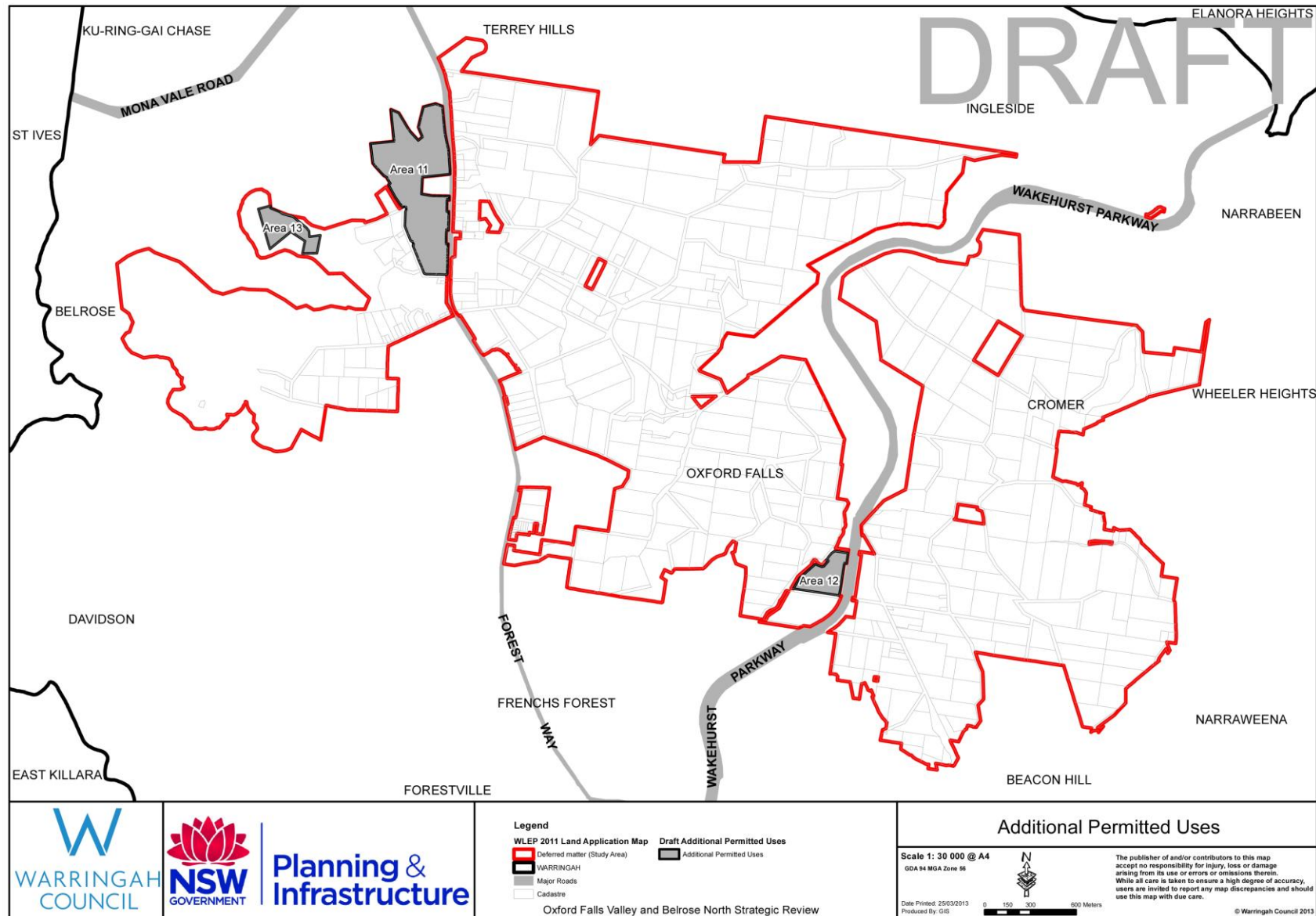
Consideration of Including Additional Planning Controls

The aim of this strategic review was to recommend planning controls that most closely reflect existing planning controls under LEP 2000. For this reason, no additional planning controls are proposed. In this respect, the review does not propose to modify the housing density requirements of the B2 Oxford Falls Valley and C8 Belrose North localities of LEP 2000 which are currently included under Clause 6.6 of LEP 2011. On the contrary, Clause 6.6 will be expanded to apply to land within the study area that is proposed to be zoned E3 Environmental Management, RU4 Primary Production Small Lots and R5 Large Lot Residential because the density control applies to both localities in their entirety under LEP 2000.

Map 007 Proposed Land Zoning Map



Map 008 Proposed Additional Permitted Uses Map



4.2 Implementing the Recommendations of the Strategic Review

Warringah Local Environmental Plan 2011

The following changes to the Warringah LEP 2011 are required to implement the recommendations of this strategic review:

Map Changes:

1. The land Zoning Map sheets 003, 007 and 008A need to be updated to include zoning controls for the deferred area (Map 007 in this report illustrates the recommended zoning);
2. The Additional Permitted Use Map sheet 007 needs to be updated to include Area 11 (land west of Forest Way, Belrose North), Area 12 (land at Wakehurst Parkway, Frenchs Forest) and Area 13 (land at Challenger Drive, Belrose). Please refer to Map 008 in this report which identifies these areas.
3. All other relevant LEP map layers that cover the deferred land need to be brought into LEP 2011.

Standard Instrument changes:

1. Land Use Table – amend the Land Use table to insert a new zone: R5 Large Lot Residential:

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 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

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

2. Clause 6.6 Erection of Dwelling Houses in the Zone E3 Environmental Management – this clause needs to be amended so that it applies to all land within the study area including land zoned E3 Environmental Management, RU4 Primary Production Small Lots and R5 Large Lot Residential.
3. Schedule 1 Additional Permitted Uses –
 - A. Amend **Item 18** to include land on the western side of Forest Way, Belrose, as follows:

18 Use of certain land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills **and certain land to the western side of Forest Way, Belrose.**

 - (1) This clause applies to land in the vicinity of Mona Vale and Myoora Roads, Terrey Hills, shown as “Area 1” on the **Additional Permitted Uses Map and certain land to the western side of Forest Way, Belrose, shown as “Area 11” on the Additional Permitted Uses Map.**
 - (2) Development for the purposes of educational establishments, garden centres, hospitals, 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.
 - B. Add the following items:

19 *Use of certain land at Wakehurst Parkway, Frenchs Forest.*

 - (1) *This clause applies to at Wakehurst Parkway, Frenchs Forest, being Lot 1, DP 863123 shown as “Area 12” on the Additional Permitted Uses Map.*
 - (2) *Development for the purposes of places of public worship is permitted with consent.*

20 Use of certain land at Challenger Drive, Belrose.

(1) This clause applies to so much of the land at Challenger Drive, Belrose, shown as "Area 13" on the Additional Permitted Uses Map, that is covered by Lease RE 412 592 (issued by the Department of Lands). State Environmental Planning Policies.

(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 plant is permitted with consent.

SEPPs which make reference to Warringah LEP 2000 or specifically localities B2 Oxford Falls Valley and C8 Belrose North need to be amended.

Section 117 Directions

Any future Planning Proposal will need to demonstrate consistency with Section 117 Directions. Section 117 of the *EP&A Act* enables the Director General of NSW Department of Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that they must achieve or give effect to particular principles, aims, objectives or policies set out in those directions.

A review of relevant S117 Directions (**Appendix 9**) has determined that the recommendations of the Strategic Review (which will underpin a planning proposal to amend WLEP2011) are consistent with all relevant Section 117 Directions.

5.0 NEXT STEPS

It is recommended that this report is placed on public exhibition. This will provide the community with an opportunity to raise key issues regarding the proposed zoning controls by making a submission during the public exhibition period.

The PCG will prepare a submissions report and submit it together with a revised draft strategic review report which responds to submissions, to the Warringah Development and Assessment Panel (WDAP). This will provide a final opportunity for the community to raise any issues it may have about the outcomes of the draft review. Following the hearing, the Panel will provide an independent assessment recommendations report to the Council for consideration.

Once these steps are undertaken, it is recommended that the final outcome of this report underpins a Planning Proposal to incorporate the proposed zoning controls into Warringah LEP 2011.

The PAC recommended that the stage 2 review commence within 5 years of its recommendation in 2009. It is anticipated that stage 2 review will commence shortly and that there may be an overlap between Stage 1 being finalised and Stage 2 commencing. Whilst the PAC report examined 4 key precincts within the study area, its recommendation was that key studies be undertaken to cover the broader Oxford Falls catchment. Defining this area will be an early task of stage 2 of the future review.

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Appendix 1

Extract from the EP&A Act 1979 and Regulations on Existing Use Rights

Environmental Planning and Assessment Act 1979

Division 10 Existing uses

106 Definition of “existing use”

In this Division, **existing use** means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and
- (b) the use of a building, work or land:
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

107 Continuance of and limitations on existing use

- (1) Except where expressly provided in this Act, nothing in this Act or an environmental planning instrument prevents the continuance of an existing use.
- (2) Nothing in subsection (1) authorises:
 - (a) any alteration or extension to or rebuilding of a building or work, or
 - (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
 - (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of an existing use, or
 - (d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b), or
 - (e) the continuance of the use therein mentioned where that use is abandoned.
- (3) Without limiting the generality of subsection (2) (e), a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months.

108 Regulations respecting existing use

(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:

(a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and

(b) the change of an existing use to another use, and

(c) the enlargement or expansion or intensification of an existing use.

(d) (Repealed)

(2) The provisions (in this section referred to as ***the incorporated provisions***) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.

(3) An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.

(4) Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 89 to a development application for consent to carry out prohibited development.

Environmental Planning and Assessment Regulations 2000

Part 5 Existing uses

41 Certain development allowed

(cf clause 39 of EP&A Regulation 1994)

(1) An existing use may, subject to this Division:

(a) be enlarged, expanded or intensified, or

(b) be altered or extended, or

(c) be rebuilt, or

(d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or

(e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or

(f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).

(2) However, an existing use must not be changed under subclause (1) (e) or (f) unless that change:

(a) involves only alterations or additions that are minor in nature, and

- (b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and
- (c) does not involve the rebuilding of the premises associated with the existing use, and
- (d) does not involve a significant intensification of that existing use.
- (e) (Repealed)
- (3) In this clause:

commercial use means the use of a building, work or land for the purpose of office premises, business premises or retail premises (as those terms are defined in the Standard Instrument (Local Environmental Plans) Order 2006).

light industrial use means the use of a building, work or land for the purpose of light industry (within the meaning of the Standard Instrument (Local Environmental Plans) Order 2006).

42 Development consent required for enlargement, expansion and intensification of existing uses

(cf clause 40 of EP&A Regulation 1994)

- (1) Development consent is required for any enlargement, expansion or intensification of an existing use.
- (2) The enlargement, expansion or intensification:
 - (a) must be for the existing use and for no other use, and
 - (b) must be carried out only on the land on which the existing use was carried out immediately before the relevant date.

43 Development consent required for alteration or extension of buildings and works

(cf clause 41 of EP&A Regulation 1994)

- (1) Development consent is required for any alteration or extension of a building or work used for an existing use.
- (2) The alteration or extension:
 - (a) must be for the existing use of the building or work and for no other use, and
 - (b) must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

44 Development consent required for rebuilding of buildings and works

(cf clause 42 of EP&A Regulation 1994)

- (1) Development consent is required for any rebuilding of a building or work used for an existing use.
- (2) The rebuilding:
 - (a) must be for the existing use of the building or work and for no other use, and

(b) must be carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

45 Development consent required for changes of existing uses

(cf clause 43 of EP&A Regulation 1994)

Development consent is required:

- (a) for any change of an existing use to another use, and
- (b) in the case of a building, work or land that is used for different existing uses, for any change in the proportions in which the various parts of the building, work or land are used for those purposes.

46 Uses may be changed at the same time as they are altered, extended, enlarged or rebuilt

(cf clause 44 of EP&A Regulation 1994)

Nothing in this Part prevents the granting of a development consent referred to in clause 42, 43 or 44 at the same time as the granting of a development consent referred to in clause 45.

Appendix 2

Summary of Questions and Responses from the Straight Talk Report (December 2012)

Question	Answer
Q1. How will Warringah's existing biodiversity study influence the review?	The Warringah biodiversity study was not used in the review. However, the most recent available data was used to determine the primary and secondary environmental constraints affecting the area.
Q2. 3 sectors of land – Crown Land, Metropolitan Local Aboriginal Land Council and privately owned. Additional 16 areas identified for further review Residents agree to 80% at E3. Of 40% of residents interviewed all do not want zoning	Statement noted. The resulting proposed zoning will be an outcome of a review process that is robust and is applied consistently across the review area, regardless of land ownership.
Q3. Why can't land be developed like many other areas? Why do we have to wait 3 years?	Before land is rezoned, tests need to be carried out to ensure that land is capable of accommodating additional development. Landowners can submit separate planning proposals with supporting information for any rezoning proposal in the interim.
Q4a: What is the existing information that the study will be based upon? Q4b: Can landowners provide information to the review?	a) The Review considered the existing infrastructure capacity and environmental constraints data. These are detailed under sections 3.6 and 3.7 of the report. b) Yes, the email address ofbn-review@planning.nsw.gov.au was available to make a submission. The Project Team also accepted submissions during site visits conducted in December 2012 and March 2013.
Q5: What is the view of the MLALC – Metropolitan Local Aboriginal Land Council?	MLALC seeks the majority of its lands to be reserved and leased as an Aboriginal Owned Park under Part 4A of the National Parks and Wildlife Act (s71C(3)). If successful, MLALC land may be zoned E1 National parks in the future. Its submission is detailed under Appendix 4 of this review.
Q6: Has Council carried out research on cleared lands?	Yes, Council and the Department conducted site visits in December 2012 on every private land holding in the deferred area.
Q7: Will the E3 zone impact access for bushwalking, mountain bike riding?	No. However permission to use land within the study area should be sought from the appropriate landholder.
Q8: How did Council apply guidelines relating to use of the E3 zone in the preparation of its	Please refer to section 3.3.2 of the report.

LEP2011?	
Q9: How will the interface between the cleared, uncleared and semi-cleared land be addressed?	The review involved a site visit of each landholding which assisted in determining which land and the extent of clearing within the review area. The detailed translation methodology adopted for this review considers this further and importantly highlights that an important zoning consideration is the desired future character of the land. In addition, a summary of each relevant zone was considered particularly in relation to how and where each zone should be applied as some zones are more suitable for the interface locations.
Q10: How will this process take into account the social and employment impact for outdoor activities carried out in the area?	This review involved identifying planning controls that most closely reflect existing planning controls. Existing use rights will continue to apply to non conforming uses.
Q11: What is happening to prevent development creeping into the area?	This review involves identifying planning controls that most closely reflect existing planning controls without adding significant additional development potential.
Q12: What is the status of land in Kimbriki Rd with regards to being included in the review?	The land in Kimbriki Road is not included in this review because the land is not deferred from LEP 2011.
Q13: In planning future developments will everyone get a say?	Yes, anyone was able to make a submission to the designated Oxford Falls Valley & Belrose North Strategic Review email address, ofbn-review@planning.nsw.gov.au . Additional input opportunities will be available as detailed under section 3.4 of this report.
Q14: 80% of the land should be retained as E3. Any exiting developments should not be E3 – we pay a lot of fees/rates and just want to be left alone.	Statement noted.
Q15a: Live on the edge of the land – bushwalker. Got a letter in letter box – directed me to the website – wasn't useful. At weekend thousands of people come – there weren't made aware of this. Understand what all stakeholders want. Q15b: Use paper	Statement noted. The Department and Warringah Council kept the community informed on the strategic review by regularly updating the Department's and Council's websites and providing updates on consultation events through the Manly Daily. Additionally, a dedicated email address was created for the public to make submissions during the review. Consultation will continue as detailed under section 3.4 of this report.
Q16: I don't envy your task. Could there be an integrated solution to offer tax relief to landowners by declaring land for conservation?	Tax relief is outside the scope of this review.
Q17: How does the land get zoned when it is cleared and adjoining	Proposed zoning is based on the level of primary and secondary constraints affecting the site and several other considerations outlined under section 4 of this report.

existing residential development?	Cleared land does not automatically indicate that E3 Environmental Management Zoning is inappropriate and matters such as desired future character, whether the land is in an interface location, isolated from an urban area etc are considered.
Q18: Is E3 the only option? What development is allowed in the E3 zoning?	The Review involved considering all relevant zones and did not have preconceived ideas on the 'right' zoning. The review method was applied consistently across the study area. Refer to Table 1 of this report which outlines development that is permissible in the E3 Environmental Management zone.
Q19: Has anyone asked the MLALC about their views?	Yes, the MLALC has made a submission which has been considered as part of this review report.
Q20: What are the social situations that are being taken into account? C3 Church – defined as a public place of worship but offer other services, bible school, kids play centre, debt counselling service	The Review involved indentifying planning controls that most closely reflect existing planning controls. Ancillary uses that operate incidentally to the main use can continue to do so and the review will not affect that.
Q21: Can locality B9 (Kimbriki) be included in the review? Why is the zero involvement when rezone land?	The land in Kimbriki Road was not included in this review because the land is not deferred.
Q22: What is the engagement process for stakeholders who may not live in the area? 40000 ride in the area – rep of North Beaches Mountain Bike.	Section 3.4 of this report outlines the level of consultation undertaken and future opportunities.
Q23: Will the review give equal weight to the Middle Harbour and Narrabeen lagoon catchment areas?	Yes
Q24: Can the E2 Environmental Conservation zone be used? 27 communities of threatened species	Yes, all zones have been considered when undertaking the review.
Q25a: What spectrum of development do landowners want? Q25b: Will we be able to do what they can now under new zoning?	The Review involves indentifying planning controls that most closely reflect existing planning controls.
Q26: Mountain bikers can go out and use their land. I just want assurance that I can use my land how I want to use it.	Statement noted. It is up to the private landowner to determine level of access to their land and is not an issue that can be addressed through this review. The permissibility of landuses will be determined by the proposed zoning.
Q27: We are being asked to endorse an administration process rather	Statement noted. This Review involved identifying planning controls that most closely reflect existing planning controls.

than consider the heterogeneous area involved.	The Review has been conducted in a transparent and open manner by which anyone can make a submission to the review.
Q28a: Does Council have a population policy? Q28b: Higher targets? Where are they going to park?	a) Under the draft North East Subregional Strategy, the Warringah LGA has a dwelling target of 10,300 new homes by 2031. b) A future Warringah Housing Strategy will determine how best to accommodate this target.
Q29: Does Council have an intention to buy land to turn into a National Park?	No. This is outside the remit of this review.
Q30: Where does the assumption that additional houses are good for the area?	The Review involves identifying planning controls that most closely reflect existing planning controls and does not examine the future urban development potential of the area.
Q31a: How are the individual parcels of land going to be assessed? Q31b: Will we be notified?	a) Individual site visits were conducted to determine what land use was currently operating on each site. Detailed methodology in Section 3 of this report. b) Yes, a letter was sent detailing the time and date of inspections.
Q32: In the cases that Category 1 or Category 2 do not translate to the new land use zones, is there going to be compensation for land owners who claim their land is down zoned?	No.
Q33: When is Council going to plan for adequate transport in and out of the area?	The Review involves identifying planning controls that most closely reflect existing planning controls. Transport planning is not within the remit of this review.
Q34a: Does the E3 zoning freeze development of land? Q34b: Are the Category 2 uses that are compatible with the desired future character permissible in the LEP2011? Q34c: Is the E2 zone being considered?	a) No, existing use rights apply and a number of land uses are permissible with consent (refer to section 3.3.4 of this report). b) The Review involves identifying planning controls that most closely reflect existing planning controls. c) Yes, all zones were considered in the review process.
Q35: How will existing uses be treated when applications are lodged for alterations and additions?	Existing use rights continue to apply and will be assessed in accordance with the legislation. Please refer to section 3.3.4 of this report for further details.
Q36: Is it possible for the process to identify the longer term future for the land? Bushland will be have significantly more value in the future.	The review involves identifying planning controls in LEP 2011 that most closely reflect existing planning controls under LEP 2000 including the desired future character statements of LEP 2000. The second phase of the review will examine whether some areas within the Oxford Falls Valley catchment area

	are suitable for future urban growth.
Q37: Are spot rezoning where services are available able to be done?	This review did not examine additional development potential. However this review does not prevent individual landowners pursuing spot rezonings.
Q38: Want controlled development. Want to give a block of land to children. Doesn't need to massive scale.	Statement noted. The Review involves indentifying planning controls that most closely reflect existing planning controls. The stage 2 of the review will examine whether some areas of non-urban land are suitable of for future urban growth.
Q39: What is the definition of senior housing?	seniors housing is defined under the Warringah LEP 2011 as a building or place that is: (a) a residential care facility (b) a hostel within the meaning of clause 12 of SEPP (Housing for Seniors or People with a Disability) 2004, or (c) a group of self contained dwellings, or (d) a combination of any of the buildings or places referred to in paragraphs (a)-(c), and that is, or is intended to be, used permanently for: (e) seniors or people who have a disability, or (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place in the provision of services to persons living in the building or place, but does not include a hospital.
Q40: Environmental protection. National Parks have been eroded. Don't just speak to mountain bike riders. Speak to bush walkers.	Statement noted. The Review involves identifying planning controls that most closely reflect existing planning controls.

Appendix 3

Letter to Landowners



Name
Title
Company
Address

Dear Landowner of Property XXXXXXXXXX

Oxford Falls Valley and Belrose North Strategic Review – Site Visits

On 15 October 2012, the Department of Planning and Infrastructure and Warringah Council hosted a community consultation session at the Forestville Memorial Hall to explain and answer questions relating to the Oxford Falls Valley and Belrose North Strategic Review.

A key outcome of the community meeting was a commitment to conduct site visits within the study area. Accordingly, project staff will be undertaking site visits in the study area during the week commencing 10 December 2012.

Due to the large number of sites that need to be visited, an exact date and time for each site visit cannot be confirmed. However, project staff are scheduled to visit your property on Monday 10 December.

The site visits will be conducted by representatives from both Warringah Council and the Department of Planning and Infrastructure. A site analysis of your property is expected to take no more than 15 minutes to determine the land use of the property. Staff will not enter your home as part of the analysis.

If you are home on the day of the site visit, with your permission, the project team will access your property. If access is not available to your property, your property will be observed from outside and a calling card left in the letterbox.

If you would like staff to consider any specific information with regard to your property, relating to development consents for land uses on your site or any environmental consultant reports specific to your property, you are encouraged to forward this information to: ofbn-review@planning.nsw.gov.au

Further information on the review can be accessed at: <http://www.planning.nsw.gov.au/planningreviews-and-panels>, and any questions or comments can also be sent via email to: ofbn-review@planning.nsw.gov.au

Yours sincerely

28.11.12

A handwritten signature in blue ink that reads 'Juliet Grant'.

Juliet Grant
Regional Director
Sydney Region East

Department of Planning & Infrastructure
22-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 |
www.planning.nsw.gov.au

Appendix 4

Site Visit package

Dear resident

The Belrose North and Oxford Falls Strategic Review project staff came to inspect your property on _____.

In your absence, we have undertaken an analysis of your property from the street.

For further enquiries, please email ofbn-review@planning.nsw.gov.au

Yours sincerely,
Belrose North and Oxford Falls Valley Strategic Review Project Team

OXFORD FALLS VALLEY & BELROSE NORTH STRATEGIC REVIEW SITE ANALYSIS

Date: _____ **Precinct:** _____ **SITE ID:** _____
Property Address: _____ **Lot/DP:** _____
Inspection Officers: _____ **Contact:** _____
Owner's consent to access land: ☐ Yes ☐ No **Owner(s) present** ☐ Yes ☐ No
Left calling card? ☐ Yes ☐ No

DESKTOP ANALYSIS	Verified on site (Y/N)
Owner ☐ Private ☐ Commissioner for Roads ☐ Minister for Education ☐ Minister Administering the Sporting Venues Management Act ☐ State Planning Authority ☐ Crown Land ☐ Warringah Council ☐ Metropolitan LALC ☐ Ausgrid ☐ Optus ☐ Sydney Water Corporation ☐ Telstra ☐ NSW Electricity Transmission Authority	
Adjoins an urban area ☐ Yes ☐ No Adjoins bushland ☐ Yes ☐ No	
Vegetation ☐ Bushland ☐ cleared paddocks Percentage cleared (____%) ☐ Other _____	
Proximity to a telecommunications facility ☐ < 500m ☐ 500-1,000m ☐ 1,000-1,500m ☐ 1,500-2,000m ☐ >2,000m	
Environmental Constraints ☐ No env. Constraints (____%) ☐ Moderate (____%) ☐ Significant (____%) ☐ Severe (____%) ☐ Prohibitive (____%) ☐ Bushfire ☐ Heritage	
SITE VISIT ANALYSIS	
Building on site ☐ Yes ☐ No ☐ Unable to determine	
Type of buildings on site (if applicable) ☐ Dwelling (Seniors, attached, detached) ☐ Utilities e.g. sub station, satellite dishes ☐ Domestic outbuildings ☐ Storage ☐ Agricultural ☐ Educational ☐ Commercial ☐ Other _____	
Use of site ☐ Residential ☐ Rural ☐ Commercial ☐ Educational ☐ Industrial ☐ Infrastructure ☐ Retail ☐ Mixed ☐ Other _____	
Additional comments/ observations 	



July 2012

Oxford Falls Valley & Belrose North strategic review

ABOUT THE STRATEGIC REVIEW

The Department of Planning and Infrastructure is working with Warringah Council to undertake a strategic review for Oxford Falls Valley and Belrose North. Once the review is complete, it will allow Council and the department to progress a planning proposal to bring Oxford Falls Valley and Belrose North into Warringah's standard local environmental plan (LEP).

The department is working with Warringah Council, in consultation with the local community and relevant state government agencies, to undertake a strategic review for the area.

The strategic review report will:

- Review existing information on environmental constraints and existing infrastructure within Oxford Falls Valley and Belrose North;
- Review the development controls that currently apply to the area under the Warringah LEP 2000 and identify existing land uses;
- Recommend proposed land use zones and suitable land uses, while identifying other controls for inclusion in a planning proposal for the area.

WHY ARE WE UNDERTAKING A REVIEW

The exhibited version of Warringah's standard LEP proposed to zone Oxford Falls Valley and Belrose North as E3 environmental management. The LEP was placed on public exhibition in late 2009.

Submissions were received from landowners in Oxford Falls Valley and Belrose North objecting to the proposed E3 zoning of their land and the consultation process.

To respond to the concerns raised, the Minister for Planning and Infrastructure Brad Hazzard deferred most of the land in Oxford Falls Valley and Belrose North. The deferral means the current range of permissible land uses in the area have been retained while the department and Council undertake a strategic review to determine the most appropriate zoning for Oxford Falls Valley and Belrose North.

Once the strategic review is completed it is intended that a planning proposal be lodged to bring these two areas into Warringah's standard LEP. The community will be consulted both as part of the review process and during the exhibition of the planning proposal.

HOW THE REVIEW WILL BE CONDUCTED

A project control group will be formed, with representatives from the department and Council including planning staff, project delivery staff and communications officers.

This group will guide the direction of the review process and meet regularly to discuss the progress of the review and ensure effective communication is undertaken.

In addition, other government agencies such as the NSW Rural Fire Service, Transport for NSW, Sydney Water and other utility providers such as Telstra will be consulted as part of the review.

The community will also hold a very important role in the strategic review process. Letters will be sent to all landowners, information will be placed on the website and an information session will be held to explain the outcomes of the review.

An independent probity advisor will be engaged to oversee the review and provide transparency and impartiality.

OUTCOMES OF THE REVIEW

The outcome of the strategic review will include recommendations on the most appropriate land use controls for Oxford Falls Valley and Belrose North.

Recommendations from the review will enable a planning proposal to be lodged to bring Oxford Falls Valley and Belrose North into Warringah's standard LEP.

HOW CAN I GET INVOLVED

The department and Council recognise that community consultation is an important part of planning for the area and we would like the community to get involved.

The draft strategic review report will be publicly exhibited and there will be an information session for residents.

More information on the consultation will be provided once the project is underway and the community will be kept informed about the progress of the review through updates on the department and Council websites.

FURTHER INFORMATION

Email: ofbn-review@planning.nsw.gov.au

Department of Planning & Infrastructure

Website: www.planning.nsw.gov.au

Phone: (02) 9228 6333

Warringah Council

Website: www.warringah.nsw.gov.au

Phone: (02) 9942 2111

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Appendix 5

Submissions

Uniting Care Ageing

Issue: Seek R3 Medium Residential Density zoning for its site at 2B Morgan Road, Belrose because this zone is the only residential zone which will permit the existing uses on premises.

Response: Applying the R3 Medium Density zoning in this location is inappropriate because:

- It would not be the best fit translation;
- The range of uses this zoning would permit is inconsistent with the locality statement and the desired future character of the area; and
- It is inconsistent with the methodology applied by Warringah Council in selecting land suitable for medium density zoning under Warringah LEP 2011. The R3 Medium Density Zoning applies in areas adjoining or within a centre with established local services and infrastructure. The R2 Low Density Residential zone combined with the application of the State Environmental Planning Policy (Seniors Housing) will continue to permit the uses currently operating on this site.

Metropolitan Local Aboriginal Land Council (MLALC)

Issue: The MLALC has requested that the Project Team acknowledges that MLALC seeks for a large part of its lands in the study area to be reserved and leased as an Aboriginal Owned Park under Part 4A (section 71C(3)) of the National Parks and Wildlife Act because of the lands' cultural and natural significance to Aboriginal people.

MLALC has also requested that 6 of its lots be excluded from the application under Part 4A and is opposed to these properties being zoned E3 Environmental Management.

During a site visit with MLALC representatives, the review team was advised that a Planning Proposal will be submitted shortly for a portion of its land within the review area to comprise approximately 167 residential lots.

MLALC subsequently requested that all its landholdings within the review area be deferred to facilitate a discussion with the State Government on declaring those lands as National Park.

Response: The Review Team notes MLALC's intention for a large portion of its extensive landholdings within the study area to be reserved and leased as an Aboriginal Owned Park (National Park). Should MLALC be successful in having this land proclaimed an Aboriginal Owned Park (National Park), a separate planning proposal application will be required to rezone that land to E1 National Parks. In the interim, it is not considered appropriate to defer these lands.

In relation to the potential Planning Proposal, this will be considered by Warringah Council when it is formally lodged.

Sisters of the Good Samaritan

Issue: Seek R2 Low Density Residential zoning for its land at Perentie Road, Oxford Falls and have aspirations to develop for low density residential development.

Response: On the basis that the strategic review is a translation process that does not examine additional development opportunities, this land as well as all other land within the study area has been considered against primary and secondary environmental constraints. The primary environmental constraints analysis identified that the subject landholdings are affected by a combination of prohibitive and severe level of environmental constraints. In applying the PCG's position to zone all land that contains a prohibitive, severe or significant level of environmental constraints to E3 Environmental Management, this land holding is proposed to be zoned E3 Environmental Management at this stage.

Warringah Urban Fringe Association Incorporated (WUFA)

Issue: WUFA's submission proposes a range of zoning options for the 150 landowners it represents including RU4 Primary Production Small Lots, R5 Large Lot Residential, R2 Low Density Residential and R3 Medium Density Residential. In addition, WUFA highlights that the translation to E3 Environmental Management zoning would not permit housing for older people and people with disabilities which is a category 2 landuse under Warringah LEP 2000. WUFA also queries the accuracy of Council's Biodiversity study, riparian land policy, bush fire prone land map and environmental constraints mapping in general. It also requested that site visits be carried out as part of this strategic review.

Response: The strategic review considered the suitable zoning for each lot within the review area. This involved undertaking individual site visits (ground truthing), consistently applying the primary and secondary constraints methodology and the translation methodology. The review process and methodology, including details on the environmental data and studies used in the analysis is outlined in detail under section 4 of this report and associated Appendices.

It is important to highlight that the purpose of this strategic review was to recommend planning controls that most closely reflect existing planning controls and that no recommendations are made on whether certain areas are appropriate for urban growth. This will form part of stage two of the review.

Whilst the outcome of this review clearly demonstrates that it is appropriate to zone the majority of the land within the review area to E3 Environmental Management, there are some small areas of land where it was considered more suitable to apply a different zone. This is discussed in further detail under section 4.1 of this report. In relation to the permissibility of seniors housing, this is addressed under section 3.5 of this report.

Catholic Archdiocese of Sydney

Issue: The Archdiocese has aspirations to develop part of its land for low density residential development (adjoining existing R2 Low Density Residential land) and offset a significant portion of its landholdings for bushland. Following a site meeting, the Archdiocese submitted its original submission on the Warringah LEP 2011 to be considered as part of this review.

Response: On the basis that the strategic review is a translation process that does not examine additional development opportunities, the methodology agreed to by the PCG was applied to consider the zoning for this site. The review identified that this site has significant environmental constraints under the primary environmental constraints analysis and for this reason is proposed to be zoned E3 Environmental Management.

OPTUS

Issue: OPTUS has requested a development buffer for non residential uses of 250 metres from its facilities and to exclude high voltage welding machinery and motor sports activities within 500 metres of each earth station. OPTUS recommended that specific local provisions are included in the LEP to address this issue.

Response: The Strategic Review has not identified any non domestic facilities within 250 metres of the earth stations in the review area. In addition the primary and secondary environmental constraints analysis has identified that land within 250 metres of the earth stations contains significant environmental constraints and is proposed to be zoned E3 Environmental Management. The proposed E3 Environmental Management zone does not permit industrial operations. The development application process will identify any undesirable uses from intensifying within the 500 metre radius. Therefore it is unnecessary for specific provisions on this matter to be included in the Warringah LEP 2011.

Friends of the Narrabeen Lagoon Catchment

Issue: Friends of Narrabeen Lagoon Catchment are of the opinion that the review project should achieve;

- standard zone based on an accurate translation of the 'desired future character';
- environment protection as a key land use objective;
- a translation that does not result in the rezoning of land.

Response: The review process involved undertaking individual site visits (ground truthing), consistently applying the primary and secondary environmental constraints methodology and considering locality statements which outlined the desired future character of the land.

The outcome of this strategic review illustrates that a significant portion of the land in the deferred area is proposed to be zoned E3 Environmental Management, acknowledging the natural and scenic qualities of the area. The review also revealed that there are some small areas where zoning other than E3 Environmental Management is more appropriate.

Belrose Rural Community Association

Issue: The Belrose Rural Community Association is concerned about the loss of native bushland that might result from this review. It requests that the 'Desired Future Character Statements' of B2 and C8 localities and the requirement for a landscaped open space are considered as part of this strategic review. In addition, the Belrose Rural Community Association are concerned about the review process and would like to discuss the process to have a better understanding of the process enabling them to make informed and appropriate submissions.

Response: This review considered the desired future character statements as part of the translation process. In relation to the concerns about the review process, the project team facilitated a Public Information session in October 2012 which was widely advertised and attended by local residents and landowners. A commitment was made during the information session that the project team would undertake site visits of all land within the review area. Landowners were notified by letter of the December 2012 site visits. There will also be future opportunities to engage the community as part of this review which is detailed under section 3.4 of this report.

The Falls Retreat

Issue: The Falls Retreat are concerned that future zoning could affect the site functioning as a recreational centre, function centre & short term accommodation.

Response: Existing use rights continue to apply regardless of the proposed zoning. This is addressed under section 3.3.3 of this report.

Other Submissions

The remaining submissions raised a range of issues which are summarised below. These represent the views of local residents, business owners and operators who wrote to the Department whilst this review was undertaken.

Issue 1: Nine submissions seek the land in the deferred area to be preserved for its recreational, ecological and aesthetic values.

Response: The outcome of this strategic review illustrates that a significant portion of the land in the deferred area is proposed to be zoned E3 Environmental Management, acknowledging its aesthetic, ecological, scientific and cultural values.

Issue 2: Seven proforma letters request their land be zoned R2 Low Density Residential, R3 Medium Density residential, RU5 Village or R5 Large Lot Residential because their land is cleared, has good access to roads, public transport, town water and is relatively flat.

Response: The strategic review considered the appropriateness of an alternative zoning for land within the study area. This involved undertaking site visits (ground truthing), consistently applying the primary and secondary environmental constraints analysis and the translation methodology. This included for example, the consideration of environmental constraints and infrastructure provisions.

The review has identified some areas where it is considered more suitable to apply a zone other than E3 Environmental Management. This is discussed in further detail under section 4.1 of this report.

Issue 3: Two submissions are against E3 Environmental Management zoning of their land because their sites are capable of accommodating more than one dwelling.

Response: See response to Issue 2.

Issue 4: Seek B4 Mixed Use or B6 Enterprise Corridor zoning for land in Linden Avenue, Belrose.

Response: See response to Issue 2.

Issue 5: E3 Environmental Management zoning will devalue land and Council will be able to purchase land at a lower cost.

Response: Council does not have specific plans to purchase land within the review area. Whilst value of land is not a planning consideration, the aim of the strategic review is to adopt planning controls that most closely reflect existing planning controls under LEP 2000. It is acknowledged that a like for like translation may not be possible in all instances. However, the methodology used in the review process to identify a suitable zone for each parcel of land has been applied consistently.

Issue 6: Residents in the surrounding neighbourhoods need to be included as stakeholders in this review. Seeks a transparent review process and a consistent approach to preparing the LEP.

Response: This report will be publicly exhibited and will be made available for viewing through the Department's and Council's websites to ensure that the wider community is involved in the review process. As mentioned previously, a methodology for the review was established and agreed to by the PCG which was consistently applied to land within the review area. A section of the Department's website was designated specifically to this review where updates on the status of the review and background information were posted and will continue until the review is finalised.

Issue 7: Land on Northcott Road should be zoned RU4 Rural Small Holdings and seek permissibility of uses currently available including a granny flat.

Response: Please refer to the response to issue 2. In addition, existing granny flats can continue to operate and be extended through existing use rights if they comply with Council's controls on such uses.

Issue 8: Seek Residential zoning for Willandra Road, Narraweena because applying the E3 Environmental Management zone would be a downzoning.

Response: The review involved identifying planning controls for all land in the study area that most closely reflects existing planning controls. Applying the E3 Environmental Management zone may on face value be perceived as a downzoning because the SEPP (Housing for Seniors or People with a Disability) 2007 does not apply to land zoned for environmental protection whilst seniors housing is a Category 2 landuse on land adjoining land uses for urban purposes under LEP2000. However, importantly, Category 2 landuses need to be considered against locality statements and may not be suitable in all locations and instances. Locality statements as well as all matters under primary and secondary constraints were considered in identifying a suitable zone under this review. Section 3.5 of this report provides further detail on this issue.

Issue 9: Seek medium density residential zoning in Dawes Road which will assist Warringah Council to achieve its dwelling target set by the Department of Planning and Infrastructure. Previous impediment to zoning this land in 2000 to residential was lack of servicing by sewer which has now been installed.

Response: This area is subject to a planning proposal that supports an R2 Low Density Residential zone for this area and is at an advanced stage of preparation. The PCG supports the recommendations of the Planning Proposal.

Issue 10: Two submissions are concerned that the E3 Environmental Management zone does not allow for improvements to home and impacts on the financial value of the land.

Response: Please refer to the response to Issue 2. In addition, the E3 Environmental Management Zone allows for a range of uses and dwelling houses (including alterations and additions are permissible with consent). Value of land is not a planning consideration.

Issue 11: E3 Environmental Management zone would be a downzoning for land in Bundaleer Street, Belrose which is surrounded by schools, adjoins a main road and a residential area. Appropriate zoning would be for residential or enterprise corridor zoning.

Response: See response to Issue 2.

Issue 12: Land at Waldon Road, Belrose should be considered for spot rezoning because the land is cleared, adjoins a large school, residential and commercial lots and is within 100 metres of Forestway which contains transport services and infrastructure.

Response: See response to Issue 2.

Issue 13: Two submissions relating to land in Northcott Avenue seeking RU4 Primary Production Small Lots zoning in one submission and R2 Low Density residential or R5 Large Lot Residential in the second submission to facilitate expanding Sydney on land that adjoins residential development, is partially cleared, has access to public transport, utilities and does not contain endangered species.

Response: See response to Issue 2.

Issue 14: Concerned about the minimum lot size for a dwelling under the E3 Environmental Management zone, particularly as it relates to land along Wyatt Avenue. Seek R2 Low Density Residential or R5 Large Lot Residential zoning to rectify this or for all existing lots to be entitled to one dwelling.

Response: See response to Issue 2. In addition, please refer to section 3.5 of this report.

Issue 15: Seek high density zoning of land within the triangle bounded by Wakehurst Parkway, Warringah Road and Oxford Falls Road

Response: See response to Issue 2.

Appendix 6

Primary Environmental Constraints Assessment and Weighting

As with the 2006 review, the assessment methodology uses a weighted scoring system to consider the relative sensitivity of specific environmental constraints and the corresponding level of impediment to development. A breakdown of this methodology is provided in Table 4. Further detail of the rationale for each environmental constraint is provided in **Appendix 7**. Specifically, Table 2 highlights;

- the environmental constraints considered
- the environmental data which was utilised to determine the weighted score; and
- provides a weighted score for each environmental constraint considered.

Table 4 – Primary Environmental Constraints Assessment and Weighting

CONSTRAINT	DATA SOURCE/DATA LAYERS	DATA DETAILS	CONDITION	WEIGHTED SCORE
1. Riparian	Warringah Creek Management Study 2004 adopted by Council in 2004 and used for planning controls as part of Council's Development Control Plan. - WDCP2011	Council's existing GIS layer 2004 (combination of topographical maps, groundtruthing, desktop analysis) LPMI 1:25,000 topographic maps Desktop analysis using stereoscopy, aerial photographs and 2m contour lines Ground-truthing Community feedback	Land within riparian zone – Category A Catchment	20
			Land within riparian buffer - Category A Catchment	12
			Land within riparian zone – Category B Catchment	12
			Land within riparian buffer - Category B Catchment	7
			Land outside riparian buffer	0
2. Significant Vegetation	Data has not been presented to Council for adoption and does not form part of Council's development controls. Data was updated as part of the 2009 Warringah Natural Area Survey and further refined since this time.	Removal of areas of vegetation based on identified mapping anomalies discovered using 2009 aerial photography. Developed primarily via desktop assessment and digitisation using aerial photography Some field assessment undertaken to clarify vegetation type and condition.	Land containing a 'threatened community in Australia'	20
			Land containing a 'threatened community in New South Wales'	20
			Land containing a 'rare community in Australia'	10
			Land containing a 'threatened community in Warringah'	7
			Land containing a 'local habitat'	7

CONSTRAINT	DATA SOURCE/DATA LAYERS	DATA DETAILS	CONDITION	WEIGHTED SCORE
			Land not containing any of these communities	0
3. Wetland Buffers – No amendments suggested to the criteria used in 2006	Warringah Natural Area Survey 2005. This data is used for development controls via the WDCP2011.	Aerial photo interpretation Some field validation Limited field validation on private property.	Land containing wetland buffer	7
			Land outside wetland buffer	0
4. Slope	Data produced in March 2007. 2m contours mapping determined from Digital Elevation Model (DEM) derived from Light Detection and Ranging (LIDAR). This is an optical remote sensing technology that can measure the distance to a target by illuminating the target with light, using pulses from a laser.	Data produced in March 2007. 2m contours mapping determined from Digital Elevation Model (DEM) derived from Light Detection and Ranging (LIDAR). This is an optical remote sensing technology that can measure the distance to a target by illuminating the target with light, using pulses from a laser.	Land containing slopes of 30% (19 degrees) or greater	15
			Land containing slopes between 20% (11 degrees) and 30% (19 degrees)	5
			Land containing slopes of less than 20% (11 degrees)	0
5. Designated Wildlife Corridor or Core Habitat	Developed for the update of the <i>Warringah Natural Area Survey: Vegetation History and Wildlife Corridors Update 2009</i> prepared by P and J Smith Ecological Consultants The report has not been presented to Council for adoption and is not used as part of Council's Development Control Plan.	Uses desktop vegetation mapping to develop categories of core habitat based on size, and categories of wildlife corridor based on existing vegetation and connectivity. The majority of vegetated land in the B2 and C8 localities is mapped as core habitat.	Regional Core Habitat	10
			Local Core Habitat	5
			Regional Corridor	5
			Local Corridor	3
			None	0
6. Flooding	Data for this comes from a data layer prepared for WLEP 2011. The source data was not adopted	Source data comes from the Middle Creek Flood Study prepared by Worley Parsons in 2009.	Land within Flood Planning Level (FPL) area	12
			Land outside Flood Planning Level (FPL)	0

CONSTRAINT	DATA SOURCE/DATA LAYERS	DATA DETAILS	CONDITION	WEIGHTED SCORE
	prior to inclusion in (and deferral from) WLEP 2011, however, it should be noted that until such time as the Narrabeen Lagoon Flood Study is finalised, the Middle Creek Flood Study data remains the best available information available to Council		area	
7. Acid Sulfate Soils	Acid Sulfate Soils Planning Maps are supplied by NSW Department of Urban Affairs and Planning. These maps are utilised in the WLEP2000 and WLEP 2011 Acid Sulfate Soils Map		Land containing Class 1 acid sulfate soils	5
			Land containing Class 2 acid sulfate soils	4
			Land containing Class 3 acid sulfate soils	3
			Land containing Class 4 acid sulfate soils	2
			Land containing Class 5 acid sulfate soils	1
			Land not containing acid sulfate soils	0
8. Threatened Species Habitat	Threatened species data sourced from the Atlas of NSW Wildlife, and Council records. Council records have not been presented to Council for adoption. The records from the NSW Atlas are managed by the Office of Environment and Heritage.	Point data collated and reviewed – records excluded include vagrant species, historical records, and records with limited accuracy.	Known Habitat - known flora and fauna records in vegetated habitats, and mapped endangered ecological communities.	20
			Potential habitat – intact vegetation, thought to be potential habitat for threatened species.	10
		Threatened species records collected by Council have been done using best practise survey methodology, and in accordance with survey guidelines.	Moderate Habitat - disturbed native vegetation and weeds - vegetation mapped as 'c', 'b' or 'e',	3
			Low Habitat - areas mapped as 'x' or those containing no mapped	0

CONSTRAINT	DATA SOURCE/DATA LAYERS	DATA DETAILS	CONDITION	WEIGHTED SCORE
			vegetation.	

Appendix 7

Rationale applied for Primary Environmental Constraints Assessment and Weighting

In developing the primary environmental constraints weighted criteria (as outlined in Table 002 of the report), it was determined that points should be allocated based upon the following rationales:

RIPARIAN

The Warringah Creek Management Study 2004 categorises all of Warringah's waterways in to three categories based on landscape, ecological value and level of catchment disturbance. The creeks were categorised as A, B or C. 'Category A' creeks are of high landscape and ecological value and will degrade quickly if even minor changes occur, therefore the Category A riparian zone and buffer have been given a score of 20 and 12 respectively. 'Category B' Creeks have development in the upper reaches, but are important because they flow into National Parks or reserves and sensitive estuarine waters, therefore the Category B riparian zone and buffer have been given a score of 12 and 7 respectively. Category C has not been considered in this assessment because none exist in the study area.

SIGNIFICANT VEGETATION

Highly threatened vegetation communities listed within the Threatened Species Conservation Act 1995 (TSC Act) have been allocated the highest relative weighting (20 points) due to their statutory status in legislation and the state and national significance of these communities.

WETLAND BUFFERS

Wetlands are recognised as having particularly important functions for maintaining catchment water quality and health. The significance of wetland buffers has been recognised in WDCP 2011 and Council's 'Protection of Waterways and Riparian Land Policy', both of which aim to ensure that the important functions provided by wetlands throughout Warringah are protected. Ways to ensure these functions are protected include ensuring thorough environmental assessment of proposed development; ensuring that there is no net change in peak loads or pollutant loads by offsetting impervious area with stormwater management controls; and locating infrastructure and Asset Protection Zones outside these areas. These areas do not have the highest relative weighting (7 points). However their significance in terms of protecting, maintaining and enhancing catchment water quality and health, and the constraints to development that must be applied to achieve this, warrant consideration in determining land capability.

SLOPE

The restrictive nature of developing upon land with slope constraints necessitates a relatively high relative weighting (15 points for 1 in 3 slopes). This is due to the highly erodible nature of soils in the B2 locality, the potential for land degradation within the Narrabeen Lagoon catchment and the significant and measurable sedimentation/siltation impacts downstream into Narrabeen Lagoon.

DESIGNATED WILDLIFE CORRIDOR OR CORE HABITAT

The *Vegetation History and Wildlife Corridors (2009)* update of the *Natural Area Survey - Vegetation History and Wildlife Corridors (2005)* involved more detailed consideration and mapping of wildlife corridors (identification of local and regional wildlife corridors), in addition to the identification of 'regional core habitat' and 'local core habitat'. Remnant vegetation in the B2 and C8 localities is largely mapped as regional core habitat, being vegetated areas greater than 170ha in size. Cleared areas of land are primarily mapped as regional wildlife corridors. Of the four habitat criterion listed in the report "regional core habitat" is the most significant, therefore, it has been given a score of 10.

It is important to recognise these core habitats and corridors, their spatial requirements and more broadly the limitations they place on the extent of urban development. Therefore, they have some relative weight in determining the suitability of land for development (maximum 10 points for 'regional core habitat'), but not as high as others such as threatened species vegetation, slope, and riparian zones.

FLOODING

There remains an ever present risk in occupying land which is subject to flooding, even if that flooding occurs only rarely. Land-use planning provides opportunities to locate development to limit vulnerability to flooding and enable flood-aware design and materials to be incorporated into the construction of new development. In this way, future flood risk can be better managed, so that potential losses and damages are reduced. In this regard, Flood Planning Levels (FPLs) for the deferred matter land were prepared for the draft WLEP2011 based on the best information currently available (the *Middle Creek Flood Study* prepared by Worley Parsons, 2009). Given the level of risk and planning considerations associated with development on land located within the FPL, this flooding constraint has been given a score of 12.

ACID SULFATE SOILS

Acid sulfate soils only affect the north eastern extent of the B2 locality. Development upon land containing acid sulfate soils does not serve as a major restriction to urban development. Instead, it requires that a number of additional matters be considered as part of the development application process. In this respect, the highest score given to land containing 'Class 1 Acid Sulfate Soils' is a score of 5.

THE COASTAL ZONE

The "coastal zone" is defined by a coastal zone map within State Environmental Planning Policy No.71 – Coastal Projection. This layer only covers one property within the study area being Part Lot 1 DP74818, Wakehurst Parkway, Oxford Falls. This property is owned by the Minister Administering The Sporting Venues Management Act. The Coastal Zone constraint has been considered directly in relation to this parcel of land.

THREATENED SPECIES HABITAT

Based on the threatened species (flora and fauna) listed under the *NSW Threatened Species Conservation Act 1995 (TSC Act)* and/or *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, threatened species habitat has been weighted based on four levels of threatened species assessment, including;

- Known Habitat - known flora and fauna records in vegetated habitats, and mapped endangered ecological communities (20 points)

- Potential Habitat - intact vegetation, thought to be habitat for threatened species (10 points)
- Moderate Habitat - disturbed native vegetation and weeds (3 points)
- Low Habitat (0 points).

The highest relative weighting (20 points) has been allocated to 'Known Habitat' and (10 points) to 'Potential Habitat'. This is reflective of inherent legislative constraints under the TSC Act and EPBC Act associated with the existence of such species and communities within the deferred land.

Appendix 8

Secondary Infrastructure and Environmental Constraints Assessment and Weighting

Table 5 below describes each constraint and the weighted score allocated to each environmental and infrastructure consideration. The least constrained total score possible was 2, while the most constrained was 54.

Table 5 Secondary Infrastructure and Environmental Constraints

SECONDARY CONSTRAINT	IMPORTANCE	LAYER	CRITERIA	SCORE
Cultural heritage European - conservation area or item Aboriginal heritage - item	Protect heritage items from unsympathetic development	A	Not affected	0
		B	Adjacent to a heritage item / conservation area or Aboriginal Cultural Heritage location	2
		C	Heritage item located on the site, or located within a Conservation area	3
Bushfire	Protect development from a bushfire hazard	A	Not affected	0
		B	Buffer area	2
		C	Vegetation category 1 or 2	3
Proximity to centres	Locate urban development near established village or neighbourhood centres.	A	Land within 400m of a village or neighbourhood centre	1
		B	Land within 800m of a village or neighbourhood centre	2
		C	Land greater than 800m of a village or neighbourhood centre	3
Proximity to public transport	Locate urban development near established or proposed public transport links	A	Land within 400m of a bus stop	1
		B	Land within 800m of a bus stop	2
		C	Land greater than 800m of a bus stop	3
Availability to connect to water and sewer and electricity	Ensure availability of services for development	A	Land serviced by Sydney Water	0
		B	Land included in MDP or identified by Sydney Water and other utilities for servicing	2
		C	Land not serviced by water, sewer	3
Telecommunications Buffer	Ensure adequate development setbacks are in place to safeguard telecommunications infrastructure	A	Land greater than 250m from a communications facility	0
		B	Land within 250m from a telecommunications facility	1
Riparian Corridor	Ensure known riparian corridors are protected from developments.	A	Not affected	0
		B	In buffer area	2
		C	In riparian zone	3

Significant Vegetation	Ensure known areas of significant vegetation are retained and protected.	A	Not affected	0
		B	Significant in NSW	2
		C	Significant in Australia	3
Wildlife Corridor and Core Habitat	Protect important wildlife corridors and core habitat	A	Not affected	0
		B	Local Core Habitat or Corridor	2
		C	Regional Core Habitat	3
Threatened Species	Protect areas where known Threatened Species are known to occur	A	Not affected	0
		B	Potential habitat	2
		C	Known habitat	3
Flooding	Protect areas susceptible to flooding	A	Not affected	0
		B	Land within flood planning level	3
Wetland Buffers	Protect important wetland areas	A	Not affected	0
		B	In wetland buffer	3

For the purposes of the Strategic Review, the PCG agreed to apply composite scores, to be determined by aggregating each individual secondary constraint which were then categorised as follows:

- **CATEGORY A** – Low restriction to development (scores between 2-10)
- **CATEGORY B** – Moderate restriction to development (score between 11-14)
- **CATEGORY C** – Significant restriction (score above 15).

The PCG also agreed that sites that fall under Category C should also be considered for the E3 Environmental Management zone as they have levels of environmental significance which can also be directly correlated with the objectives of the E3 Environmental Management zone and are consistent with the desired future character for both the C8 Belrose North and B2 Oxford Falls valley localities under the WLEP 2000.

Appendix 9

Consideration of Section 117(2) Ministerial Directions of the Environmental Planning and Assessment Act, 1979

The following is a list of relevant Section 117(2) Directions under the EP&A Act 1979 relevant to the Strategic Review and subsequent planning proposal.

This list provides an analysis of how and if the recommended amendments to WLEP2011 comply with relevant S117 Directions:

<u>Section 117 Direction</u>	<u>Planning Assessment</u>	<u>Compliance with S117 Direction?</u> <u>Yes or No?</u>
1.2 Rural Zones	<i>The objective of this direction is to protect the agricultural production value of rural land.</i> <i>The strategic review recommends that an area of land west of Forest Way be zoned RU4 Primary Production Small Lots, by virtue of the areas geographical location, existing and desired future character and current land uses. This zoning will serve to protect the agricultural production value of the area. The strategic review recommendations will not rezone rural lands, or contain provisions that will increase the permissible density of land within the rural zone, in line with the objectives of this S117 Direction.</i>	Yes
1.3 Mining, Petroleum Production and Extractive Industries	<i>The objective of this direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i> <i>Warringah local government area has one active quarry which is located within the strategic review area at Belrose and is operated by Benedict Sand and Gravel. The quarry is considered an atypical land use in Warringah.</i> <i>The northern boundary of the quarry site adjoins the Belrose Waste Management Centre. All other boundaries of the site adjoin dense bushland. The Strategic Review recommends that the quarry be zoned E3 Environmental Management, consistent with the recommended E3 zoning for surrounding lands to the east, south and west of the site, with the exception of the Belrose Waste Management Centre which is already zoned SP2 'Waste or Resource Management Facility', located to the north of the site.</i> <i>The recommended E3 zoning surrounding the site will not support development that would compromise the operation of the quarry and is therefore consistent with the objectives of this S117 Direction</i> <i>Extractive Industry (i.e. quarry) is prohibited in the recommended E3 zone however, the current permissibility status of the existing development will be managed through the existing use right provisions</i>	Yes

<u>Section 117 Direction</u>	<u>Planning Assessment</u>	<u>Compliance with S117 Direction?</u> <u>Yes or No?</u>
	<i>of the Environmental Planning and Assessment Act, 1979.</i>	
2.1 Environment Protection Zones	<i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i> <i>A primary and secondary constraints analysis was undertaken as part of this strategic review in order to identify land that predominantly has an environmental constraints rating of "Prohibitive, Severe or Significant". As a result of this analysis, an E3 Environmental Management zoning has been recommended for large areas of land within the strategic review study area in accordance with the objectives of this direction, namely to protect and conserve environmentally sensitive areas within Oxford Falls Valley and Belrose North.</i> <i>WLEP2011 also includes provisions that:</i> ▪ <i>Use the E3 Environmental Management zone to translate Warringah LEP 2000 provisions that manage, protect and conserve the environmental qualities and sensitivities.</i> ▪ <i>Use the environmental heritage protection provisions (clause 5.10 and Schedule 5) to protect various areas of high environmental heritage value throughout the local government area.</i>	Yes
2.2 Coastal Protection	<i>The objectives of this direction are to implement the principles of the NSW Coastal Policy.</i> <i>Only one property is covered by the coastal zone, which is owned by the Minister Administering The Sporting Venues Management Act being, Part Lot 1 DP 74818 Wakehurst Parkway, Oxford Falls. This property is recommended for E3 Environmental Management Zone under WLEP2011 as a best fit translation from the WLEP2000 B2 Locality. The proposed zone will have negligible additional impact on the coastal zone and is consistent with the principles of ecologically sustainable development, additionally, coastal zone planning requirements will continue to apply to this land under the new proposed zone.</i>	Yes
2.3 Heritage Conservation	<i>The objective of this direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance.</i> <i>Warringah LEP 2011 was prepared to implement the objectives of this direction, namely to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i> <i>The Warringah LEP 2000 lists as environmental heritage various local and regional heritage items and conservation areas in localities in the Warringah area. It is important to note that no European heritage items or conservation areas of environmental heritage significance exist within</i>	Yes

<u>Section 117 Direction</u>	Planning Assessment	Compliance with S117 Direction? Yes or No?
	the strategic review study area. WLEP2011 list items of Environmental Heritage in Schedule 5. It also requires Council to implement Clause 5.10, this being a compulsory standard instrument LEP clause. Within the strategic review study area there are no further European heritage listings or areas of heritage significance that need to be translated from the WLEP 2000 into the WLEP2011. In meeting the new format requirements, the various Department of Planning Circulars and Practice Notes regarding LEP mapping requirements, and the NSW Heritage Office requirements were complied with. Separate to the LEP Heritage Maps Council holds spatial data identifying the location of known places, objects and areas of Aboriginal heritage significance in Warringah. To date, consistent with advice from the Department of Climate Change and Sustainability and from the Office of Aboriginal Heritage, these items have not been mapped on the Warringah Heritage Map. These are protected under the National Parks and Wildlife Act 1974, and were identified by Council's Aboriginal heritage survey and study of heritage significance to Aboriginal culture and people. Internal processes exist in Council and the Department to ensure management of such items in the development process. The location of these places, objects and areas of Aboriginal heritage significance were considered when undertaking the secondary constraints analysis of the Strategic Review. Therefore, the recommendations of the strategic review satisfy this S117 Direction.	
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. The Strategic Review recommends two residential zones within the study area when determining best fit zones to translate WLEP2000 into WLEP2011 as follows:	Yes

<u>Section 117 Direction</u>	Planning Assessment	Compliance with S117 Direction? Yes or No?
	1. R2 Low Density Zone: <i>The R2 Low Density Residential zone is recommended for land that currently contains seniors housing developments and associated facilities, with existing infrastructure and services.</i> <i>It is noted that 'seniors housing' is prohibited within the R2 Zone under WLEP 2011, however, the provisions of State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 will take precedence over WLEP 2011 and in this instance, the SEPP makes seniors housing permissible on the land (subject to a range of development criteria and standards specified in the SEPP), as the land would be zoned primarily for urban purposes.</i> <i>Landuses within the R2 zone that are permissible with consent and serve as ancillary uses to senior's housing developments include landuses such as: Community facilities; Health consulting rooms; Hospitals; Places of public worship; Recreation areas and Respite day care centres.</i> 2. R5 Large Lot Residential Zone <i>An R5 Large Lot Residential Zone is recommended for properties that are currently utilised for such a purpose and that are generally located at the interface of environmentally sensitive land along one boundary and urban land along the other. The recommended zoning provides a way of minimising landuse conflicts within this zone and adjoining zones. It also supports residential housing in a rural setting whilst preserving and minimising impacts on environmentally sensitive locations and scenic quality. The recommended R5 zone also ensures that the rural residential zone does not unreasonably increase the demand for public service and public facilities and can make efficient use of existing infrastructure and services prior to the finalisation of a Warringah Housing Strategy.</i> <i>It is the role of a future Warringah Housing Strategy to strategically determine how Warringah is to encourage a variety and choice of housing types to provide for existing and future housing needs across Warringah.</i>	
<u>3.3</u> Home Occupations	<i>The objective of this direction is to encourage the carrying out of low-impact small businesses within dwelling houses.</i> <i>The strategic review recommends zones that are consistent with this objective as home occupations are permissible in dwelling houses and dwellings without consent in the proposed RU4, R2, R5 and E3 zones.</i>	Yes
3.4 <i>Integrati</i>	<i>This direction ensures that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve</i>	Yes

<u>Section 117 Direction</u>	Planning Assessment	Compliance with S117 Direction? Yes or No?
ng Land Use and Transport	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. The strategic review has considered the objectives of this S117 Direction when undertaking the secondary constraints analysis and more detailed analysis on an area and property basis, when determining the recommended zonings for the deferred land. The Integrating Land Use and Transport objectives also underlie the existing WLEP2011 and Council's Strategic Community Plan. These plans have defined aims and goals for achieving safe, convenient and accessible transport options through local jobs, greater public transport usage, living streets, and less reliance on private motor vehicles. Council's future housing strategy will be required to more fully explore housing choices; design alternatives and wider use of the standard instrument LEP residential zones, particularly in and around various existing centres.	
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Acid sulfate soils only affects a relatively small proportion of land located to the north eastern extent of the study area. This land is recommended to be zoned E3 environmental management under WLEP2011. Clause 49a of Warringah LEP 2000 makes provisions with respect to managing development that is to be carried out where any disturbance to acid sulfate soils occurs. This matter continues to be of relevance in Warringah and accordingly, Warringah LEP 2011 includes Clause 6.1 'Acid Sulfate Soils' includes similar provisions to those contained in WLEP2000. Therefore, when the subject land is transferred into the WLEP2011, acid sulfate soils will be appropriately managed via Clause 6.1.	Yes

<u>Section 117 Direction</u>	Planning Assessment	Compliance with S117 Direction? Yes or No?
4.2 Mine Subsidence and Unstable Land	<i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i> <i>This direction does not apply in the Warringah area, as there is currently no known land in Warringah that is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961.</i> <i>Therefore, there is no land that has been identified as unstable land that is subject to mine subsidence.</i>	Yes
4.3 Flood Prone Land	<i>The objectives of this direction are:</i> <i>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i> <i>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i> <i>In determining the best fit translation of WLEP2000 localities into WLEP2011 zones, the strategic review considered land that was subject to flooding as part of the Primary and Secondary Constraints Analysis.</i> <i>In addition to this Clause 47 of Warringah LEP 2000 makes provisions in relation to development of flood affected land. However, since the gazettal of Warringah LEP 2000, Council has undertaken further work to prepare new and update existing flood studies and has prepared expanded controls to manage development in flood prone land.</i> <i>Accordingly, WLEP2011 includes Clause 6.3 'Flood Planning' to manage development on flood prone land that will operate in conjunction with provisions in the Warringah DCP. These provisions are in accordance with the Floodplain Development Manual 2005 and do not vary the currently permitted uses of land within flood planning areas.</i>	Yes
4.4 Planning for Bushfire Protection	<i>The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.</i> <i>Warringah Council has a current Bush Fire Prone Land Map that was certified by the Commissioner of the NSW Rural Fire Service in 2010. The majority of land and properties within the strategic review study area are located in bush fire prone areas. Bushfire prone land was considered during the Secondary Constraints Analysis of the Strategic</i>	Yes

<u>Section 117 Direction</u>	Planning Assessment	Compliance with S117 Direction? Yes or No?
	<i>Review.</i> <i>The strategic review recommendations propose no new land release areas or increases to the current development capacity of land in bushfire prone land areas. The strategic review recommendations maintain existing densities, as well as environmental sensitivities in various bush fire prone areas.</i> <i>Clause 5.11 Bushfire hazard reduction of the WLEP2011 will ensure that bush fire hazard reduction is not prohibited within Asset Protection Zones as defined in the Planning for Bushfire Protection 2006. In addition, WLEP2011 includes local Clause 6.20 Subdivision of certain land in the R2 Low Density Residential zone. Amongst other matters, this clause seeks to manage future density of development for certain parcels of land that have an interface to bushland and includes a reference to development of these lands in accordance with the provisions of Planning for Bushfire Protection 2006.</i> <i>The strategic review recommendations have considered the Planning for Bushfire Protection 2006 guideline, and have avoided controls that will result in inappropriate development in hazardous areas. Should such development be proposed through a future development application process, the provisions of Planning for Bushfire Protection 2006 guideline will apply.</i> <i>In the preparation of a future planning proposal Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. Therefore, consultation with the NSW Rural Fire Service shall occur at this stage.</i>	
<u>6.1 Approval and Referral Requirements</u>	<i>The strategic reviews recommended land use zones have been determined in accordance with this direction and its objectives, to ensure the efficient and appropriate assessment of development.</i> <i>The recommended zones are in accordance with the standard instrument LEP and do not introduce any local provisions that require concurrence, referral or consultation with public authorities or a Minister at this stage. Nor does it introduce any local provisions that identify development as designated.</i>	Yes
<u>6.3 Site Specific Provisions</u>	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i> <i>Warringah LEP 2000 is a placed based rather than land use zone based planning instrument, containing 74 localities. This model allows the WLEP2000 to address specific permissibility provisions for</i>	Yes

<u>Section 117 Direction</u>	Planning Assessment	Compliance with S117 Direction? Yes or No?
	<i>nominated sites through the locality statements.</i> <i>The WLEP 2011 uses Schedule 1 to make provisions for certain nominated sites that are consistent with the development rights that exist currently for those sites under Warringah LEP 2000. It also identifies sites to be managed as Special Purpose zones.</i> <i>The strategic review recommends two additions to Schedule 1 relating to the C3 Church in Oxford Falls and land recommended for the RU4 zone. It also identifies an additional four areas to be managed by Special Purpose zones, to cover a large electricity transmission station (public utility undertaking) and three telecommunication facilities.</i> <i>Existing schools within the E3 zone are to be managed by SEPP (Infrastructure) 2007, Clause 28(2).</i> <i>Generally, it is proposed that anomalous or non conforming sites will be managed by the Existing Use provisions of the Environmental Planning and Assessment Act, 1979.</i>	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	<i>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.</i> <i>Section 2 of this strategic review outlines how the recommendations of the strategic review are consistent with this S117 Direction.</i>	Yes