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<b>C12.3</b>	<b>Outcomes of Exhibition of Amendment 16 to Pittwater 21 Development Control Plan</b>
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**Meeting:** Sustainable Towns and Villages

**Date:** 19 October 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Land Use & Development

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

- To establish land uses that respond to environmental, cultural, social and economic needs in a sustainable manner.
- To deliver a comprehensive suite of development controls that improve the liveability of the area.
- To protect environmentally sensitive areas and support the quality of beach, bush and water.
- To effectively respond to state and regional planning initiatives.

**DELIVERY PROGRAM ACTION:**

- Implement recommendations from the Warriewood Valley Strategic Review Report 2012.
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**1.0 EXECUTIVE SUMMARY**

**1.1 SUMMARY**

This report presents the outcomes of the public exhibition of Amendment 16 to Pittwater 21 Development Control Plan (Pittwater 21 DCP) and responds to submissions received.

The amendments follow a review of Pittwater 21 DCP based on a recommendation from the recently adopted *Warriewood Valley Strategic Review Addendum Report 2014* (Addendum Report 2014).

The new controls aim to deliver high quality development outcomes while facilitating development at a density of up to 32 dwellings per developable hectare. The changes will ensure that all necessary information is provided with the application to enable a thorough and efficient assessment which will result in high quality subdivisions and built form outcomes. The amendments also remove duplication in the controls applying to Warriewood Valley and the wider Pittwater Local Government Area.

Various post exhibition changes have been made to the controls in response to submissions received and legislative reforms introduced post exhibition. Significant changes include:

- Controls aligning with the newly introduced SEPP 65-Design Quality of Residential Apartment Development and associated Apartment Design Guideline. Subsequently a further control was included addressing spatial separation.
- Controls for siting of garages have been added in D16.1 Character as Viewed from a Public Place.
- Controls are updated to reflect contemporary standards/legislative requirements enabling deletion of Appendix 4 Warriewood Valley Urban Land Release Area Stage 1.
- Retention of the B1 Heritage Controls and B4 Controls relating to the Natural Environment, which were exhibited to be deleted.
- Review of land uses and the controls to which they apply.

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## **2.0 RECOMMENDATION**

1. *That Council note the outcomes of the public exhibition of Amendment 16 to Pittwater 21 DCP.*
  2. *That Council adopt the Tabled Document detailing the amendments to Pittwater 21 DCP.*
  3. *That the Warriewood Valley Strategic Review Addendum Report 2014 be amended to reflect the outcomes of negotiations in relation to 9 Fern Creek Road, Sector 901C and 901G.*
  4. *That those persons or organisations that made a submission during the public exhibition period be thanked for their submission and advised of Council's decision.*
  5. *That a public notice be published in the Manly Daily notifying of the adoption of Amendment 16 to Pittwater 21 DCP.*
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## **3.0 BACKGROUND**

### **3.1 PURPOSE**

3.1.1 This report aims to:

- Inform Council of the outcomes of the public exhibition of Amendment 16 to Pittwater 21 DCP,
- Respond to issues raised in submissions,
- Inform Council of proposed post exhibition amendments to Pittwater 21 DCP, and
- Seek Council's endorsement to adopt the amendments to Pittwater 21 DCP.

### **3.2 WARRIEWOOD VALLEY STRATEGIC REVIEW REPORT 2012 AND STRATEGIC REVIEW ADDENDUM REPORT 2014**

3.2.1 The *Warriewood Valley Strategic Review Report 2012* (Strategic Review 2012) was adopted by Council on 12 June 2013 and became the planning framework document for Warriewood Valley. The Strategic Review 2012 did not account for all lands in Warriewood Valley. In 2014, Council commenced a review of all lands not afforded a forward path by the Strategic Review 2012, known as the Warriewood Valley Strategic Review Addendum Report 2014.

3.2.2 At its meeting of 17 November 2014, Council resolved inter alia:

1. *"... to adopt the Warriewood Valley Strategic Review Addendum Report.*
2. *That a review of Pittwater 21 DCP be undertaken to ensure that it enables development at a density of 32 dwellings per developable hectare..."*

3.2.3 The Strategic Review 2012 and the Addendum Report 2014 are the planning strategy documents applicable to development in Warriewood Valley.

### **3.3 POLICY IMPLICATIONS**

Pittwater 21 DCP is an adopted policy of Council, prepared under the requirements of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979) as amended and accompanying Regulations. The proposed amendments to Pittwater 21 DCP have been prepared in accordance with the EP&A Act 1979 and Regulations.

### 3.4 RELATED LEGISLATION

EP&A Act 1979 and Regulations.

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

The amendments to Pittwater 21 DCP are aimed at facilitating development opportunities in Warriewood Valley that, in turn, will enable completion of the Release Area including the delivery of infrastructure funded by developer contributions.

#### 3.5.2 Resources Implications

The Pittwater 21 DCP amendments will assist in controlling future operation costs as it will provide clarity around development application requirements. Complete and compliant development applications will enable an efficient assessment process. This in turn will promote timely delivery of development.

## 4.0 KEY ISSUES

### 4.1 Statutory process for public exhibition

4.1.1 Amendment 16 to Pittwater 21 DCP was publicly exhibited for 28 days from 18 April 2015 to 16 May 2015 in accordance with the requirements of the EP&A Act 1979 and Regulations. All landowners in Warriewood Valley and the Warriewood Valley Residents Association were notified by letter and invited to comment.

4.1.2 In accordance with Council's Community Engagement Policy, an advertisement of the public exhibition appeared in the Manly Daily on 18 April 2015. Information on the proposed amendments was also published on Council's website and copies were made available at Council's libraries and Customer Service Centres.

### 4.2 Submissions received and responses to submissions

4.2.1 A total of seven (7) submissions were received during the public exhibition period.

4.2.2 One (1) submission was received after the public exhibition period.

4.2.3 A list of the submissions received and responses to these submissions is contained in **Attachment 1**.

### 4.3 Post exhibition changes to Amendment 16 to Pittwater 21 DCP

4.3.1 Issues regarding the ambiguity of the controls and repetition/duplication have been amended resulting in enhanced readability and clarity in the intent of the controls.

4.3.2 It was identified that the "Land to which this control applies" and "Uses to which this control applies" was not consistently applied throughout the DCP, in particular the list of uses to which a control applied had not reflected the uses permissible within a zone. This has now been rectified ensuring that all permitted uses have applicable development controls.

4.3.3 Definitions have been added to the dictionary in the DCP for the following terms:

- Development of a sector, buffer area or development site in a Release Area, including built form and land subdivision (built form does not have to be residential), and
- Subdivision of a sector, buffer area or development site.

- 4.3.4 In June 2015 the NSW Department of Planning and Environment released a significantly revised version of the *SEPP 65-Design Quality of Residential Apartment Development* and associated *Apartment Design Guideline*. The Amendment 16 controls have been reviewed and, where required, amended to ensure consistency with the recently introduced SEPP Guidelines. This has included the development of a new control, D16.8 Spatial Separation, identifying the setbacks required by certain built form habitable rooms.
- 4.3.5 Exhibited Control C6.12 Additional Specifications for Development of Sector 901A to 901G included two design options (Indicative Layout Plans 1 and 2) for the proposed park in Sector 901. The control aimed to among other things, demonstrate how the road network connections could be achieved based on differing land parcel configurations.

Since exhibition of the DCP, at its meeting on 18 May 2015 Council resolved inter alia:

*“That the Concept Layout Plan for the Central Local Park, in particular the southern half located within Sector 9 be endorsed as an indicative plan only and the General Manager be authorised to enter into negotiations with Australand, the owner of the adjoining lands to progress this outcome.”*

Accordingly, this option consistent with Council’s decision has been included in the new control.

- 4.3.6 Heritage controls under B1, identified for deletion (as at the time it was considered that the provisions are already in Pittwater Local Environmental Plan 2014), are now to be retained due to the recommendations of the Community Based Heritage Study (now finalised).
- 4.3.7 The B4 controls relating to Natural Environment, identified for deletion, are recommended to be retained until such time as a comprehensive review of vegetation management provisions associated with development proposals has been undertaken.
- 4.3.8 The majority of provisions in Appendix 4 Warriewood Valley Urban Land Release Stage 1 were found to be outdated and inconsistent with existing controls in Pittwater 21 DCP. This resulted in changes being made to controls to ensure the application to the Stage 1 Release are contemporary and enable the deletion of Appendix 4.

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## **5.0 ATTACHMENTS / TABLED DOCUMENTS**

- **Attachment 1** – Submissions Table
- **Tabled Document** – Table of Amendments

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## **6.0 SUSTAINABILITY ASSESSMENT**

### **6.1 GOVERNANCE & RISK**

#### **6.1.1 Community Engagement**

The proposed amendments to Pittwater 21 DCP were on public exhibition for 28 days enabling the community to provide input into the new controls.



The exhibition was in accordance with Council's Community Engagement Policy and the EP&A Act and Regulations.

#### **6.1.2 Risk Management**

The proposed changes will provide certainty to the development outcomes in Warriewood Valley and provide a clearer path for implementation of the Section 94 Infrastructure Plan.

### **6.2 ENVIRONMENT**

#### **6.2.1 Environmental Impact**

The DCP will assist the conservation and augmentation of bushland, waterways and biodiversity as development in Warriewood Valley continues.

#### **6.2.2 Mitigation Measures**

Changes to the DCP controls will result in higher quality subdivisions, with reasonable consideration for sustainable design criteria.

### **6.3 SOCIAL**

#### **6.3.1 Address Community Need & Aspirations and strengthening local community**

The proposed changes are aimed at enabling higher quality developments that continue to enhance the liveability, connectivity and amenity of the Warriewood Valley Release Area by facilitating an appropriate mix of land uses and development, diversity of housing types and by promoting the health, well-being and safety for the developments' occupants.

### **6.4 ECONOMIC**

#### **6.4.1 Economic Development**

The proposed changes are aimed at providing certainty in the development outcomes likely to occur in Warriewood Valley that, in turn, will result in economic growth particularly in the construction sector and long term advantages to the local economic and social environments.

Report prepared by  
Anja Ralph and Robbie Platt, Planners - Land Release

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

Submissions Table

Submission Number	Summary of Comment	Response
1	<p>"We do not agree with the inclusion of the map on page 88 in the document for the following reasons:</p> <ul style="list-style-type: none"> <li>• Neither of these proposals represents the WRA's understanding of what is currently being negotiated between the community and Council. This raises a serious governance issue which is surely of grave concern to the people of Pittwater</li> <li>• The adoption of this plan by Council would imply Council agrees to the original linear park, devised by Council staff, and which the Warriewood Residents Association has objected to from the beginning.</li> <li>• Recently we wrote to Council (27 March 2015) objecting to the smaller usable area of the park presented to the WRA in early March. We received a response to our letter on 6 May 2015 from Council staff in which they generally confirmed the last plan presented to the WRA. The WRA simply cannot endorse this as there was no definitive statement that the 50m distance will be open space. The letter still includes the 25m riparian zone in the park width. The Council staff is asking the residents of Pittwater to agree to a park that has the open space 25m wide for one that has the open space 82.19m wide; this is simply not acceptable to the WRA.</li> <li>• There is no size and definition of the park in the proposed DCP. This is a grave concern to the people of Pittwater as without documented size or definition, the park is in fact a concept which in the future is susceptible to erosion of the facility as new and unforeseen expedencies arise.</li> </ul>	<p>The maps raised in the submission relate to the Indicative Layout Plans 1 and 2 under Control C6.12 Additional Specifications for Development of Sector 901A to 901H. The indicative layout plans is to be read in conjunction with the control.</p> <p>Since the exhibition of DCP Amendment 16, Council resolved on 18 May 2015:</p> <p><i>"That the Concept Layout Plan for the Central Local Park, in particular the southern half located within Sector 9 be endorsed as an indicative plan only and the General Manager be authorised to enter into negotiations with Australand, the owner of the adjoining lands to progress this outcome."</i></p> <p>Accordingly, the layout plan contained in control C6.11 is consistent with the resolution of Council and has been included in the final report to Council following exhibition.</p> <p>The control identifies "...1 hectare of land is to be provided adjacent to the creekline corridor for passive open space". The DCP is not the mechanism for the actual design of the park. Instead the design is to be finalised by and included in the Section 94 Contributions Plan.</p>

Submission Number	Summary of Comment	Response
	<p><i>Pittwater has already experienced the negative consequences of a 'concept plan' i.e., the Meriton development. It is essential that to guard against the risk of that happening again, finalised and formal documentation of the size and definition of the park is prepared in consultation with the WRA and is done as soon as possible...</i></p> <ul style="list-style-type: none"> <li><i>• The linear proposal fails to demonstrate that the creek line corridor will not be seriously compromised by the proposal as it currently stands.</i></li> <li><i>• WRA has consistently held the view that the vegetated riparian zone is not suitable for active or passive recreation and ask Pittwater Councillors to agree with their residents on this matter...</i></li> <li><i>• Please remove the plan and its supporting recommendations from the DCP until the matter is settled through meaningful consultations."</i></li> </ul>	
2	<p><i>"We strongly object to draft amendment 16 as it relates to the introduction of new controls that would restrict dwelling typology on land within Buffer Areas 1a-1l. The Indicative Layout Plan on Page 80 of Council's report seeks to impose a restriction on dwelling typology along the Warriewood Road frontage of Buffer Areas 1a to 1l to 'detached housing'.</i></p> <p><i>The proposed planning framework for the precinct as contained in Draft amendment 16 is considered to be totally inappropriate as it will act to perpetuate the lack of housing choice within the locality."</i></p>	<p>Draft control C6.12 Additional Specifications for Development of Buffer Area 1a to 1m (replacing Control C6.25) is not intended to restrict dwelling typology but rather seeks to guide "lots suitable for detached housing to be located at the Warriewood Road frontage" to reflect the streetscape and character that already exists on both sides of Warriewood Road. This is consistent with the findings of the Warriewood Valley Strategic Review.</p> <p>The control (being an additional site-specific control) needs to be read in conjunction with the controls exhibited with DCP Amendment 16 that, as a package, are aimed at providing controls for a range of housing lots and housing typologies to facilitate the adopted density.</p>

Submission Number	Summary of Comment	Response
	<p><i>"The Environmental Planning and Assessment Amendment Act 2012, which commenced on 1 March 2013, clarifies the purpose and status of development control plans, being to 'provide guidance' to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument. In its current form, the proposed DCP controls excessively prescriptive and will inhibit development permissible under the LEP rather than facilitate such development."</i></p>	<p>Although the submission does not detail where it considers the controls to be "excessively prescriptive", Amendment 16 to Pittwater 21 DCP is intended to provide guidance on how proposals in Warriewood Valley can deliver the development outcomes/density anticipated by the Strategic Review and reflected in the LEP. The controls developed under Amendment 16 are not considered overly prescriptive and in part, reflect controls developed for other release areas within Sydney.</p>
	<p><i>"We note that the proposed clause is inconsistent with the Warriewood Valley Urban Design Study prepared by HBO+EMTB to inform the Warriewood Valley Strategic Review and ultimately the dwelling densities adopted in the Pittwater LEP. This report proposed semi-detached dwellings to Warriewood Road, being just one dwelling type option which may be suitable for the land noting its interface with lower scale properties to the north. Residential amenity to existing properties on the northern side of Warriewood Road could [sic] be maintained with alternative dwelling typologies which may include townhouses, semi-detached dwellings, dual occupancies and the like, all of which would achieve a two storey frontage to Warriewood Road."</i></p>	<p>The aforementioned HBO+EMTB Urban Design Study informed the Strategic Review by showing how specific sites could be developed via a concept design suggested for each site studied within the Urban Design Study. The concept design suggested for each site was not adopted by the Strategic Review.</p> <p>New control C6.8 Residential Development Subdivision Principles (to replace control C6.14) has been amended to remove the reference to detached housing, to read as follows:</p> <p><i>"Lots suitable for housing typologies that reflect the streetscape character of existing housing on both sides of Warriewood Rd should be located at the Warriewood Road frontage, for example dual occupancies (attached and detached)".</i></p>
3	<p><i>"The deletion of Clause 16.9 and its replacement with proposed Control C6.6 – Utilities, Services and Infrastructure Provision combined with the exclusion of Clause C1.20 from development in the Warriewood Valley release area represents a fundamental shift in Council policy, which has not been addressed or considered anywhere within the review document."</i></p>	<p>New control C6.5 combines all existing controls (C1.20, C6.18 and D16.9) related to utilities and service provision in Warriewood Valley, aimed to remove unnecessary duplication.</p>

Submission Number	Summary of Comment	Response
	<p>C6.6 introduces the requirement that all utility services are to be relocated underground for the width of the development site frontage to the public reserve or public road at the full cost to the development...</p> <p><i>The proposed amendments exclude the application of Clause C1.20 to land in the Warriewood Valley release area and in its place provide C6.6 which expressly requires that the undergrounding of utility services including 33,000 volt lines to be provided at the full cost to the developer."</i></p>	<p>The requirement "Design and construction of undergrounding is funded by the developer", being an issue raised by the submitter already exists in Controls C6.18 and D16.9. This existing requirement is not new and has been transferred across into new Control C6.5 from Controls C6.18 and D16.9.</p> <p>The only change proposed to control C1.20 is to remove Warriewood Valley from its application, given the unnecessary duplication that currently exists. Given that control C1.20 remains significantly intact and has been implemented consistently since its adoption by the Council on 18 June 2007, it is unreasonable to remove the specific outcome particularly when there is a variation that can be applied in certain circumstances.</p>
	<p>Uninformed and premature insertion of provisions, in relation to new Control C6.11 where a number of proposals in the sectors have been the subject of recent Land &amp; Environment Court proceedings and uncertainty on whether the undergrounding of the power lines identified in Indicative Plans 1 and 2 is feasible, viable or even supported by the owner of the electricity infrastructure.</p>	<p>Amendment 16 of the Pittwater 21 DCP was prepared and presented to Council, as required by Council resolution of 18 November 2014.</p> <p>Existing controls C1.20, C6.18 and D16.9 are combined into new control C6.5 specifically applying to Warriewood Valley to address utilities and services provision, including the existing requirements for undergrounding the 33KV transmission lines and the existing variation applicable to the undergrounding of the same. No change is made to the existing requirement and variation.</p>



Submission Number	Summary of Comment	Response
	<p><i>“Absence of meaningful consultation with relevant parties. The proposed amendments to the DCP which relate to the undergrounding of power lines have not yet been adequately assessed or considered by the strategic review. The review document does not provide any meaningful assessment or support for the amendments which relate to the undergrounding of power lines within the locality and importantly, the changes to the way in which they are required to be funded...”</i></p> <p><i>The review, in particular the report before Council remains silent on any merit considerations in favour of the undergrounding, and provides no assessment of the viability or feasibility of the requirements contained in C6.6 and Indicative Layout Plans 1 and 2.... It clearly attempts to insert controls prior to the assessment of their impacts.”</i></p>	<p>Amendment 16 of the Pittwater 21 DCP was prepared and presented to Council, as required by Council resolution of 18 November 2014. Targeted discussion with Ausgrid is part of the public exhibition process to ensure that development can be achieved that is compliant with the proposed controls.</p>
4	<p>The annotation on the diagrams in control C6.13 [sic] requiring the undergrounding of the 33,000 volt powerlines passing through Sector 901 and over Fern Creek Rd “is in contradiction to the requirements described in section C6.16 of the existing DCP 21, as well as in contradiction to the new C6.6 in the proposed amendment.”</p>	<p>Control C6.11 “Additional Specifications for Development of Sector 901A and 901H” is the existing control C6.25 where the indicative layout plan has been amended.</p> <p>The indicative layout plan must be read in conjunction with the rest of the control.</p> <p>It is agreed that the exhibition had the following annotation, “<i>existing powerlines to be undergrounded</i>”, and would be inconsistent with new control C6.5 given there already exists a variation for the undergrounding of 33,000 volt powerlines.</p>

Submission Number	Summary of Comment	Response
		Accordingly, the annotation has been amended to now read, “existing powerlines - to be undergrounded or realigned where possible”. A note has also been added referring to control C6.5.
	“Council’s current DCP 21 allows 33KV line to remain aerial, subject to merit considerations. This was a change specifically introduced into DCP 21 for good reason in 2007.”	The DCP currently requires the 33KV line to be underground however, where it can be demonstrated there are technical difficulties with the undergrounding then Council may agree for the above-ground 33KV line to remain (this is the variation that applies to the undergrounding requirement). No change is proposed to this requirement.
	“Ausgrid, as the energy authority, have made it clear in a number of letters that they do not want the power lines to go underground, and do not consider it necessary.”	Ausgrid has advised that undergrounding is at a cost to the developer. Retaining the 33KV line above-ground may, where it traverses a sector development site, be a design constraint that could hinder the development.
	“Notwithstanding the above, any opportunity to amortize the costs of undergrounding the 33KV lines over a reasonable number has been lost, because sector 901 was split up by Council into a number of smaller sectors. This is further complicated by the fact that these sectors are now being acquired by different developers. The cost burden on the small sectors now directly affected by any suggestion to underground 33KV lines is simply too great, and by any measure, is simply not affordable. It would be quite wrong for Council to impose a requirement in their DCP that has not been properly assessed technically and commercially. If it is not affordable, it will simply never happen.”	<p>Noted, however the Strategic Review also facilitated individual sectors to be developed without the confines of the ‘sector development’ approach which has been in place since 1997 and yet, development of the broader Sector 901 could not be realised under the sector development approach.</p> <p>This has already been discussed above (issue 1 to this submission). It is reiterated that the ability to seek variation to the undergrounding of the 33KV line remains (and is retained in new Control C6.5) if it can be demonstrated to be technically difficult.</p>

Submission Number	Summary of Comment	Response
5	<p><i>"ABAX is concerned that there has been no consultation with themselves and other major landholders in the Warriewood Valley by Council during the preparation and drafting of draft Amendment 16 prior to it being placed on public exhibition."</i></p>	<p>Council instructed that a review of Pittwater 21 DCP be undertaken following its adoption of the Warriewood Valley Strategic Review Addendum Report on 18 November 2014.</p> <p>Council in drafting provisions for a future DCP amendment does not generally consult with landowners. The statutory public exhibition period is the appropriate time to consult with stakeholders. If necessary, issues raised in a submission may result in a more targeted consultation with the author(s) of the submission(s).</p> <p>The community has been given the opportunity to provide their comments during the public exhibition phase.</p>
	<p><i>"Amendment 89 – deletion of C6.14 and insertion of C6.10 Residential Development Subdivision Principles.</i></p> <ul style="list-style-type: none"> <li><i>'Sectors, buffer areas or development sites with widths less than 60 metres should not be developed in isolation and should pursue opportunities for amalgamation.' ...</i></li> </ul> <p><i>The above draft DCP principle if adopted would provide Council with a simplistic numerical provision to be used in its development assessments that is inconsistent with the Planning Principles of the NSW Land &amp; Environment Court....Indeed, the strict enforcement of this draft provision by Council could render development sites under 60m in width undevelopable and also immediately adjoining sites that are over 60m in width forced to amalgamate or also be rendered undevelopable...</i></p>	<p>The control does not prohibit the development of sites less than 60 metres in width if they do not amalgamate. Rather, new Control C6.8 Residential Development Subdivision Principles, under 'subdivision of existing small and narrow lots' states that:</p> <p><i>"Through site amalgamation there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.</i></p> <p><i>Sectors, buffer areas and development sites with an effective lot width less than 60 metres are strongly encouraged to pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land."</i></p>



Submission Number	Summary of Comment	Response
	<p>Suggested change: Sectors, buffer areas or development sites with widths less than 60 metres should ideally pursue opportunities for amalgamation.”</p>	<p>Agree with change suggested for the ‘subdivision principles’ in new Control C6.8.</p>
	<p>“Roads should adjoin creekline corridors and open space areas to facilitate surveillance, provide access and prevent isolation and degradation of these spaces’. ABAX Contracting supports this in principle.</p>	<p>Note the support to the principle for roads adjoining creekline corridors and open space areas.</p>
	<p>“Lots less than 8.5m wide are to be rear loaded, except where it can be demonstrated that rear access is not practical due to the shallow depth of the lots or where it is demonstrated that there will be no adverse impact on streetscape amenity and on-site street parking.”</p> <p>Comment: This would require the provision of rear lanes that would be inconsistent with the road layout design for Sector 901A, which would make it difficult to achieve the intended residential density stipulated in the Pittwater LEP 2014.</p> <p>Suggested change: “Lots less than 7m wide are to be rear loaded, except where it can be demonstrated that rear access is not practical due to the shallow depth of the lots or where it is demonstrated that there will be no adverse impact on streetscape amenity and on-site street parking.”</p>	<p>The indicative layout plan for Sector 901A, identifies the location of the internal local road which allows direct connection of Fern Creek Road to Garden Street. This layout plan does not limit the internal streets to those shown in the plan, and the inclusion of laneways consistent with new control C6.8 Residential Development Subdivision Principles would be considered.</p> <p>Changes made to the control (post exhibition) include requirements for rear loaded lots less than 9m wide (instead of the exhibited 8.5m lot width) or with an area less than 225m<sup>2</sup>, including a variation which reads as follows:  <i>“except where it can be demonstrated that:</i> <ul style="list-style-type: none"> <li><i>• rear access is not practical due to the size or shape of the development site; or</i></li> <li><i>• there will be no adverse impact to streetscape amenity and on-street parking.”</i></li> </ul> </p> <p>Changes now made to the control provide the rigour and flexibility to allow the subdivision to achieve the yield for difficult development sites.</p>

Submission Number	Summary of Comment	Response
	<p>The requirement for 25% of dwellings to be designed and constructed as adaptable housing “remains too high and its strict application could undermine the minimum residential densities to be achieved in the Warriewood Valley as stipulated in Pittwater LEP 2014...</p> <p><i>The Planning Assessment Commission (PAC) approved a minimum of 10% of the units to be adaptable in the Stage 1 project application for 14-18 Boondah Road, Warriewood (Meriton)."</i></p>	<p>The percentage of residential development to be adaptable in Warriewood Valley has been reduced from 50% to 25%.</p> <p>The aim of this provision is to achieve the underlying principle of social sustainability addressing the life stage housing needs by requiring certain forms of development and development in particular areas to provide a percentage of units meet the Australian Standard AS 4299-1999, which describes specific adaptable housing features.</p> <p>The Pittwater Social Plan (2012-2016) explains that in relation to housing needs and preferences, older people generally want to remain living in their own home or neighbourhood as long as they can. The Social Plan gives further consideration to how Pittwater can meet the housing needs of older people over the coming years and reports that although many prefer to remain in the family home, some older people remain living in large family homes because of a lack of suitable alternatives in the local area. Consistent with the draft North East Subregional Strategy, which recognises a demand for 'ageing in place', the conclusion reached in the Social Plan is that new dwellings built today in Pittwater need to allow for this through the incorporation of adaptable housing principles, so that residents are able to remain in their homes longer and down-sizing empty-nesters have suitable alternatives that will not compromise their lifestyle and allow them to remain in their communities.</p> <p>Given the particular characteristics of the Pittwater population, it is not considered unreasonable to require a moderately high provision of adaptable dwellings.</p>

Submission Number	Summary of Comment	Response
	On-street parking requirements per adaptable unit should be in accordance with the 10% adaptable housing requirement under control C1.9.	Control B6.6 applies to all land in the Pittwater LGA and should not be amended to reflect the percentage requirements of adaptable housing for Warriewood Valley under control C1.9.
	<p><i>"It is recommended that the variation provision of Control C6.6 be appropriately strengthened and clarified..."</i></p> <p><i>The requirement that all utility services are to be relocated underground for the width of the development site frontage to the public reserve or public road reserve at the full cost to the developer is extremely onerous for land developers in the Warriewood Valley and could make some development sites uneconomical to develop in the near future."</i></p>	<p>The existing variation is considered sufficient in regard to the undergrounding of the 33KV lines or otherwise, subject to demonstrating technical difficulties. No change is proposed or warranted.</p> <p>The DCP currently requires the 33KV line to be underground however, where it can be demonstrated there are technical difficulties with the undergrounding then Council may agree for the above-ground 33KV line to remain (this is the variation that applies to the undergrounding requirement). The undergrounding being subject to the developer's cost is also an existing requirement. No changes have been made to these requirements or their intent other than combining the existing controls relevant to these requirements into a single control (existing controls C1.20, C6.18 and D16.9 are combined into new control C6.5 specifically applying to Warriewood Valley to address utilities and services provision).</p>
	<i>"The Addendum Report identifies the total minimum yield of 53 dwellings and total maximum yield of 66 dwellings across the sites. However, there is an inconsistency with Council's calculations for maximum yield for 2 Orchard Street where utilising the maximum density of 32 dwellings per hectare the yield should be 44 dwellings for this site instead of 43 dwellings."</i>	The Strategic Review allocated a dwelling density of 32 dwellings per net developable hectare to Sector 901A. The Orchard Street road reserve was not included in this net developable area and was not allocated a dwelling yield. It was intended that the road reserve, being approximately 7.5m wide, be rezoned and sold to adjoining land owners to improve the development outcomes on their sites.

Submission Number	Summary of Comment	Response
		<p>In relation to the Orchard Street Road reserve, the Strategic Review acknowledged:</p> <p><i>“Landowners may wish to consolidate sites as a means of achieving better quality outcomes at a density of 32 dwellings per hectare. For example, properties fronting Orchard Street may take advantage of the available closed Orchard Street road reserve (and amalgamate) for its future development.”</i></p> <p>The Strategic Review recommended the Orchard Street road reserve be rezoned to achieve better quality design outcomes on adjoining properties. Accordingly, the road reserve was not allocated a dwelling yield and did not contribute to the developable area in the Sector 901A dwelling yield calculation.</p>
6	<p><i>“We support Council’s initiative to remove duplicated provisions or provisions that are already addressed in Pittwater LEP 2014 such as amendments 8, 9 and 10.”</i></p> <p><i>“The intent to remove confusion has not been achieved through the continued use of terms such as ‘low density residential’. Parking rates should be applied to the type of development, rather than an artificial notion of ‘low density’. The intended outcome of the development of Sector 302 is individual dwellings on subdivided lots. The table to proposed Clause B6.6 does not provide a car parking provision requirement for this development outcome. Similarly, the requirement for wash bays is ambiguous. Is it intended to apply to developments with ten dwellings under one land title, or is it cumulative of the number of dwellings in a subdivision? The provision of wash bays in a typical subdivision is highly unusual. It is assumed that the control is intended to apply to multi residential or residential flat buildings. Clarification of the intent of the application of the control is requested.”</i></p>	<p>Noted.</p> <p>New Control B6.3 Off-Street Vehicular Parking Requirements (amended post exhibition to replace B6.5 and B6.6), clearly articulates the carparking requirement for a range of dwellings typologies including the one proposed in Sector 302 and the circumstances when car wash bays would be required.</p>

Submission Number	Summary of Comment	Response
	<p><i>"The DCP is proposed to be amended to require 25% housing to be Class B adaptable dwellings.</i></p> <p><i>The zone and development standards applying to the majority of the Warriewood Valley Release Area result in single dwellings of two (2) storey construction. The control should reflect that the adaptable housing outcomes relate to development other than development resulting in a single dwelling on a single lot. Mandating that 25% of two storey single dwelling house should be adaptable is unreasonable and impractical."</i></p>	<p>The requirement that 25% of all dwellings in Warriewood Valley are adaptable is a reduction from the previous 50%.</p> <p>It is considered that this amount is reasonable and achievement with the requirement is feasible for individual dwellings.</p>
	<p><i>"It is proposed that the flexibility of the location of the creek centreline in the creek corridor be an advisory note. It is suggested that this potential flexibility should be listed as a variation instead of as an advisory note."</i></p>	<p>Agree with suggested change. The advisory note and variation has been amended in new Control C6.1 Integrated Water Cycle Management.</p>
	<p>A laneway control is proposed requiring small lot housing to be rear loaded. <i>"This raises a number of concerns:</i></p> <ul style="list-style-type: none"> <li><i>• Small lot housing is undefined; and</i></li> <li><i>• Lanes will increase the level of hard surfaces within each sector and in all likelihood preclude the achievement of the minimum dwelling yield outcomes in the Pittwater LEP 2014."</i></li> </ul>	<p>All reference to the term 'small lot housing' has been removed as it was undefined.</p> <p>The requirement for a laneway relates to lots with dual street frontages, and anticipates that access is from the rear of the lot onto the laneway. It also requires the dwelling being presented at the primary street with direct pedestrian access to it.</p> <p>Control C6.8 Residential Development Subdivision Principles requires lots less than 9m wide or with an area less than 225m<sup>2</sup> to gain access from the rear, using laneways. It now includes a variation that reads:</p> <p><i>"except where it can be demonstrated that:</i></p> <ul style="list-style-type: none"> <li><i>• rear access is not practical due to the size or shape of the development site; or</i></li> <li><i>• there will be no adverse impact to streetscape amenity and on-street parking."</i></li> </ul>



Submission Number	Summary of Comment	Response
		<p>It is considered that the control includes sufficient flexibility to allow the subdivision to achieve the yield for difficult development sites. If the control for site coverage and yield cannot be achieved for the site through the use of laneways at the rear and a higher order road to the front of the lot, the form of development proposed should be reconsidered.</p>
	<p><i>“Amendment 83 also requires Community Title Roads to comply with the road sections of the Warriewood Valley Roads Masterplan.</i></p> <p><i>This control should not be imposed in this blunt manner. The ability to pursue Community Title subdivision provides greater flexibility in the options available to accommodate services throughout a development.</i></p> <p><i>It is suggested that minimum carriageway widths consistent with Ausroads be required for roads in a Community Title subdivision, rather than simply applying the public road standards.”</i></p>	<p>AusRoads does not address access, manoeuvrability or serviceability which is directly related to the carriageway width.</p> <p>AusRoads details the construction requirements of the roads such as gutter details.</p> <p>The Warriewood Valley Roads Masterplan is in accordance with AMCORD, which is a national resource document for residential development. Under this, carriageway widths are identified and tested in terms of access, manoeuvrability and serviceability. To ensure that appropriate access can be provided to lots within a community title development the application of carriageway widths in accordance with AMCORD will continue to be applied.</p>
	<p><i>“Amendment No.89 proposes a new control C6.10 which among other matters seeks to impose a minimum lot width of 60.0m on development, and a requirement that proposed lots with a width less than 8.5m are to be rear loaded. While Sector 302 is greater than 60.0m, the proposed application of such a control is considered to be retrograde and not supported.”</i></p>	<p>The control does not prohibit the development of sites less than 60 metres in width if they do not amalgamate. Rather, new Control C6.8 Residential Development Subdivision Principles, under ‘subdivision of existing small and narrow lots’ states that:</p> <p><i>“Through site amalgamation there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.</i></p>

Submission Number	Summary of Comment	Response
		<p>Sectors, buffer areas and development sites with an effective lot width less than 60 metres are strongly encouraged to pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.”</p>
	<p>“Contrary to one of the intents of the modifications, the continued use of terms such as ‘small lot housing’ adds further uncertainty for applications and assessment officers, as these terms are esoteric and have no definitional basis.”</p>	<p>The term ‘small lot housing’ has been removed from the DCP to remove ambiguity.</p>
	<p>“Rear loaded garaging may result in the inability for solar access to rear private open space areas. The rear lane garaging concept, if pursued, is likely to cast shadow from garaging structures that would not arise from dwelling designs where the garaging is integrated into the dwelling itself.</p> <p>A suggested alternative approach would be design guidelines for integrated garaging that is recessed behind the building alignment and provision of guidance on the design quality of garage entries rather than introducing numerical controls for lot diversity that are really intended to address a design quality issue.”</p>	<p>Lots that are rear loaded (with garaging at the rear) are generally lots less than 9m wide or less than 225m<sup>2</sup> in lot size. In general, these small lots should be located on north-south street. However sometimes it's not entirely possible. When this happens, the lots should be facing south (i.e. rear garage on north) and have a standard depth (28-30) to facilitate better solar access.</p> <p>Note the suggestion however the control provides guidance on design quality of garage entries as well as numerical provisions, which will be the subject of merit assessment when a DA is submitted to Council.</p>

Submission Number	Summary of Comment	Response
	<p><i>“Controls are also proposed for attached dwellings and an undefined term of ‘abutting dwellings’ in zero lot circumstances. These controls are problematic on many levels. The LEP definition of ‘attached dwellings’ is three or more dwellings. The DCP should not seek to, or be perceived to, limit development permitted by the LEP. A DCP guidance permitting groups of five or six attached dwellings is a more practical outcome.”</i></p>	<p>Amendment 16 defined the terms, “abutting dwellings” and “attached dwellings”, which now appears in the dictionary section of the DCP.</p> <p>The definition of “attached dwellings” reflects the definition in Pittwater LEP. The definition of 3 or more dwellings does not limit the amount of dwellings that can be attached. If the applicant chooses to attach 5 to 6 dwellings, as long as there is a “break” provided after three dwellings and other controls are complied with such as the lot type variations as per control C6.9, the amount of attached dwellings is unlimited. Currently the control identifies a “break” can be in the form of a housing product of a different width, a detached housing product or a larger lot width. It is proposed that the control be amended to identify a break as a larger lot width, an indentation that is at least 1.5m deep from the front building line and with a width of 1.5m on all levels of the dwellings, or a different housing typology.</p>
	<p>Amendment 97 – <i>“The proposed application of a lot width and amalgamation requirement is opposed on principle.”</i></p>	<p>The control does not prohibit the development of sites less than 60 metres in width if they do not amalgamate. Rather, new Control C6.8 Residential Development Subdivision Principles, under ‘subdivision of existing small and narrow lots’ states that:</p> <p><i>“Through site amalgamation there may be opportunities to reduce unnecessary road duplication and deliver better quality urban design outcomes.</i></p> <p><i>Sectors, buffer areas and development sites with an effective lot width less than 60 metres are strongly encouraged to pursue opportunities for site amalgamation to facilitate orderly planning and development outcomes and the efficient use of land.”</i></p>



Submission Number	Summary of Comment	Response
	<p>Amendment 99 – “Proposed Control C6.11 includes an advisory note which states ‘lot width is measured from one side boundary to the other at the building line which faces the primary street. Lot width categories are determined by a range of plus or minus 1 meter’. The purpose of this advisory note is unclear and needs clarification.”</p>	<p>The note “Lot width categories are determined by a range of plus or minus 1 metre” applies to determining lot type under control C6.9.</p> <p>It is agreed that this portion of the note does not apply specifically to the control to which the note appears and has been removed.</p>
	<p>Amendment 102 – “The first part of the table in D16.6 refers to setbacks for “dwellings”. Under the standard template definitions, “dwellings” simply means a suite of rooms capable of occupation as a separate domicile. A residential flat building for example is a building containing more than three (3) dwellings...The lack of clarity is then magnified in the following table for all other forms of development...In this table, a setback of 6.5m is specified for the R3 Medium Density zone. This is despite the first table calling up development fronting Macpherson Street, Warriewood which is on land zoned R3 Medium Density Residential. The formatting of the table and the use of unclear terms does not clarify which setbacks should be applied to which types of development. The proposed clause should be revised to avoid and overcome this uncertainty.”</p>	<p>Agree that the tables in the control need to be amended to remove any ambiguity.</p> <p>The Tables in Control D16.6 has now been updated to differentiate between dwellings and residential flat buildings and multi dwelling housing; and all other development.</p>

Submission Number	Summary of Comment	Response
	<p>Amendment 103 – “Proposed clause D16.7 proposes to introduce side boundary setbacks for the first floor of zero lot housing. This introduces a construction difficulty as well as inefficient site and dwelling planning...The small roofed areas between buildings serve no purpose for the occupants other than to limit the efficient site planning and internal layout of attached and zero lot dwellings...If the intent is to break up groups of buildings, it may just as effectively be achieved with a recess in the street elevation between groups of buildings. Such a control could be implemented without creating wasted first floor setback areas...Council is requested to reconsider this control. In its current form, it will add construction cost and difficulty in delivering efficient housing.”</p>	<p>The upper level setbacks for zero lot line housing are required to provide for greater amenity to the dwellings as well as to provide breaks in built form when viewed from a public place.</p> <p>This housing typology is a recommended housing typology and is not required to be utilised unless the applicant wishes to do so. If construction costs and ease of construction are an issue the applicant can choose to use a different housing typology that achieves their development objectives.</p>
7	<p>“The cover of the DCP is for Warriewood Valley not Warriewood Valley Release Area.”</p>	<p>The inconsistency in locality references has now been amended.</p>
	<p>Amendment 48 – “Following ‘...or a minimum of 4 bicycle’ add racks.</p>	<p>Agree with the suggested change, and has now been incorporated.</p>
	<p>“Regarding the requirement for 20% of carparking areas to be landscaped. This means that out of every 10 car spaces, 2 will be set aside for trees. Does this mean after every 5<sup>th</sup> or 6<sup>th</sup> 3m wide car space there is a 2m wide space for a tree? Does the 20% of the parking area include the manoeuvring area? To take parking spaces away from cars would only cause chaos.”</p>	<p>This is a Pittwater LGA wide control and this aspect of the control has not been altered as part of the amendments. No changes are proposed.</p>

Submission Number	Summary of Comment	Response
	<p>Concern is raised in regards to the terminology in control B6.6 Off Street Vehicle Parking Requirements relating to accessible carparking. It is considered that it should be altered to 'available'.</p>	<p>An accessible carparking space is the term used for parking space(s) specifically designated to people with disabilities. This type of carparking space is not a general carparking space that should be available to the general public.</p> <p>The control identifies accessible carparking requirements for uses such as retail. No change is proposed.</p>
	<p><i>“Education of users and stakeholders to foster sustainable behaviour and systems. Very good philosophy. How will it work both now and in the future?”</i></p> <p><i>It is considered that industry is at its peak when peak electricity demand is at its peak.”</i> Therefore it does not make sense to require a reduction in greenhouse gas emissions and peak electricity demand under C5.22 Environmental Sustainability.</p>	<p>It is envisaged that programs that identify education of users and stakeholders are to be devised and submitted with the application. It would be conditioned that these programs are implemented over the life of the development.</p> <p>The aim of new Control C5.22 is to apply processes that result in ecologically sustainable development (ESD). ESD is achieved through the reduction in reliance on non-renewable resources used in peak electricity demand.</p>
	<p>Amendment 85 – <i>“The first sentence infers there is a plan of the cycle network in the WWV Landscape Masterplan and Design Guidelines. I think the control refers to the specifications for the networks so it should read more like, ‘The pedestrian and cyclist network is to be designed/built to the specifications within the WWV Landscape Masterplan and Design Guidelines’.”</i></p>	<p>The Landscape Masterplan under Section 2 of the Warriewood Valley Release Area Masterplan and Design Guidelines (Public Domain) identifies indicative location of the shared path. The text in the control correctly reflects this.</p>
	<p><i>“Delete the word ‘furniture’ in Control C6.4 as Council has no control over what furniture a person puts inside their house. It is also considered that ‘where possible’ should be added to the clause.”</i></p>	<p>Whilst the DCP cannot dictate furniture, the control offers ideas as to how to improve the indoor environment quality through the use of materials that excrete minimal emission of toxic substances. Therefore it is considered that the use of the term furniture is acceptable and should not be deleted and the remainder of the clause should not be limited to “where possible”.</p>

Submission Number	Summary of Comment	Response
	<p>Concern is raised in regards to the requirement of street trees at 6m centres under control C6.3 Natural Environment and Landscaping Principles. <i>“Trees planted every 6 metres in the road verge plus two canopy trees in every front yard, means that in the front yard and road verge of two adjacent 15m lots there are 9 large canopy street trees. The root system would discourage most other plantings to thrive... If the home faces north there will be no sun in winter, no opportunity to achieve ESD through solar panels and large tree roots everywhere including under the house, driveway and public footpath.”</i></p>	<p>New Control D16.5 Landscaped Area for Individual Allotments requires one small tree in the front setback except for lots fronting the collector streets, which requires two. It is considered that this is not an excessive amount of trees which would not allow the trees to thrive. In actual fact trees are more resilient when their roots intertwine, as it makes them more stable. The trees required are not going to greatly impact on solar access and vegetation is considered an important aspect in sustainable development for temperature regulation of a dwelling. In addition it is considered that given the small lots proposed landscaping of the road reserve is required to provide a landscaped setting for development. Given this it is considered that the requirement for street trees every 6m is appropriate.</p>
	<p><i>“The design of the local street network should optimise solar access for dwellings. The tree planting numbers in amendment 86 and 104 work against this.”</i></p>	<p>Given the smaller size of lots expected coupled with amendments to site coverage, number and size of trees and setbacks for the individual lots, the requirements relating to substantial canopy vegetation on the individual lots has been reduced. Therefore to achieve development that has a natural setting which provides biodiversity diversity, street trees are required. The control has however been amended to identify the provision of street trees at 6-12m centres instead of 6m, dependent on the species and location.</p>
	<p><i>“The Focal Neighbourhood Centre should be deleted as approval has been given for this site and the development is being built.”</i></p>	<p>Whilst Council is aware that the focal neighbourhood centre is approved and under construction, the control will be retained to expressly identify the preferred location for the focal neighbourhood centre and complements the additional permissible land use applying to Sector 801 under Schedule 1 of the LEP.</p>

Submission Number	Summary of Comment	Response
		This is required as neighbourhood shops are permissible with consent under the R3 Medium Density Residential zone, which all land in Warriewood Valley is zoned, resulting in the ability to build neighbourhood shops anywhere. Additionally in the event that the preferred site is redeveloped a control to guide the development should be provided.
	Concern is raised that under the proposed locality statement there is a reference to a map and the map is not included.	The map has now been included in the table of amendments.
	<i>"In regard to the outcome in amendment 96, 'The rural and bushland character of the escarpment is conserved and enhanced', developers cannot build on the escarpment so it will be conserved but cannot be enhanced by development so has no place in the DCP."</i>	Agree that all the land in the Warriewood Valley Release Area is medium density residential not rural and it is not located on the escarpment. Accordingly this outcome will be removed.
	In regard to amendment 97 it is suggested to use the terminology 'are strongly encouraged to amalgamate' consistently throughout the control.	The controls have been amended to consistently use the following terminology: "should ideally pursue opportunities for site amalgamation".
	<i>"The indicative layout plan shows not only the proposed parks but detail on Sectors 901A-901G, much of it incorrect. These plans show the existing 33KV power lines to be undergrounded whereas the control allows a variation on merit and other factors."</i>	The indicative layout plan has been updated to included terminology relating to the undergrounding of the 33,000 volt powerlines consistent with the control.



Submission Number	Summary of Comment	Response
	<p><i>"The cycle path down a grade of 1:4 or 1:5 in Fern Creek Road is very dangerous."</i></p>	<p>The DCP amendments contain an indicative layout plan for Sector 901A-901G which includes the pedestrian/cycle path down Fern Creek Road. The location of this pathway is consistent with the location shown in the Warriewood Valley Landscape Masterplan (Public Domain) which is Council adopted document.</p>
	<p>Support the outcomes in D16.1 however question <i>"why lots allocated a dwelling yield which allows for standalone homes have a height of 10.5m."</i></p>	<p>The control has been updated to reflect the height limits to be identified in the Pittwater LEP 2014. The height of 10.5m was considered and agreed to under the Strategic Review 2012 process. This is a limit and does not necessarily mean standalone homes will have a height of 10.5m, rather the height limit might be more applicable to residential flat buildings or multi dwelling housing.</p>
	<p><i>"There are comprehensive tables for front and side setbacks but no building height."</i></p>	<p>The building height requirements are listed under the Local Environmental Plan (Clause 4.3), rendering it unnecessary to appear in the DCP.</p>
	<p>Concern is raised in regards to the removal of Orchard Street from the category containing Warriewood Rd, Garden St and MacPherson Street in the front setback and landscaping controls.</p>	<p>Orchard Street has been removed from this category as it was considered that the front setback and landscaping requirements for Orchard St were more aligned with the requirements of higher development areas given its current and proposed setting, including a large road reserve. Therefore this amendment will remain.</p>

Submission Number	Summary of Comment	Response
	<p>Concern is raised that the RU2 Rural Landscape zoned sites will have development (R3 Medium Density) within 0.9m of their boundary, impacting on the amenity of the rural property. The concern relates to fairness of setbacks.</p>	<p>Dwellings in the release area (being on land zoned R3) could potentially be in closer proximity to the boundary of properties zoned RU2. Nonetheless, there exists setback requirements for RU2 and R3 zoned land being the minimum 7.5m and 1.0m setbacks to the side property boundary respectively, merit assessment to consider whether the amenity of future/existing residents are impacted (being a head of consideration under Section 79C of the Environmental Planning and Assessment Act), and in the case of bushfire prone land, requirements to establish and maintain Asset Protection Zone thus facilitating additional setback requirements for dwellings on land regardless they are zoned RU2 or R3.</p>
	<p>Concern is raised in regards to the change in rear and side requirements for RU2 zoned Land. These changes occurred as a consequence of the 'like for like' translation of the PLEP 2014.</p>	<p>The setback requirements for RU2 land is not a matter for consideration under Amendment 16 of the DCP as it focuses on the built form controls for land within the Warriewood Valley, which is all zoned R3 Medium Density Residential. Matters that occurred as a result of the LEP translation process are not a consideration for the amendments proposed under these DCP amendments.</p>
	<p>Concern is raised in regards to the ordering of the outcomes under control D16.5 Landscaped Area for Individual Allotments. It should be revised to include the outcome "Landscaping enhances and complements the natural environment..." at the top of the list.</p>	<p>The outcomes for new control D16.5 has been made revised in terms of phrasing and priority.</p>

Submission Number	Summary of Comment	Response
	<p>Concern is raised that the siting requirements in the secondary dwelling control is not equitable in the fact that it only allows for some garages to have secondary dwellings over them and the location is dependent on who develops first.</p>	<p>Note the concern however it is not intended to allow every secondary dwelling to be sited above rows of garages as this will result in increasing the bulk and scale of development, overlooking and overshadowing impacts.</p> <p>The control has been amended to clearly identify that where secondary dwelling(s) is proposed above a detached garage that not more than 3 secondary dwellings can be located in a row on adjoining lots.</p>
	<p>Concern is raised that access to dwellings that front Orchard St is left in left out. This is considered not to be necessary given that “breaks” are to be provided in the median strip.</p>	<p>Orchard Street between Fern Creek Road and Garden Street will be upgraded, as part of the development proceeding along the frontage of Orchard Street. The Orchard Street upgrade will include a median strip to effect the level change between the two sides of Orchard Street. Given the median strip and that cars will travel in a west-east direction along the northern side of Orchard Street (being the section to be upgraded) and conversely, cars on the opposite side of Orchard Street will travel in a westerly direction, it is appropriate that the dwellings fronting Orchard Street are restricted to left in-left out direction.</p>
	<p>Concern is raised in regards to large canopy trees, being included in the list of approved planting species. The concern especially relates to the 2 canopy trees required in the front gardens of sites along Warriewood Rd, Macpherson St and Garden St. These large trees are not considered practical and reduce the ability for a dwelling to achieve solar access.</p>	<p>The list of canopy tree species has a range of trees that can be planted. Even though large canopy trees are listed it does not necessarily mean that they must be planted and a small species can be chosen. The appropriate choice of tree and its location should be considered by the developer to enable appropriate solar access to dwellings. Therefore the larger trees will remain on the approved species list.</p>



Submission Number	Summary of Comment	Response
		<p>Additionally properties along Warriewood Rd, Garden St and MacPherson St are generally either required to be or are proposed to be larger lots that can accommodate two trees in their front gardens. Therefore this control will remain.</p>
8	<p>A variation to new control C6.1 Integrated Water Cycle management has been suggested, as follows:  <i>"Where a sector, buffer area or development site has no frontage to a creek, Council may allow the placement of water management facilities within public land at the developer's cost, subject to consideration of the lifecycle costs associated with the maintenance and management of the infrastructure."</i></p>	<p>A change is now proposed to new Control C6.1, for a variation to be included as follows:</p> <p><i>Where there is a coordinated, multi-lot approach, Council may consider the placement of water management infrastructure within public land (excluding under the road carriageway) subject to:</i></p> <ul style="list-style-type: none"> <li><i>Demonstration that such infrastructure will not unduly compromise the purpose or functionality of the public land;</i></li> <li><i>Construction of the infrastructure entirely at the applicant's cost;</i></li> <li><i>Adherence of best practice guidelines for water quantity and quality management;</i></li> <li><i>Infrastructure is not to be located in the first 25m creekline corridor setback.</i></li> </ul>

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<b>C12.4</b>	<b>Planning Proposal PP0001/15 - Amendment to Schedule 5 and Heritage Maps in the Pittwater Local Environmental Plan (LEP) 2014 and DCP B1 Heritage Controls</b>
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**Meeting:** Sustainable Towns & Villages Committee

**Date:** 19 October 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Land Use & Development

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

- To identify and conserve Pittwater's heritage

**DELIVERY PROGRAM ACTION:**

- Implement recommendations from the Community Based Heritage Study
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## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

This report presents the outcome of the public exhibition of the Planning Proposal PP0001/15 to amend Schedule 5 of the Pittwater Local Environmental Plan (LEP) 2014 and Heritage Maps and recommended amendments to DCP Heritage B1 Controls as required by recommendation 2 of the Community Based Heritage Study Review (CBHS) (2015).

This report seeks Council's endorsement to progress and finalise the Planning Proposal (**Attachment 1**) which has been amended to accord with the Gateway Determination, (**Attachment 2**) and other relevant matters.

On 29 May 2015, a Gateway Determination was issued to proceed with the Planning Proposal to amend Schedule 5 and the Heritage Maps of the Pittwater LEP 2014 and certifying the commencement of the statutory public exhibition of the Planning Proposal. Authorisation for Council's delegate (the General Manager) to exercise delegation to finalise the LEP was also granted.

The statutory public exhibition period was held between Saturday 20 June and Saturday 18 July 2015 (29 days inclusive). All affected land owners were notified in writing at the commencement of the public exhibition period and written consultation was undertaken during this period with the Heritage Division and National Parks and Wildlife Service of the Office of Environment and Heritage, as required under section 56(2)(d) of the Act.

During the public exhibition period, thirteen submissions were received, including consultation responses from NSW Heritage Division and NSW National Parks and Wildlife Service. Where required, the Council's Heritage Advisor has provided expert advice and recommendations on the submissions received. The submissions have resulted in some amendments to the Planning Proposal as shown on the table overleaf. A summary of submissions and recommendations are at **Attachment 3**.

Further to this, Condition 3 of the Gateway Determination required the planning proposal to be updated to clearly demonstrate the need for the listing of Ku-ring-gai Chase National Park, and how this would operate in conjunction with the provisions of the *National Parks and Wildlife Act 1974*. The update has been included within Part 3 Justification, section 12 of the updated Planning Proposal (**Attachment 1**).

Consequently, the following amendments to the subject Planning Proposal have been made, as detailed in the table below.

ITEM	SHI No.	AMENDMENT	TRIGGER
General		Updated Planning Proposal with regard to procedural reporting and progress post Gateway Determination and Public Exhibition.	Gateway Determination and public exhibition
General		Inclusion of Part 3 Justification, section 12 to demonstrate the need for the listing of Ku-ring-gai Chase National Park	Condition 3 of Gateway Determination
524 Barrenjoey Road, Avalon	2270456	Remove item from table 1, Part 2 of Planning Proposal (not to be inserted into Schedule 5 of the Pittwater LEP 2014) and remove from the Heritage Maps.	Submission and subsequent on site assessment by Council's Heritage Advisor
Stella James House and Reserve, Avalon	2270124	Item name to read: "Walter Burley Griffin Lodge (Stella James House and Reserve)".	Submission from NSW Heritage Division
Concrete Statue – Peter and the Bullock, Mona Vale	2270485	Removed item from table 1, Part 2 of Planning Proposal (not to be inserted into Schedule 5 of the Pittwater LEP 2014) and remove from the Heritage Maps.	Submission and subsequent on site assessment of damage by Council's Heritage Advisor
Ronchi House, 20-24 Beauty Drive Whale Beach	2270473	Removed item from table 1, Part 2 of Planning Proposal (not to be inserted into Schedule 5 of the Pittwater LEP 2014) and remove from the Heritage Maps.	DA Application N0396/13/S96/1

Note a further change may be required to the Planning Proposal after this Council meeting should a subdivision certificate be issued to change the property boundary of 36/34 Plateau Road, Bilgola Plateau and an amended Land Title be issued to:

1. Remove 34 Plateau Road, Bilgola Plateau from the item name listed in the subject Planning Proposal for inclusion in the Pittwater LEP 2014 and retain only 36 Plateau Road, Bilgola.
2. Remove 34 Plateau Road, Bilgola Plateau from inclusion in the Heritage Maps in the subject Planning Proposal for inclusion in the Pittwater LEP 2014 and retain only 36 Plateau Road, Bilgola Plateau.

As Council's delegate (the General Manager) has been authorised to exercise delegation to finalise the proposed amendments to Schedule 5 and the Heritage Maps, should Council endorse the recommendations contained within this report, Council staff will facilitate finalisation of the amendments to Schedule 5 and the Heritage Maps in the Pittwater LEP 2014.

Furthermore, during the public exhibition, no submissions were received with regard to the amendments to the DCP Heritage B1 Controls. Subsequently, the DCP B1 Control amendments (**Attachment 4**), set out in recommendation 2 of the CBHS (2015), are to be implemented, with minor amendments, in accordance with the Council's resolution to adopt the recommendations of the CBHS (2015) endorsed at the 20 April 2015 Council Meeting.

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## **2.0 RECOMMENDATION**

- 1. *That Council note the outcome of the public exhibition of the updated Planning Proposal PP0001/15 to amend Schedule 5 (Environmental heritage) and the Heritage Maps in the Pittwater LEP 2014.***
- 2. *That Council endorse and finalise the Planning Proposal PP0001/15 (refer Attachment 1) to amend Schedule 5 and the Heritage Maps in the Pittwater LEP 2014.***
- 3. *That Council note the outcome of the public exhibition of the amendments to DCP Heritage B1 Controls and adopt the amendments in accordance with the requirements of Section 74E of the Environmental Planning and Assessment Act 1979 and Clause 21 of the Environmental Planning Assessment Regulations 2000.***
- 4. *That the General Manager be authorised to administer amendments to the Planning Proposal to alter the description of the heritage item lot in relation to 34 and 36 Plateau Road, Bilgola Plateau, if required.***

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## **3.0 BACKGROUND**

### **3.1 PURPOSE**

The purpose of this report is:

- To inform Council of the outcome of the public exhibition of the Planning Proposal PP0001/15 to amend Schedule 5 and the Heritage Maps in the Pittwater LEP 2014,
- To seek Council's endorsement to progress and finalise the Planning Proposal to amend Schedule 5 and the Heritage Maps in the Pittwater LEP 2014, and
- To inform Council of the outcome of the public exhibition of the amendments to DCP Heritage B1 controls and seek endorsement to adopt the amendments.

### **3.2 HISTORY**

On 20 February 2012, Council was informed that Pittwater had been successful in its application for funding from the NSW Heritage Branch (under the Office of Environment & Heritage) who had called for expressions of interest for funding grants to undertake a 'Community Based Heritage Study'.

Subject to compliance with standard conditions and timeframes, Council received a grant of up to \$50,000 to assist Council in undertaking a Community Based Heritage Study Review for Pittwater.

The guide for undertaking a Community Based Heritage Study – *Community-based heritage studies: A guide* (NSW Heritage Branch 2013) – states that a Heritage Study investigates the history of a Local Government Area (LGA), and identifies and assesses items and places of local heritage significance that demonstrate this history. A Heritage Study explains why the items or places are significant and recommends ways to manage and conserve such significance.

A Community Based Heritage Study was undertaken utilising a community-based approach. It gave the community the opportunity to make a valuable contribution to a Heritage Study, with appropriate guidance from a Heritage Consultant.

The Pittwater LEP 2014 currently lists 130 individual items of local heritage significance and six heritage conservation areas within the Pittwater LGA.

The items currently listed in Schedule 5 (Environmental heritage) of the Pittwater LEP 2014 have been drawn from existing Heritage Studies that collectively apply to the Pittwater LGA. These are:

- *Barrenjoey Peninsula and Pittwater Heritage Study*, Volumes 1-4, McDonald McPhee Pty Ltd and Craig Burton, January 1989,
- *Ingleside/Warriewood Urban Release Area Heritage Study*, Tropman & Tropman Architects, July 1993, and
- *Warringah Heritage Study*, Hughes Trueman Ludlow, April 1994. This study applies to the area of Pittwater generally south of Mona Vale Road that was not included in the Barrenjoey Peninsula and Pittwater Heritage Study.

The Pittwater Community Based Heritage Study Review incorporates a review of these studies and provides an updated and contemporary Heritage Study for Pittwater.

On 20 February 2012, Council resolved to seek funding from NSW Heritage Branch to undertake the Community Based Heritage Study Review.

### **Consultant commissioned to undertake the Pittwater Community Based Heritage Study Review**

On 2 March 2012, Council engaged City Plan Heritage to undertake the Pittwater Community Based Heritage Study Review, with Musecape as a sub-consultant on landscape issues.

The role of City Plan Heritage was as follows:

- Review and update Pittwater's existing Heritage Studies, including the thematic local history as necessary
- Complete the relevant steps set out in *Community-based heritage studies: A guide* (NSW Heritage Branch 2013)
- Work with a Heritage Study Working Group
- Consult with the community regarding potential new heritage items and the significance and relevance of current items
- Review submissions received regarding potential new heritage items and the significance and relevance of current items
- Review submissions received during the public exhibition of the draft Pittwater Community Based Heritage Study Review and make further recommendations or amendments based on the community response
- Deliver a consolidated Heritage Study for Pittwater, including an assessment of any recommended items and an update of the significance and relevance of current items

### **The Heritage Study Working Group**

In February 2012, expressions of interest were sought for the Heritage Study Working Group (the Working Group). The Working Group comprised:

- The Heritage Consultant and Landscape Heritage Consultant
- One councillor
- Three members of Council's Strategic Planning Team
- One staff member from the library
- 13 volunteers from the community

The role of the Working Group, Chaired by Cllr Ian White, was to undertake research, nominate and consider the local heritage significance of items and make recommendations for the future management and promotion of local heritage items.

The Working Group had a total of four meetings. At the first meeting, which was held on 29 March 2012, City Plan Heritage were introduced and the Working Group were invited to make nominations for potential heritage items. It was advised that nominations were also invited from the wider community.

The second meeting, which was held on 20 April 2012, involved discussion of the nominations received and arranging necessary site visits.

The third meeting, which was held on 17 May 2012, involved discussion around the assessment of the nominated items and the outcomes of the site visits. City Plan Heritage also outlined the list of potential recommended nominated heritage items and invited questions and comments from the Working Group.

On 28 February 2013, the Working Group met for the fourth and final time. At this meeting, City Plan Heritage briefed the Working Group on the draft Pittwater Community Based Heritage Study Review, including the recommended nominated heritage items.

### **Nominations for potential heritage items**

On 15 March 2012, Council sent letters to all registered community groups in Pittwater inviting nominations for potential heritage items, including any information on local history or known heritage items. An advertisement was also placed in the Manly Daily on 17 March 2012 and a Council media release was issued on 19 March 2012.

The timeframe for nominations closed on 13 April 2012. Over 130 nominations were received from members of the Working Group, the community, community groups, and the Australian Institute of Architects.

### **Heritage Branch Funding**

Council has received payment for the full grant (i.e. \$50,000) from the NSW Heritage Branch.

On 21 July 2014, Council was informed of the background to the draft Pittwater Community Based Heritage Study Review with a recommendation that it be placed on public exhibition. Council subsequently resolved:

1. *That the information provided in this report be noted.*
2. *That the draft Pittwater Community Based Heritage Study Review (2014) as tabled, be placed on public exhibition for 42 days.*
3. *That a report on the outcome of the public exhibition be included in consideration of a future Planning Proposal and be reported to Council.*
4. *That the valuable contribution made by the volunteer members of the Heritage Study Working Group be acknowledged.*

## **Final Pittwater Community Based Heritage Study Review (2015)**

On 20 April 2015, the Final Pittwater Community Based Heritage Study Review (CBHS) (2015) was presented to the Council and the Committee resolved to adopt following recommendations:

1. *That Council adopt the Pittwater Community Based Heritage Study Review (2015) (Tabled Document).*
2. *That Council endorse the Planning Proposal at Attachment 1 for forwarding to the Department of Planning & Environment (DP&E) with a request for a Gateway Determination to certify the commencement of a public exhibition to amend Schedule 5 (Environmental heritage) of the Pittwater Local Environmental Plan (LEP) 2014.*
3. *That Council endorse making a request to the DP&E that Council's delegate (the General Manager) exercise delegation to finalise the proposed amendments to Schedule 5 (Environmental heritage) of the Pittwater LEP 2014.*
4. *That Council endorse the draft Pittwater 21 Development Control Plan (DCP) heritage controls at Attachment 2 for public exhibition.*
5. *That the significant contribution made by the Study Team, including the Heritage Study Working Group and City Plan Heritage, towards the preparation of the Pittwater Community Based Heritage Study Review (2015) be acknowledged and send a letter of thanks from the Mayor on behalf of the Council.*

### **Gateway Determination**

On 29 May 2015 Pittwater Council received a Gateway Determination to amend Schedule 5 and the Heritage Maps of the Pittwater LEP 2014 and written authorisation to exercise delegation.

### **Public Exhibition**

The statutory public exhibition period was held between Saturday 20 June – Saturday 18 July 2015 (29 days inclusive). Details of the amendments are outlined in section 4.2.

### **3.3 POLICY IMPLICATIONS**

Changes recommended to P21 DCP – B1 Heritage Controls.

### **3.4 RELATED LEGISLATION**

Should Council endorse the recommendation contained within this report, Schedule 5 and the Heritage Maps in the Pittwater Local Environmental Plan (LEP) 2014 will be amended and Pittwater DCP in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations 2000.

### **3.5 FINANCIAL ISSUES**

#### **3.5.1 Budget**

As the Delivery Program incorporates the action to 'Prepare new Standard Instrument Local Environment Plan (LEP)', work associated with this amendment will be incorporated within the existing Planning and Assessment budget to facilitate amendments (such as those that will be facilitated by the subject Planning Proposal) to the Pittwater LEP 2014.

### 3.5.2 Resources Implications

- The subject Planning Proposal will not affect future costs to Council.
- The subject Planning Proposal will not provide future revenue raising opportunities for Council.
- The subject Planning Proposal will not impact on Council infrastructure with the exception of some minor future management implications relating to Heritage Items on Council owned land.

## 4.0 KEY ISSUES

### 4.1 Gateway Determination

On 29 May 2015, a Gateway Determination was issued (**Attachment 2**), certifying the commencement of the statutory public exhibition of the Planning Proposal.

The Gateway Determination also responded to a request for Council to be issued delegation to finalise the proposed amendments to Schedule 5 and the Heritage Maps.

Authorisation for Council's delegate (the General Manager) to exercise delegation to finalise the LEP was subsequently granted.

### 4.2 Statutory Public Exhibition

The statutory public exhibition period was held between Saturday 20 June and Saturday 18 July 2015 (29 days inclusive).

For the purpose of the statutory public exhibition of the Planning Proposal to amend Schedule 5 and the Heritage Maps, the following was undertaken:

- A 28-day exhibition period (in accordance with the Gateway Determination).
- Notification in writing to all affected property owners at the commencement of the public exhibition period.
- Notification in writing to NSW Heritage Division and National Parks and Wildlife Service.
- Notification in writing to all registered community groups.
- Notification in the Manly Daily at the commencement of the public exhibition period.
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition period.
- Information on Council's website for the duration of the public exhibition period
- Council staff were available to respond to any enquiries.

Due to the number of properties affected by the proposed amendments to Schedule 5 and the Heritage Maps, notification signs were not erected on the properties affected. As outlined above, all directly affected property owners were notified in writing.

During the public exhibition period, thirteen submissions were received, including consultation responses from NSW Heritage Division and NSW National Parks and Wildlife Service. A summary of the submissions can be found together with recommendations at **Attachment 3**.

Where required, the Council's Heritage Advisor has provided expert advice and recommendations on the submissions received. Recommendations drawn from the submissions have resulted in some required amendments to the Planning Proposal, as detailed in the table overleaf.



Included in the subsequent amendments is the removal of Ronchi House, 20-24 Beauty Drive, Whale Beach from Part 2 of Planning Proposal PP0001/15 which lists the heritage items to be inserted in to Schedule 5 of the Pittwater LEP 2014 and the associated Heritage Maps.

#### 4.3 Other Relevant Matters

Ronchi House at 20-24 Beauty Drive, Whale Beach was recommended in the Pittwater CBHS (2015) for inclusion in Schedule 5 of the Pittwater LEP 2014. The house is currently considered a draft Heritage Item following adoption of the CBHS (2015) recommendations endorsed by Council on 20 April 2015; the subsequent Gateway Determination dated 29 May 2015 and the Public Exhibition period.

Following a Heritage Referral for DA application N0396/13/S96/1 and a subsequent site visit by the Council's Heritage Advisor on 9 July 2015, it was concluded that the alterations/additions approved under DA application N0396/13, prior to the dwelling becoming a draft item, have had a direct impact on the heritage significance. The recommendation of the Council's Heritage Advisor is that the inclusion of the property on the Council's schedule of heritage items and places should not proceed.

A condition, as recommended by the Council's Heritage Advisor, was attached to DA N0396/13/S96/1 for archival recording as common heritage practice for documentation of properties with architectural and community interest for future reference purposes. Photograph records of the property prior to development and during construction have now been submitted and the requirements of the condition have now been met. The photographs will be archived for future reference.

The amendments to the subject Planning Proposal are as set out in the following table:

ITEM	SHI No.	AMENDMENT	REASON
General		Updated Planning Proposal with regard to procedural reporting and progress post Gateway Determination and Public Exhibition.	Gateway Determination and public exhibition
General		Inclusion of Part 3 Justification, section 12 to demonstrate the need for the listing of Ku-ring-gai Chase National Park	Condition 3 of Gateway Determination
524 Barrenjoey Road, Avalon	2270456	Remove item from table 1, Part 2 of Planning Proposal (not to be inserted into Schedule 5 of the Pittwater LEP 2014) and remove from the Heritage Maps.	Submission and subsequent on site assessment by Council's Heritage Advisor
Stella James House and Reserve, Avalon	2270124	Item name to read: "Walter Burley Griffin Lodge (Stella James House and Reserve)".	Submission from NSW Heritage Division
Concrete Statue – Peter and the Bullock, Mona Vale	2270485	Removed item from table 1, Part 2 of Planning Proposal (not to be inserted into Schedule 5 of the Pittwater LEP 2014) and remove from the Heritage Maps.	Submission and subsequent on site assessment of damage by Council's Heritage Advisor
Ronchi House, 20-24 Beauty Drive Whale Beach	2270473	Removed item from table 1, Part 2 of Planning Proposal (not to be inserted into Schedule 5 of the Pittwater LEP 2014) and remove from the Heritage Maps.	DA Application N0396/13/S96/1

Note: A further change may be required to the subject Planning Proposal after this Council meeting should a subdivision certificate be issued to change the property boundary of 36/34 Plateau Road, Bilgola Plateau and an amended Land Title be issued to:

1. Remove 34 Plateau Road, Bilgola Plateau from the item name listed in the subject Planning Proposal for inclusion in the Pittwater LEP 2014 and retain only 36 Plateau Road, Bilgola.
2. Remove 34 Plateau Road, Bilgola Plateau from inclusion in the Heritage Maps in the subject Planning Proposal for inclusion in the Pittwater LEP 2014 and retain only 36 Plateau Road, Bilgola Plateau.

#### 4.4 Where to From Here?

As Council's delegate, the General Manager has been authorised to exercise delegation to finalise the proposed amendments to Schedule 5 of the Pittwater LEP 2014 and Heritage Maps. Should Council endorse recommendation 2 of this report, the following are the next steps:

- A request will be sent to Parliamentary Counsel for a draft instrument (the document that would give effect to amend Schedule 5 and the Heritage Maps).
- On receipt of the draft instrument, Council staff will undertake a review and either provide Parliamentary Counsel with required amendments or support it in its draft form.
- Parliamentary Counsel will issue an Opinion that the draft instrument can legally be made.
- Council's delegate (the General Manager) will sign-off on finalising the LEP.
- Council staff will arrange for the LEP to be notified on the NSW Legislation website at which time the amendments to Schedule 5 and the Heritage Maps will come into effect.

With regard to recommendation 3 of this report and recommendation 2 of the Pittwater CBHS (2015), amendments to DCP B1 Heritage controls (**Attachment 4**) will now be implemented, with minor amendments, in accordance with the Council's resolution and the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

Should Council endorse recommendations 4 and 5 of this report, the recommendations will be actioned accordingly.

#### 5.0 ATTACHMENTS

- **Attachment 1** - Planning Proposal
- **Attachment 2** - Gateway Determination and Authorisation to exercise delegation
- **Attachment 3** - Summary of submissions received during the Public Exhibition
- **Attachment 4** - Recommended DCP B1 Controls

There are no Tabled Documents relevant to this report.

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## **6.0 SUSTAINABILITY ASSESSMENT**

### **6.1 GOVERNANCE & RISK**

#### **6.1.1 Community Engagement**

The purpose of this report is to inform Council of the outcome of the public exhibition of the Planning Proposal to amend Schedule 5 and the Heritage Maps in the Pittwater LEP 2014. The tasks undertaken to inform the community of the public exhibition and provide the community the opportunity to make a submission is detailed in Section 4 of this report.

#### **6.1.2 Risk Management**

The subject Planning Proposal intends to amend Schedule 5 and the Heritage Maps in the Pittwater LEP 2014, as resolved at the Council meeting on 20 April 2015 to adopt the recommendations of the Pittwater Community Based Heritage Study Review (CBHS) (2015).

The process to amend Schedule 5 and the Heritage Maps in the Pittwater LEP 2014 has been undertaken in accordance with the legislative requirements of the *Environmental Planning & Assessment Act 1979*.

### **6.2 ENVIRONMENT**

#### **6.2.1 Environmental Impact**

- The subject Planning Proposal will not affect flora and fauna. The subject Planning Proposal intends to amend Schedule 5 and the Heritage maps in the Pittwater LEP 2014, as resolved at the Council meeting on 20 April 2015 to adopt the recommendations of the Pittwater Community Based Heritage Study Review (CBHS) (2015).
- The subject Planning Proposal will not affect levels of pollution (air, noise, water, soils etc.).

#### **6.2.2 Mitigation Measures**

- The subject Planning Proposal will not be affected by climate change impacts. The subject Planning Proposal intends to amend Schedule 5 and the Heritage maps in the Pittwater LEP 2014, as resolved at the Council meeting on 20 April 2015 to adopt the recommendations of the Pittwater Community Based Heritage Study Review (CBHS) (2015).
- The subject Planning Proposal will not impact water use and management. The intention of the subject Planning Proposal are as set out above.
- The subject Planning Proposal will not impact energy use and green-house gas emissions. The intention of the subject Planning Proposal is as set out above.
- The subject Planning Proposal will not impact resource and waste management. The intention of the subject Planning Proposal is as set out above.

## 6.3 **SOCIAL**

### 6.3.1 **Address Community Need & Aspirations**

- The subject Planning Proposal will not affect the quality of cultural, community or recreational services available to the community.
- The subject Planning Proposal will not affect the health, safety and well-being of residents.
- The subject Planning Proposal will not affect the services of our community.
- The subject Planning Proposal will not affect the mobility of residents.

### 6.3.2 **Strengthening local community**

- The subject Planning Proposal will not affect the community feeling of connectedness.
- The subject Planning Proposal will not affect the liveability of our villages.
- The subject Planning Proposal will not promote education and knowledge generation.

## 6.4 **ECONOMIC**

### 6.4.1 **Economic Development**

- The subject Planning Proposal will not create or support opportunities for local economic growth. The subject Planning Proposal intends to amend Schedule 5 and the Heritage maps in the Pittwater LEP 2014, as resolved at the Council meeting on 20 April 2015 to adopt the recommendations of the Pittwater Community Based Heritage Study Review (CBHS) (2015).

Report prepared by  
Karen Buckingham, Executive Planner (Strategic)

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**



# PLANNING PROPOSAL PP0001/15

To implement the recommendations of the Pittwater  
Community Based Heritage Study Review (2015)

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## **PART 1: OBJECTIVES OR INTENDED OUTCOMES**

This Planning Proposal aims to amend the Pittwater Local Environmental Plan (LEP) 2014 to incorporate the most up to date information in relation to items of local heritage significance in Pittwater.

The proposal is to amend the Pittwater LEP 2014 in accordance with the recommendations of the Pittwater Community Based Heritage Study Review (2015), which involve:

- Inserting additional items of local heritage significance
- Removing items that have been demolished or merged with another item, and
- Updating the information (including details and descriptions) of current items of local heritage significance where necessary.

Council's General Manager (Council's sub-delegate) has been granted written authorisation to exercise delegation under Section 59 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) in regard to this Planning Proposal. Written Authorisation to Exercise Delegation was issued in regard to this Planning Proposal on 29<sup>th</sup> May 2015.

## PART 2: EXPLANATION OF PROVISIONS

The intended outcome will be achieved by amending Schedule 5 of the Pittwater LEP 2014 and the associated Heritage Maps.

The amendments required to Schedule 5 of the Pittwater LEP 2014 are as follows:

### Inserting the following heritage items into Part 1 of Schedule 5:

Suburb	Address	Property description	Item	Significance	SHI No.
Avalon Beach	2 Elouera Road	Lot 107 DP 9151	Adnam House	Local	2270490
Avalon Beach	16 Elouera Road	Lot 114 DP 9151	House	Local	2270371
Avalon Beach	7 Gunjulla Place and 125 and 127 Avalon Parade	Lot 8 DP 209780, Part Lot A DP 397304 and Part Lot 1 DP 212992 (within one metre of gate posts)	Gunjulla (including stone gate foundations)	Local	2270457
Avalon Beach	30 Hilltop Road	Lot 2 DP 546182	House	Local	2270461
Avalon Beach	43 Hilltop Road	Lot 2 DP 212320	Log Cabin	Local	2270455
Avalon Beach	Palmgrove Road (portion)	Below Stella James House (32 Plateau Road, Avalon Beach) and extending up to 61 Palmgrove Road	Sandstone kerb and gutter	Local	2270460
Avalon Beach	3 Riverview Road	Lot 6 DP 3632	Little House (Yoorami)	Local	2270480
Avalon Beach	99 Riverview Road	Lot 1 DP 207313	Lochhead House	Local	2270430
Bayview	90 Cabbage Tree Road	Lot 22 DP 602041	Waterfall Cottage and garden	Local	2270402
Bayview	3 Pindari Place	Lot 57 DP 30648	Hamilton House	Local	2270164
Bayview	5 Pindari Place	Lot 59 DP 30648	Curry House 2	Local	2270412
Bayview	Bayview Park, 1672 and 1678 Pittwater Road	Lot 23 DP 4010 and Lot 7047 DP 93802	Sea Scout Hall	Local	2270406
Bayview	1825 Pittwater Road	Part Lot 300 DP 1139238 (two metres around the statues)	Concrete statues at Bayview Golf Course	Local	2270484
Bayview	1836 and 1852 Pittwater Road	Lot 8A, 9A and 10A DP 9606	Bayview Yacht Racing Association Boatshed	Local	2270407
Bayview	1945 Pittwater Road	Lot 2 DP 562280	Maybanke House and plaque	Local	2270340
Bilgola Beach	4 The Serpentine	Lot 52 DP 517038	Palm House and garden	Local	2270464
Bilgola Plateau	36 and 34 Plateau Road	Lot 493 DP 16902 and Lot 492 DP 16902	House called Trees	Local	2270497
Clareville	53 Hudson Parade	Lot B DP 417677	The Lodge	Local	2270368

Suburb	Address	Property description	Item	Significance	SHI No.
Ingleside	5 Chiltern Road	Lot 1 DP 808703 (two metres around the gates)	Smoky Dawson's Ranch gates	Local	2270422
Ingleside	84 Lane Cove Road	Lot 1 DP 520130; Lot 2 DP 520130; Lot 1 DP 594488; Lot 288 DP 752046; Lot 7083 DP 93803; Lot 216 DP 752046	Katandra Bushland Sanctuary	Local	2270158
Ingleside	Mona Vale Road	Next to the public cycleway, south from the Baha'i Temple grounds, parallel to 173 Mona Vale Road	Laterite site	Local	2270513
Ku-ring-gai Chase National Park	West Head Road and McCarrs Creek Road	All parcels within Ku-ring-gai Chase National Park that are within the Pittwater LGA	Ku-ring-gai Chase National Park	Local	2270510
Mona Vale	66 Elimatta Road	Lot 2 DP 733655	House	Local	2270501
Mona Vale	1598 Pittwater Road	Lot 1 DP 251053	Mona Vale Bowling Club	Local	2270482
Mona Vale	25 Waterview Street	Lot 2 DP 831267	Andriesse House	Local	2270470
Newport	33 Foamcrest Avenue	Lots 20, 21 and 22 Section 3 DP 6248	St Michaels Anglican Church	Local	2270471
Newport	1 Kalinya Street	Lot 1 DP 72587 and Lot 1 DP 527172	Newport Arms Hotel	Local	2270476
Newport	6 Palm Road	Lot 1 DP 1066239 And Lot 2 DP 1066239	Newport Bowling Club	Local	2270489
Newport	16 Queens Parade	Part Lot 1 DP 1031155 (two metres around the War Memorial)	Newport War Memorial in Trafalgar Park	Local	2270507
Newport	25 Queens Parade	Lots 1 and 2 DP 794943	Newport Public School – Bell and foundation stone	Local	2270486
Newport	153 Queens Parade East	Lot 5 DP 20319	Fink House	Local	2270328
Newport	3 The Avenue	Lot 18 DP 14176	Currie House	Local	2270366
Palm Beach	949 Barrenjoey Road	Lot 6 DP541797	Kumale	Local	2270165
Palm Beach	1053 Barrenjoey Road	Lots 83 and 84 DP 14682	Palm Beach Kindergarten	Local	2270166
Palm Beach	19-21 Cynthea Road	Lot 1 DP 831829	Cohen House	Local	2270384
Palm Beach	23 Cynthea Road	Lot 77 DP 14630	Treetops	Local	2270385
Palm Beach	356 Whale Beach Road	Lot 332 DP 16362	Cox House	Local	2270014

Suburb	Address	Property description	Item	Significance	SHI No.
Various	Various	Addison: Lat: -33 41 12, Long: 151 15 31 Arden: Lat: -33 38 02, Long: 151 15 03 Bairne: Lat: -33 36 51, Long: 151 17 10 Barrenjoey: Lat: -33 34 46, Long: 151 19 43 Bushranger: Lat: -33 39 49, Long: 151 19 04 Euro: Lat: -33 36 00, Long: 151 17 17 McCarr: Lat: -33 39 08, Long: 151 15 41 South Head (Bangalley): Lat: -33 37 25, Long: 151 20 28 Topham: Lat: -33 36 30, Long: 151 15 49 Wallaroo: Lat: -33 36 42, Long: 151 14 34 Waratah : Lat: -33 37 46, Long: 151 13 48 Willunga: Lat: -33 37 05, Long: 151 15 31	Pittwater trigonometrical stations	Local	2270504
Warriewood	14 Jacksons Road	Lot 100 DP 1127710	Warriewood Wetland	Local	2270516

**Inserting the following archaeological sites into Part 3 of Schedule 5:**

Suburb	Address	Property description	Item	Significance	ASHI No.
Avalon Beach	Near 640, 642 and 644 Barrenjoey Road	Road surface of unnamed section of North Avalon Road, immediately adjacent to 640, 642 and 644 Barrenjoey Road, extending approximately 10 metres to a culvert and its retaining wall	Sandstone road remnants and associated landscape	Local	2270494

Suburb	Address	Property description	Item	Significance	ASHI No.
Church Point	Opposite 2143 Pittwater Road	Two metres in each direction around the structure	Boatshed	Local	2270465
Ingleside	Opposite 158 Mona Vale Road (southern side)	Two metres in each direction from the carving	Carving – Survey mark	Local	2270487
Newport	Adjacent to Betty Morrison Reserve	Adjacent to the north boundary of Lot 2 DP 230883 in road reserve	Stone wall	Local	2270488
Newport	1A Queens Parade	Lot 7303 DP 1126560	Newport Wharf	Local	2270350
North Narrabeen	Deep Creek Reserve (opposite footbridge)	Lot 1 DP 188050	German rock carvings and associated landscape	Local	2270495
Palm Beach	1149 and 1149A Barrenjoey Road	Lot 1 DP 114133 and Lot 7304 DP 1126564	Palm Beach Wharf	Local	2270496

**Removing the following heritage items or archaeological sites from Schedule 5:**

Suburb	Address	Property description	Item	Significance	SHI No.
Avalon Beach	32 Old Barrenjoey Road	Lot 1, DP 511908	Avalon Golf Club—former kiosk	Local	2270012
Avalon Beach	32 Old Barrenjoey Road	Lot 1, DP 511908	Avalon Golf Club—green keeper's house	Local	2270013
Avalon Beach	3 and 5–9 Palmgrove Road (frontage also to Plateau Road)	Lots 341–345, DP 16902	Reserve surrounding house known as “Stella James House”	Local	2270103
Clareville	28B Hudson Parade (adjacent to and to the south of Avalon Sailing Club)	Lot 1, DP 260209	Wharf remnant	Local	2270062
Mona Vale	28 Mona Street	Lot B, DP 404336	House	Local	2270022
Mona Vale	107 Mona Vale Road	Lot 2, DP 1124862	Mona Vale Cemetery gateposts	Local	2270327
Mona Vale	1624 Pittwater Road	Lot 2, DP 709457	Gravestones (St John's Church)	Local	2270019
Newport	174 Prince Alfred Parade	Lot 74, DP 737370	“Jacaranda Cottage” (formerly known as “Peck's Cottage”)	Local	2270113
Palm Beach	Barrenjoey Headland	Barrenjoey Headland	Barrenjoey Head Lightstation	State	5014096
Palm Beach	Adjoining 899 Barrenjoey Road	-	Bus shelter	Local	2270077

**Amending information in Schedule 5 in relation to the following heritage items or archaeological sites:**

Suburb	Address	Property description	Item	Significance	SHI No.
Avalon Beach	Avalon Beach (adjacent to 558A Barrenjoey Road)	-	Ocean rock pool	Local	2270118
Avalon Beach	60 and 62 Chisholm Avenue	Lots 1 and 2, DP 1104192	"Hy Brasil" (house)	State	2270157
Avalon Beach	32 Old Barrenjoey Road	Lot 1, DP 511908	Golf club house, the former kiosk and the Green Keeper's cottage	Local	2270055
Avalon Beach	3 and 5-9 Palmgrove Road	Lots 341–345, DP 16902	"Walter Burley Griffin Lodge (Stella James House" and reserve)"	State	2270124
Bayview	Pittwater Road and Fermoy Avenue (within road reserve)	-	Street trees— <i>Araucaria species</i>	Local	2270029
Bayview	Pittwater Road and Fermoy Avenue (within road reserve at junction of roads)	-	Sandstone retaining wall	Local	2270057
Bayview	Adjacent to 1734 Pittwater Road (below mean high water mark)	-	World War II Tank Traps	Local	2270357
Bilgola Beach	The Serpentine (western side near Barrenjoey Road)	-	Sandstone retaining wall	Local	2270032
Bilgola Beach	Bilgola Avenue and Allen Avenue	Road reserve	Street trees—Norfolk Island Pines ( <i>Araucaria heterophylla</i> ) and Canary Island Date Palms ( <i>Phoenix canariensis</i> )	Local	2270030
Bilgola Beach	3 Bilgola Avenue	Lot 53, DP 517038; Lot 133, DP 752046	"The Palms" (house)	Local	2270016
Bilgola Beach	15–21 Bilgola Avenue	Lots 8 and 9, DP 19497; Lots 10A and 11A, DP 401408	Drainage and bridge structures	Local	2270009
Bilgola Beach	The Serpentine and Barrenjoey Road (Bilgola Valley)	Lots 139–144, 336–338, 547–557, 566 and 569, DP 16902; Lots 1–4, DP 232164; Lot 2, DP 395158; Lot 3, DP 511677; Lot 4C, DP 413781; Lot 300, DP 1035587; Lot 7328, DP 1164236; Part Lot 7327, DP 1164236	Grove of Cabbage Tree Palms ( <i>Livistona australis</i> )	Local	2270031



Suburb	Address	Property description	Item	Significance	SHI No.
Church Point	19 McCarrs Creek Road	Lot 1, DP 1181629	"Homesdale" (house)	Local	2270070
Coasters Retreat	56A Coasters Retreat	Lot 7022, DP 1110389	"Bonnie Doon" Wharf	Local	2270041
Currawong Beach	-	Lot 10, DP 1092275; Lot 1, DP 166328; Lot 1, DP 337208; Lot 4, DP 978424	Currawong Workers' Holiday Camp	State	2270517
Ingleside	1 Chiltern Road	Lot A, DP 325195	Cicada Glen Nursery	Local	2270339
Lovett Bay	8 Portions Lovett Bay	Lot 2, DP 228812	"Tarrangaua" (House)	Local	2270044
Lovett Bay	Site of former causeway (north side)	Adjacent to Lots 2 and 3, DP 584315; Lots 4 and 5, DP 590990; Lot 6, DP 545717	Stone retaining wall	Local	2270049
Lovett Bay	38 Sturdee Lane	Lot 6, DP 552628	"Myuna" (house)	Local	2270082
McCarrs Creek	Below mean high water mark, adjoining 59 Douglass Estate	Below mean high water mark, adjoining Lot 17, DP 10002	Stone bath remnants	Local	2270426
Mona Vale	Mona Vale Beach (north)	-	Ocean rock pool	Local	2270136
Mona Vale	107 Mona Vale Road	Lot 2, DP 1124862	Mona Vale (formerly Turimetta) Cemetery	Local	2270088
Mona Vale	1624 Pittwater Road	Lot 2, DP 709457	St John's Anglican Church and gravestones	Local	2270168
Mona Vale	Surfview Road, Ocean Beach Reserve	Part Lot 104, DP 1066371	Norfolk Island Pines ( <i>Araucaria heterophylla</i> )	Local	2270059
Morning Bay	60A Bona Crescent	Lot 7317, DP 1187840	Store, jetty and shed	Local	2270042
Newport	Newport Beach	-	Ocean rock pool	Local	2270138
North Narrabeen	Narrabeen Beach	-	Ocean rock pool	Local	2270137
Palm Beach	Barrenjoey Headland	Lots 1-4, DP 849249	Barrenjoey Headland lightstation and two cottages	State	2270104
Palm Beach	Barrenjoey Headland (near lighthouse)	Lot 1, DP 849249	Memorial cairn	Local	2270093
Palm Beach	Governor Phillip Park	Lot 7006 DP 1117454	Picnic shelter sheds	Local	2270097
Palm Beach	1108 Barrenjoey Road	Lot 2, DP 1004105	"Barrenjoey House" (restaurant and accommodation)	Local	2270076
Palm Beach	In road reserve (adjacent to 69 Florida Road and 407 Whale Beach Road)	Adjacent to Lot 283 DP 16362 and Lot 105 DP 1033853	Old street lamps	Local	2270092

Suburb	Address	Property description	Item	Significance	SHI No.
Palm Beach	2A Iluka Road	Lot 7010 DP 93683 (adjacent to Lot 42 DP 14682)	"Sandy Beach Jetty" (timber jetty)	Local	2270344
Palm Beach	117 Pacific Road	Lot 1, DP 650029	Sydney Red Gums ( <i>Angophora costata</i> )	Local	2270027
Palm Beach	Station Beach	Lot 5, DP 849249	Site of former customs house	Local	2270102
Palm Beach	309–311 Whale Beach Road	Lots 234–235, DP 16362	"Orcades" (house)	Local	2270087
Warriewood	Macpherson Street (adjacent to 163 Macpherson Street)	-	Memorial in bus shelter	Local	2270429
Whale Beach	Whale Beach Ocean Reserve (adjacent to The Strand)	Lot 1, DP 234079	Norfolk Island Pines ( <i>Araucaria heterophylla</i> )	Local	2270035

The proposed Heritage Maps (map sheets 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) are at **Appendix 3**.

## **PART 3: JUSTIFICATION**

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### **Section A Need for the Planning Proposal**

#### **1. Is the planning proposal a result of any strategic study or report?**

Yes. The Planning Proposal is the result of the Pittwater Community Based Heritage Study Review (2015).

Following a six week public exhibition (2 August to 13 September 2014) of the draft Pittwater Community Based Heritage Study Review, Council adopted the Pittwater Community Based Heritage Study Review (2015) on 20 April 2015.

The Planning Proposal is the mechanism for implementing recommendations of the Pittwater Community Based Heritage Study Review (2015).

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

Yes. Items of local heritage significance are required to be listed in an LEP. As such, the Planning Proposal is the only means of achieving the recommendations of the Pittwater Community Based Heritage Study Review (2015).

## **Section B   Relationship to Strategic Planning Framework**

### **3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The Planning Proposal is considered to be consistent with *A Plan for Growing Sydney* (Sydney's Metropolitan Strategy) and the draft North East Subregional Strategy.

### **4. Is the planning proposal consistent with the Council's local strategy or other local strategic plan?**

The Planning Proposal is considered to be consistent with the *Pittwater Local Planning Strategy* (2011), in particular with the following recommendation:

*'Update the Barrenjoey Peninsula and Pittwater Heritage Study dated January 1989 with a new heritage study that identifies new heritage items within Pittwater, and evaluates the contemporary significance of existing listed items;'*

The Planning Proposal is also considered to be consistent with the Land Use & Development Strategy within Pittwater's 2025 Community Strategic Plan, specifically the objective '*to identify and conserve Pittwater's heritage*'.

### **5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is considered to be consistent with the relevant State Environmental Planning Policies (see **Appendix 1**).

### **6. Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?**

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions (see **Appendix 2**).

## **Section C Environmental, social and economic impact**

### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of amending the Pittwater LEP 2014 in accordance with the recommendations of the Pittwater Community Based Heritage Study Review (2015).

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

It is unlikely that other environmental effects will result from amending the Pittwater LEP 2014 in accordance with the recommendations of the Pittwater Community Based Heritage Study Review (2015). The proposed amendments aim to protect the heritage significance of additional sites within Pittwater; as such any environmental effects are likely to be positive.

### **9. How has the planning proposal adequately addressed any social and economic effects?**

Following the initial preparation of the draft Pittwater Community Based Heritage Study Review (prior to the six week public exhibition), land owners of the recommended nominated items of local heritage significance were notified and invited to contribute additional information and comment on the potential heritage significance of the relevant item. Land owners were also offered the opportunity to meet with Council staff and the Heritage Consultant commissioned to prepare the Pittwater Community Based Heritage Study Review.

Further, during the six week public exhibition, land owners of existing and recommended nominated items of local heritage significance were directly notified.

A 'Summary of submissions' table was prepared following the public exhibition to demonstrate how all submissions received were considered and subsequent amendments were made to the draft Pittwater Community Based Heritage Study Review where necessary and appropriate.

In accordance with the Gateway Determination issued on 29 May 2015, a further public exhibition and consultation period commenced for a period of 29 days, as required by conditions 1, 2 and 4 of the Gateway Determination. Land owners of affected items were directly notified and NSW Heritage Division and NSW National Parks and Wildlife Service were consulted.

A 'Summary of submissions' table has been prepared following the same process as outlined above and subsequent amendments were made to this Planning Proposal and reported to Council for consideration.

#### *Economic Effects*

With regard to the economic effects of the Planning Proposal, submissions received during the six week public exhibition from owners of some items recommended to be listed, raise concern regarding potential increased costs associated with doing works to their properties.

If a Development Application (DA) is required for proposed works to an item of local heritage significance, heritage controls are triggered under the Pittwater LEP 2014 and the Pittwater 21 Development Control Plan (DCP), which require the consideration of heritage matters. Subsequently, the consent authority may require a heritage management document to be prepared (e.g. a Heritage Impact Statement or a Conservation Management Plan).

The requirement for a heritage management document imposes an additional cost on land owners of existing and recommended nominated items of local heritage significance, however a heritage management document is usually necessary for the Assessment Officer, in conjunction with Council's Heritage Advisor, to make a recommendation as to whether the proposed works will have an acceptable impact on the heritage significance of the item.

It is noted that under the Pittwater LEP 2014, consent is not required for certain works proposed on land that contains an item of local heritage significance. Further, under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, exempt development may be undertaken to an item of local heritage significance unless expressly stated.

Submissions received from owners of some items recommended to be listed, raise concern regarding potential reduction in property value. Financial implications were again highlighted as a concern during the latest public exhibition required as part of the Gateway Determination.

In their review of submissions City Plan Heritage quote the NSW Heritage Council publication *Heritage listing explained - What it means for you*, which states that "studies show listing has no effect on property value in most cases, and sometimes improves resale value. Listed residences with well-maintained heritage features have been found to attract a price premium compared to equivalent non-listed places in independent studies. Period features and other heritage attributes often feature prominently in property advertisements because of this appeal". However, it is recognised that the NSW Heritage Council publication is not definitive and that not all items may be able to realise an economic advantage.

### *Social Effects*

An issue raised during the six week public exhibition period was that of privacy, and the experience of living in a property listed on a public register of heritage items, which draws attention to a property as a potential place of interest. Although heritage listing of a property may draw the attention of some select groups (e.g. local historians, students etc.) it is considered that in Pittwater this is unlikely to be a significant burden. Additionally the listing of the property as an item of heritage significance does not change or extinguish rights afforded to all privately owned land.

On balance the identification of new items of local heritage significance is generally considered to offer social benefits by facilitating the conservation of items having significance for the local community.

## **Section D State and Commonwealth interests**

### **10. Is there adequate public infrastructure for the planning proposal?**

No additional public infrastructure is required to support the implementation of the Planning Proposal.

### **11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Pittwater's Community Based Heritage Study Review (2015) was supported by the NSW Heritage Branch who provided funding.

The following public authorities were notified of the six week public exhibition of the draft Pittwater Community Based Heritage Study Review:

- Department of Lands
- Roads & Maritime Services
- Department of Education



- National Parks & Wildlife Services

The following public authorities were notified of the public exhibition of Planning Proposal PP0001/15 under the Gateway Determination issued on 29 May 2015.

- Department of Lands
- Roads & Maritime Services
- Department of Education
- Crown Lands
- Office of Environment and Heritage – Heritage Division
- Office of Environment and Heritage - National Parks & Wildlife Services (NPWS)

Consultation with the Heritage Division and NPWS is a requirement of Condition 4 of the Gateway Determination. No in principle objections were raised by any of the public authorities notified or consulted and submissions received are included within the 'Summary of submissions' table.

## **12. The need for listing of Ku-ring-gai Chase National Park, and how this would operate in conjunction with the provisions of the *National Parks and Wildlife Act 1974*.**

Recommendation 1 of the Pittwater Community Based Heritage Study Review (2015), is to amend the Pittwater Local Environmental Plan (LEP) to include Ku-ring-gai Chase National Park as a Heritage Item as set out in Table 6, item number 26.

SHI form 2270510 includes all parcels within Ku-ring-gai Chase National Park that are within the Pittwater LGA. The statement of significance makes reference to indigenous and non-indigenous cultural values of Ku-ring-gai Chase National Park. The need for the inclusion of Ku-ring-gai Chase National Parks is clearly demonstrated in that, "it ... has non-indigenous cultural values dating from the early days of European settlement in New South Wales including the Basin Terraces (evidence of early agriculture at Coasters Retreat and the Barrenjoey lighthouse group)." (Pittwater Heritage Inventory, SHI number 2270510, pg 1).

Part 1, Section 2 A of the National Parks and Wildlife Act 1974 sets out four key objects of the Act with objective (b) and (c) relating to the conservation of cultural heritage as set out below;

- (b) the conservation of objects, places or features (including biological diversity) of cultural value within the landscape,
- (c) fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation,

Additionally, Part 2, Division 1, Section 12 (g) of the National Parks and Wildlife Act 1974 allows for the identification and protection of buildings, places and objects of non-Aboriginal cultural values on land reserved under the Act.

The listing of Ku-ring-gai Chase National Park within Schedule 5 of the Pittwater LEP 2014 would operate in conjunction with the provisions of the National Parks and Wildlife Act 1974 with a joint objective of identifying, conserving and protecting cultural heritage sites. Importantly, the listing of this item in Pittwater LEP 2014 would ensure the mapping of the heritage item, its inclusion within the Heritage Inventory and in Schedule 5 of the LEP and Council discretion to require the preparation of a heritage impact statement if required.

The planning proposal is not inconsistent with the provision of the National Parks and Wildlife Act 1974 and consultation with National Parks and Wildlife Service (NPSW) has taken place as required by Condition 4 of the Gateway Determination. NPWS did not have any objection to the listing of Ku-ring-gai Chase National Park.

## **PART 4: MAPPING**

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The proposed Heritage Maps (map sheets 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, and 019) are at **Appendix 3**.

## **PART 5: COMMUNITY CONSULTATION**

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In keeping with '*A guide to preparing local environmental plans*' (Department of Planning & Infrastructure, 2012), the following public exhibition has taken place:

- A 28-day public exhibition commenced 20 June – 18 July 2015 (29 days inclusive)
- Notification in writing to affected land owners, registered Pittwater community groups and Chambers of Commerce, and relevant public authorities and State agencies at the commencement of the public exhibition
- Notification in the Manly Daily at the commencement of the public exhibition
- Displays of the relevant documentation at Council's Customer Service Centres and libraries for the duration of the public exhibition
- Relevant documentation on Council's website for the duration of the public exhibition period
- Council staff were available to respond to any enquiries

## PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Date of Gateway determination	4 weeks from Council decision to forward Planning Proposal to Gateway	Week commencing 18 May 2015
Completion of required technical information	<i>Due to the nature of the Planning Proposal it is not anticipated that additional technical information will be required</i>	-
Government agency consultation	Formal consultation, as required by the Gateway Determination, will be undertaken concurrent to the public exhibition	June 2015
Public exhibition	28 days	June 2015
Consideration of submissions and Planning Proposal post-exhibition	8 weeks following the public exhibition	July-August 2015
Report to Council	-	October 2015
Submission to Department of Planning & Environment	Following Council decision to finalise draft Pittwater LEP	October 2015
RPA to make plan (if delegated)	2 weeks from receipt of final draft Heritage Maps and/or final draft instrument	November 2015
Notification of LEP/LEP comes into force	1 week from RPA making the plan	November 2015

## Appendix 1: Consideration of SEPPS

The following SEPP's are relevant to the Pittwater LGA. The table below identifies which of the relevant SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the SEPP.

<b>Title of State Environmental Planning Policy (SEPP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SEPP No 14 – Coastal Wetlands	NO	-	-
SEPP No 21 – Caravan Parks	NO	-	-
SEPP No 26 – Littoral Rainforests	NO	-	-
SEPP No 30 – Intensive Agriculture	NO	-	-
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	NO	-	-
SEPP No 33 – Hazardous and Offensive Development	NO	-	-
SEPP No 44 – Koala Habitat Protection	NO	-	-
SEPP No 50 – Canal Estate Development	NO	-	-
SEPP No 55 – Remediation of Land	NO	-	-
SEPP No 62 – Sustainable Aquaculture	NO	-	-
SEPP No 64 – Advertising and Signage	NO	-	-
SEPP No 65 – Design Quality of Residential Flat Development	NO	-	-
SEPP No 70 – Affordable Housing (Revised Schemes)	NO	-	-
SEPP 71 – Coastal Protection	NO	-	-
SEPP (Affordable Rental Housing) 2009	NO	-	-
SEPP (Building Sustainability Index: BASIX) 2004	NO	-	-
SEPP (Exempt and Complying Development Codes) 2008	YES	-	-
SEPP (Housing for Seniors or People with a Disability) 2004	NO	-	-
SEPP (Infrastructure) 2007	NO	-	-
SEPP (Major Development) 2005	NO	-	-

<b>Title of State Environmental Planning Policy (SEPP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	-	-
SEPP (Miscellaneous Consent Provisions) 2007	NO	-	-
SEPP (State and Regional Development) 2011	NO	-	-

If there are any inconsistencies with any applicable SEPP, it is noted that the SEPP will prevail to the extent of the inconsistency.

The following is a list of the deemed SEPPs (formerly Sydney Regional Environmental Plans) relevant to the Pittwater LGA. The table below identifies which of the relevant deemed SEPPs apply to the Planning Proposal (or not) and, if applicable, whether the Planning Proposal is consistent with the provisions of the deemed SEPP.

<b>Title of deemed SEPP, being Sydney Regional Environmental Plan (SREP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SREP No 20 – Hawkesbury-Nepean River (No 2 -1997)	NO	-	-



## Appendix 2: Consideration of Section 117 Directions

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### 1 Employment and Resources

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	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES
1.2	Rural Zones	YES	YES
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

#### Justification for inconsistency

Nil.

### 2 Environment and Heritage

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	Direction	Applicable	Consistent
2.1	Environment Protection Zones	YES	YES
2.2	Coastal Protection	YES	YES
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	YES	YES

#### Justification for inconsistency

The Planning Proposal does not include provisions that meet the requirements of:

- 2.1(4)
- 2.2(4)

However, it does not include provisions that are inconsistent with such requirements.

### 3 Housing, Infrastructure and Urban Development

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	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES
3.2	Caravan Parks and Manufactured Home Estates	YES	YES
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A

#### Justification for inconsistency

The Planning Proposal does not include provisions that meet the requirements of:

- 3.1(4) or (5)
- 3.2(4) or (5)
- 3.3(4)
- 3.4(4)

However, it does not include provisions that are inconsistent with such requirements.

## 4 Hazard and Risk

	Direction	Applicable	Consistent
4.1	Acid Sulphate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	YES	YES
4.4	Planning For Bushfire Protection	YES	YES

### Justification for inconsistency

The Planning Proposal does not include provisions that meet the requirements of:

- 4.1(4), (5), (6), or (7)
- 4.3(4), (5), (6), (7), or (8)
- 4.4(4), (5) or (6)

However, it does not include provisions that are inconsistent with such requirements.

## 5 Regional Planning

	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	YES	YES
5.2	Sydney Drinking Water Catchment	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	-	-
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	-	-
5.7	Central Coast (Revoked 10 July 2008)	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A

### Justification for inconsistency

N/A

## 6 Local Plan Making

	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	NO	N/A

### Justification for inconsistency

Nil.

## 7 Metropolitan Planning

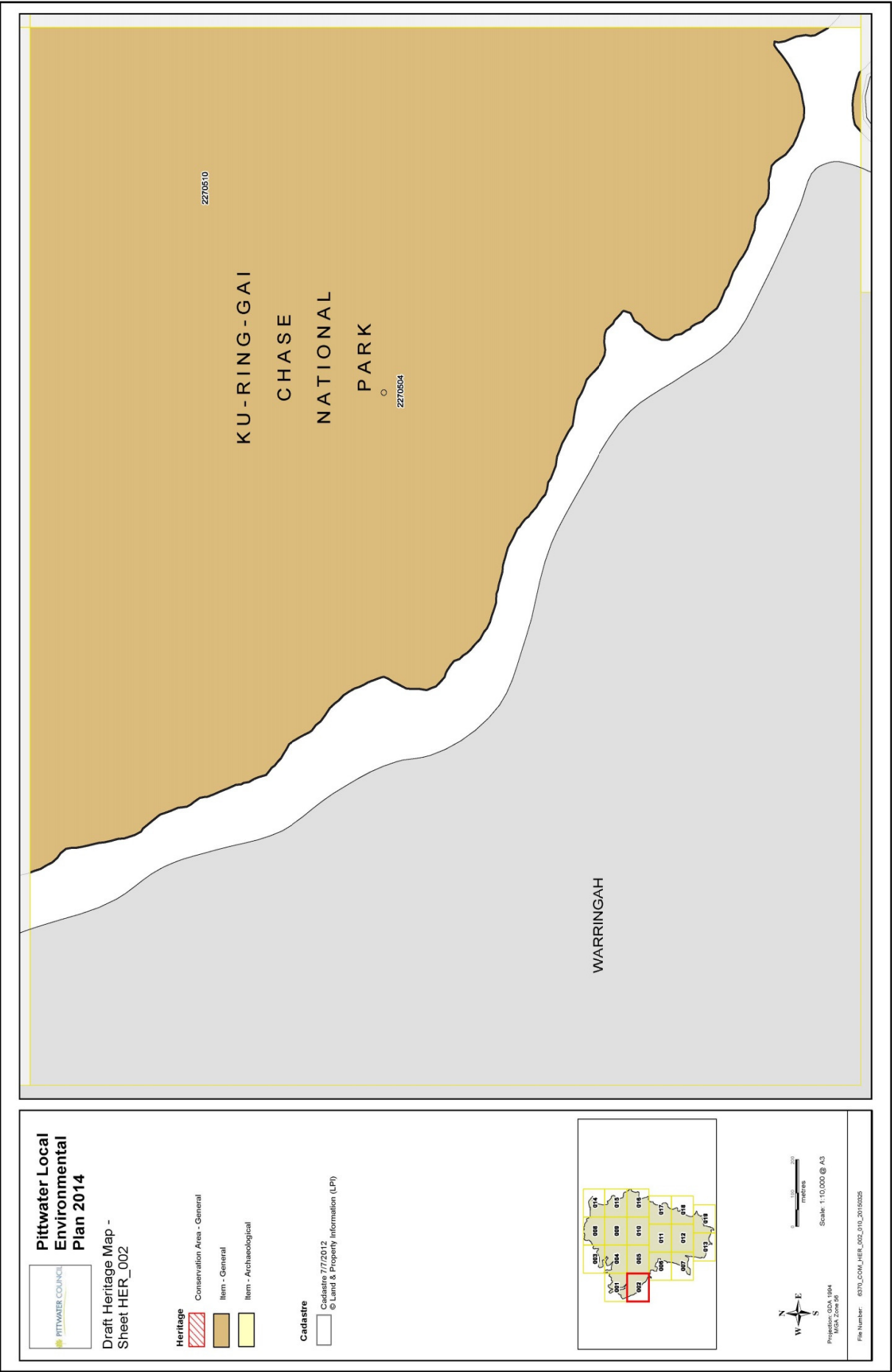
	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES

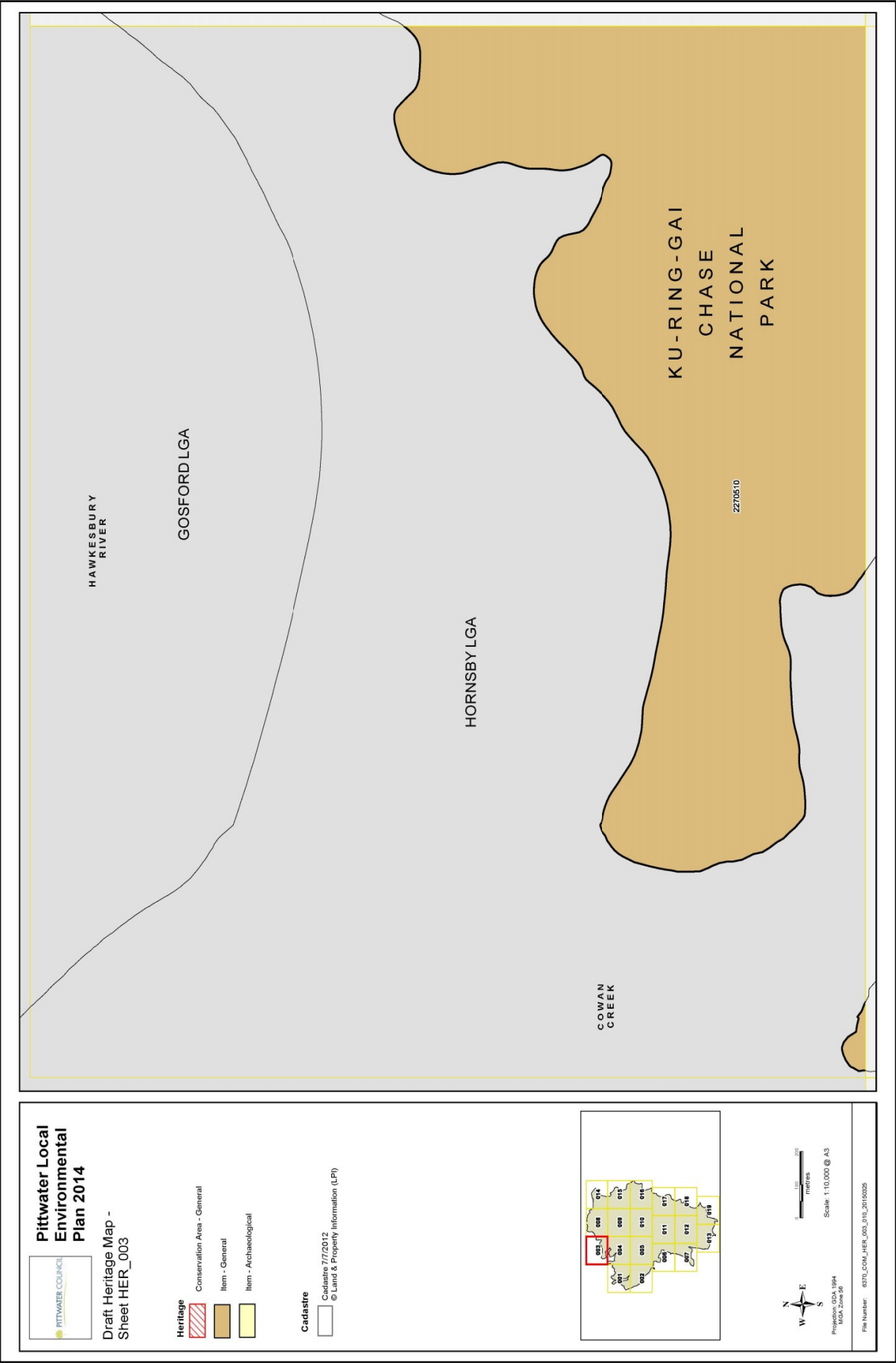
### Justification for inconsistency

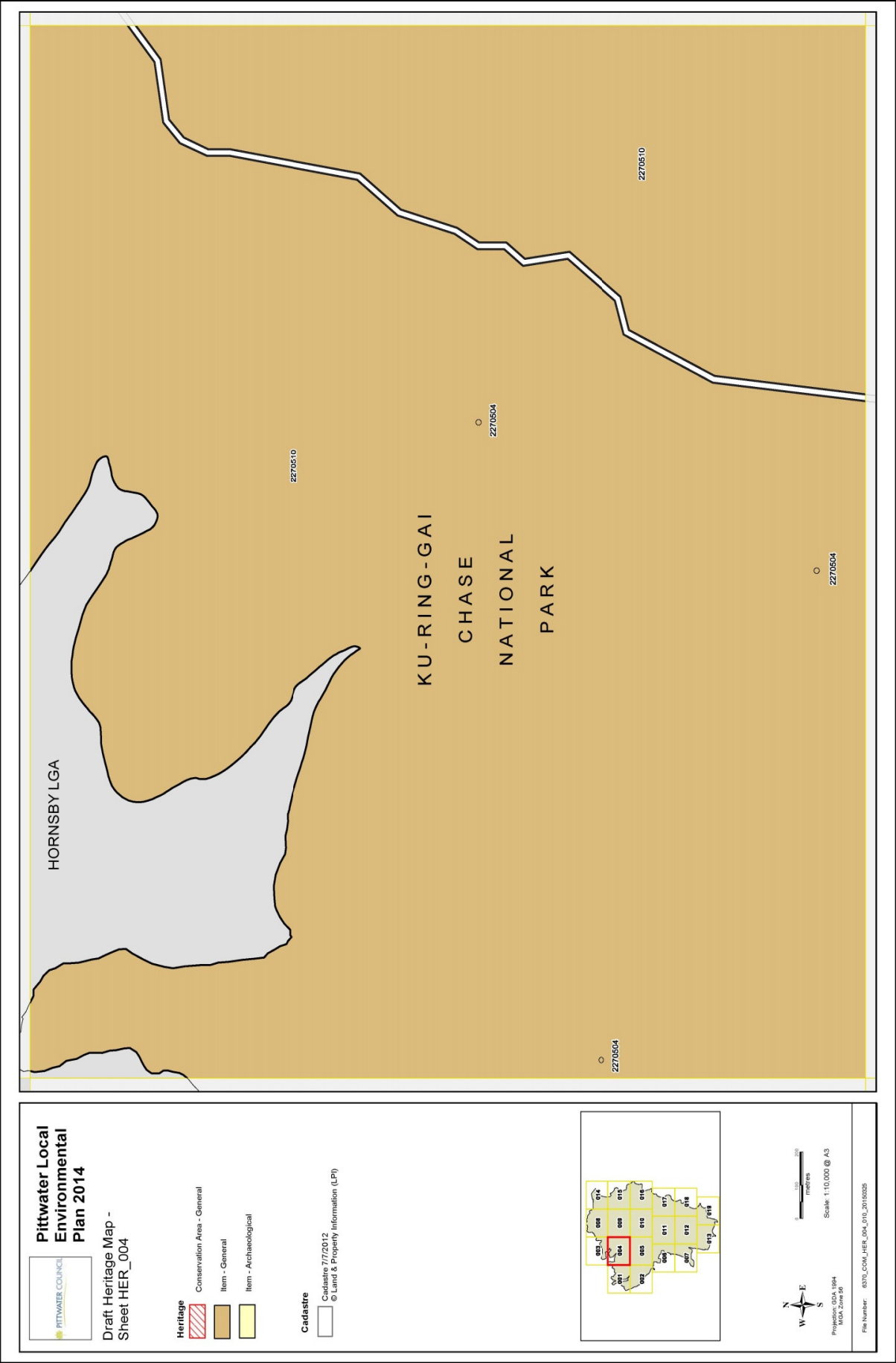
Nil.

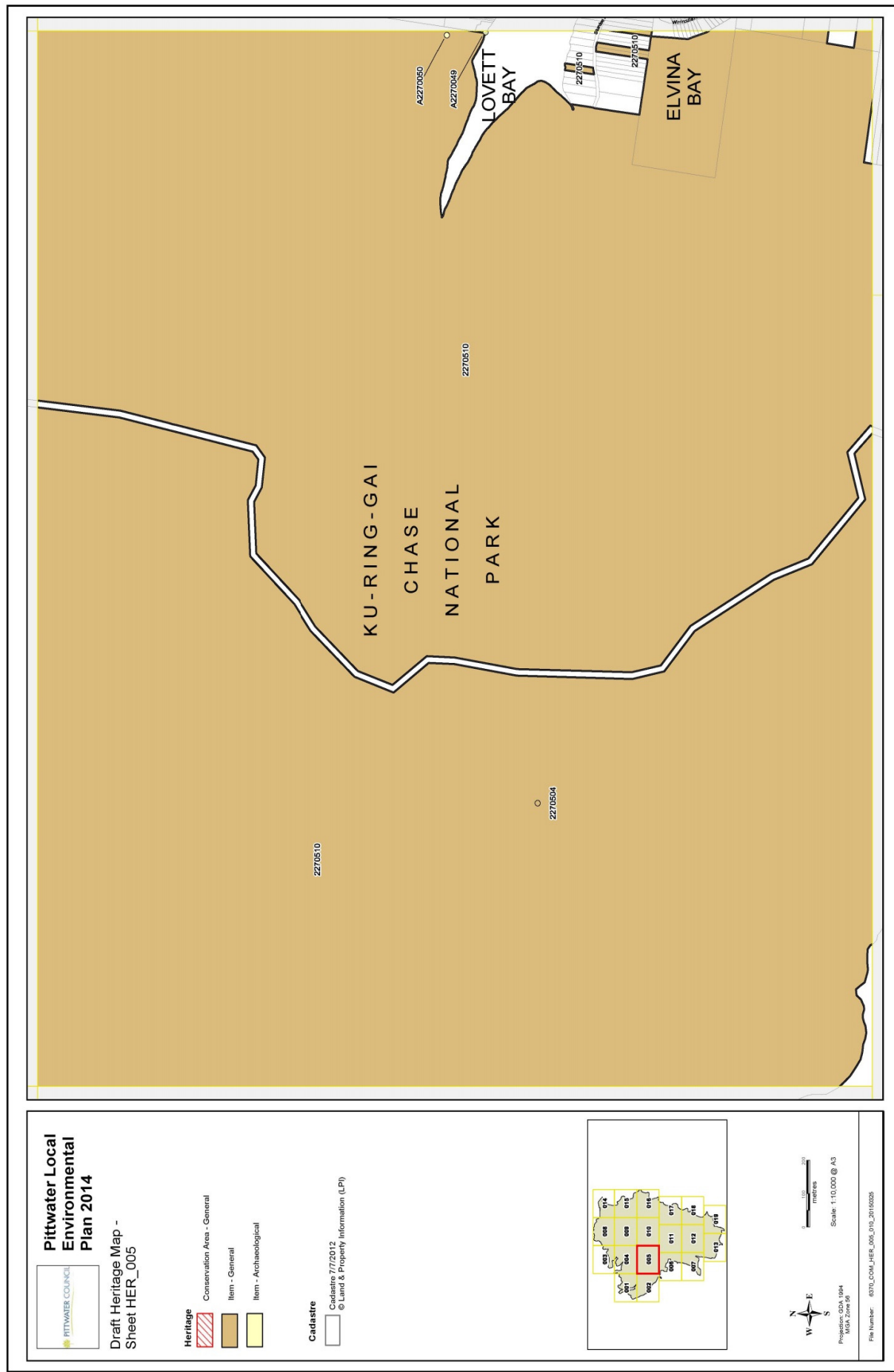
## Appendix 3: Proposed Heritage Maps





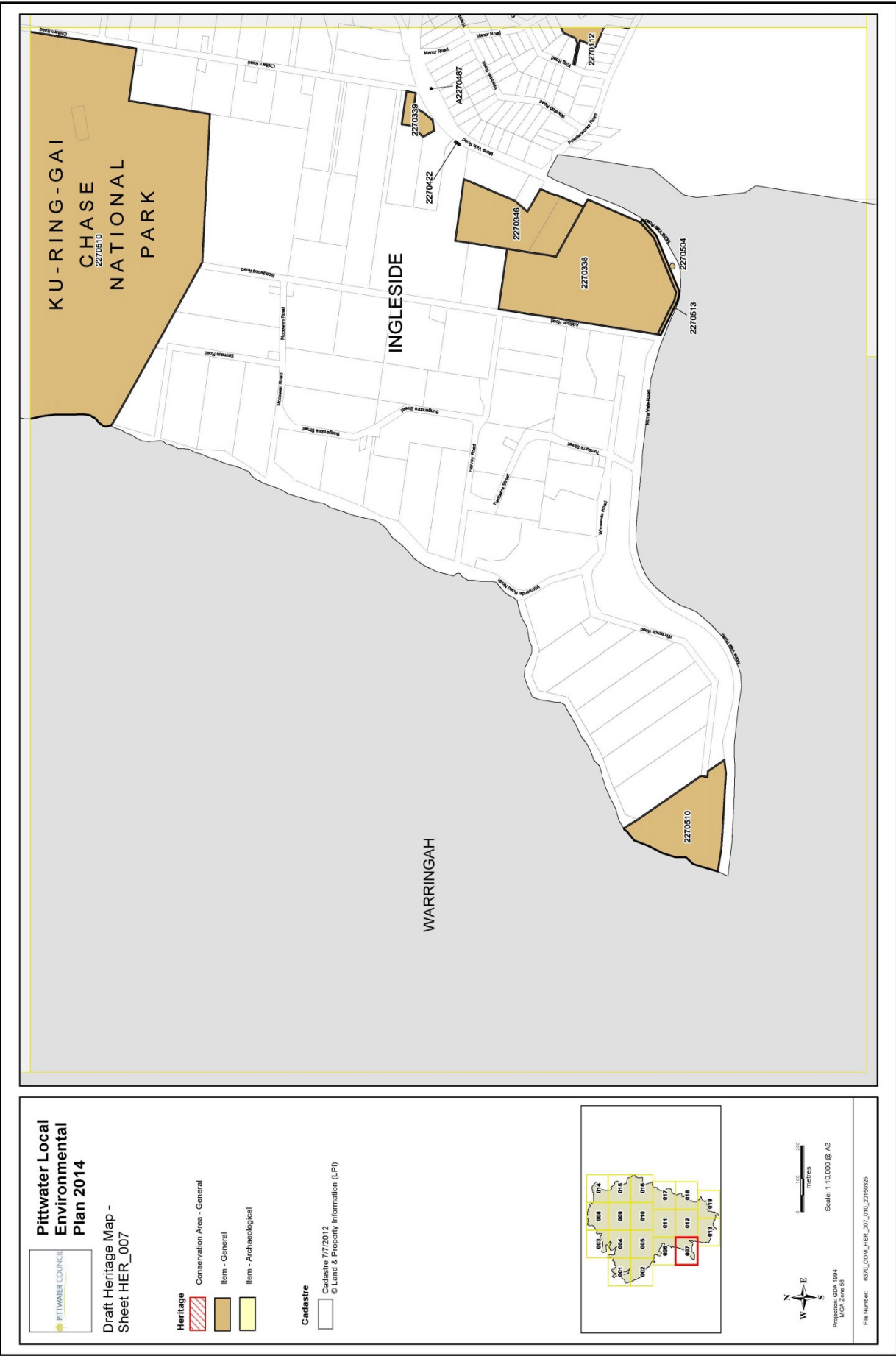


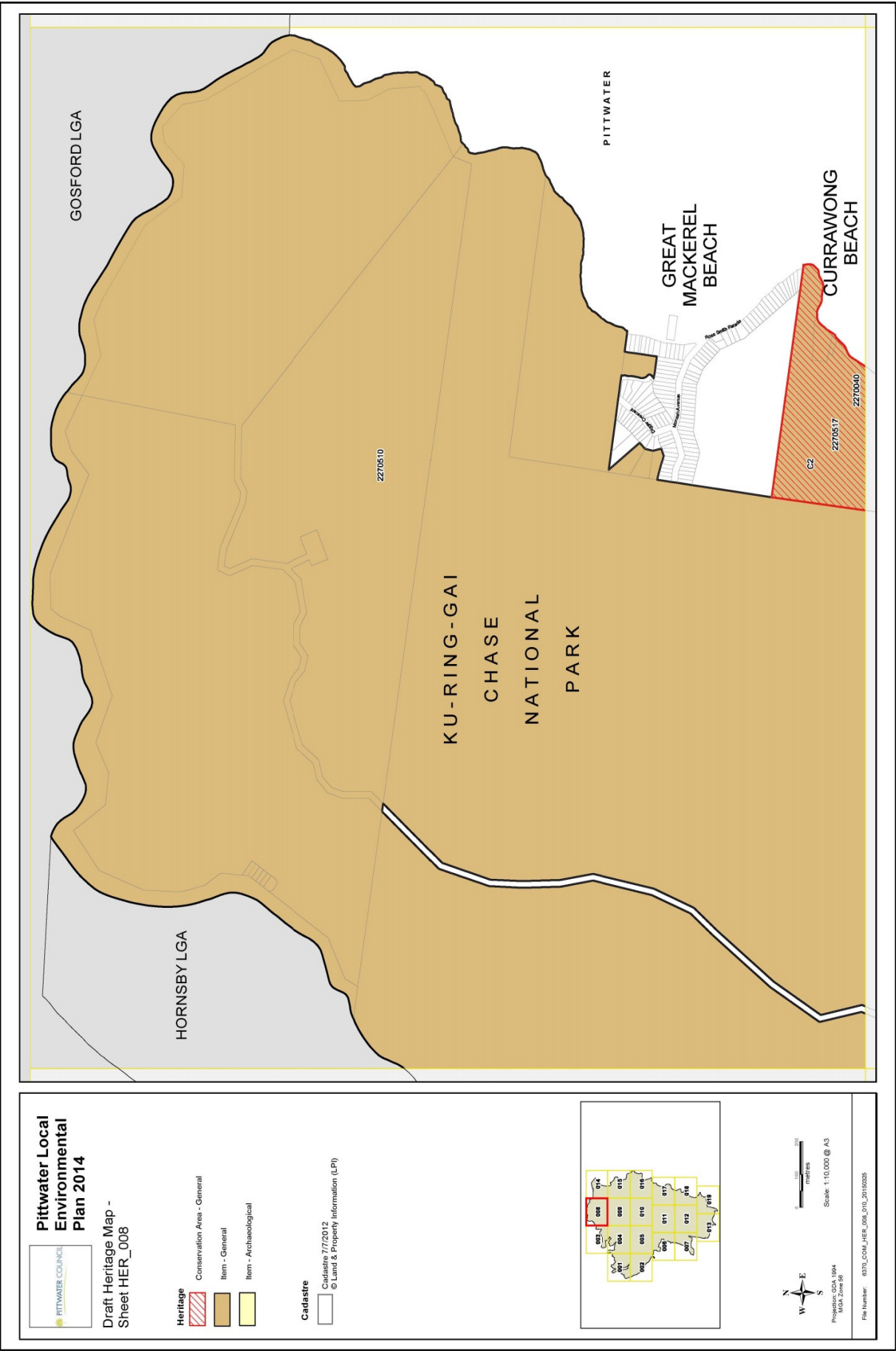


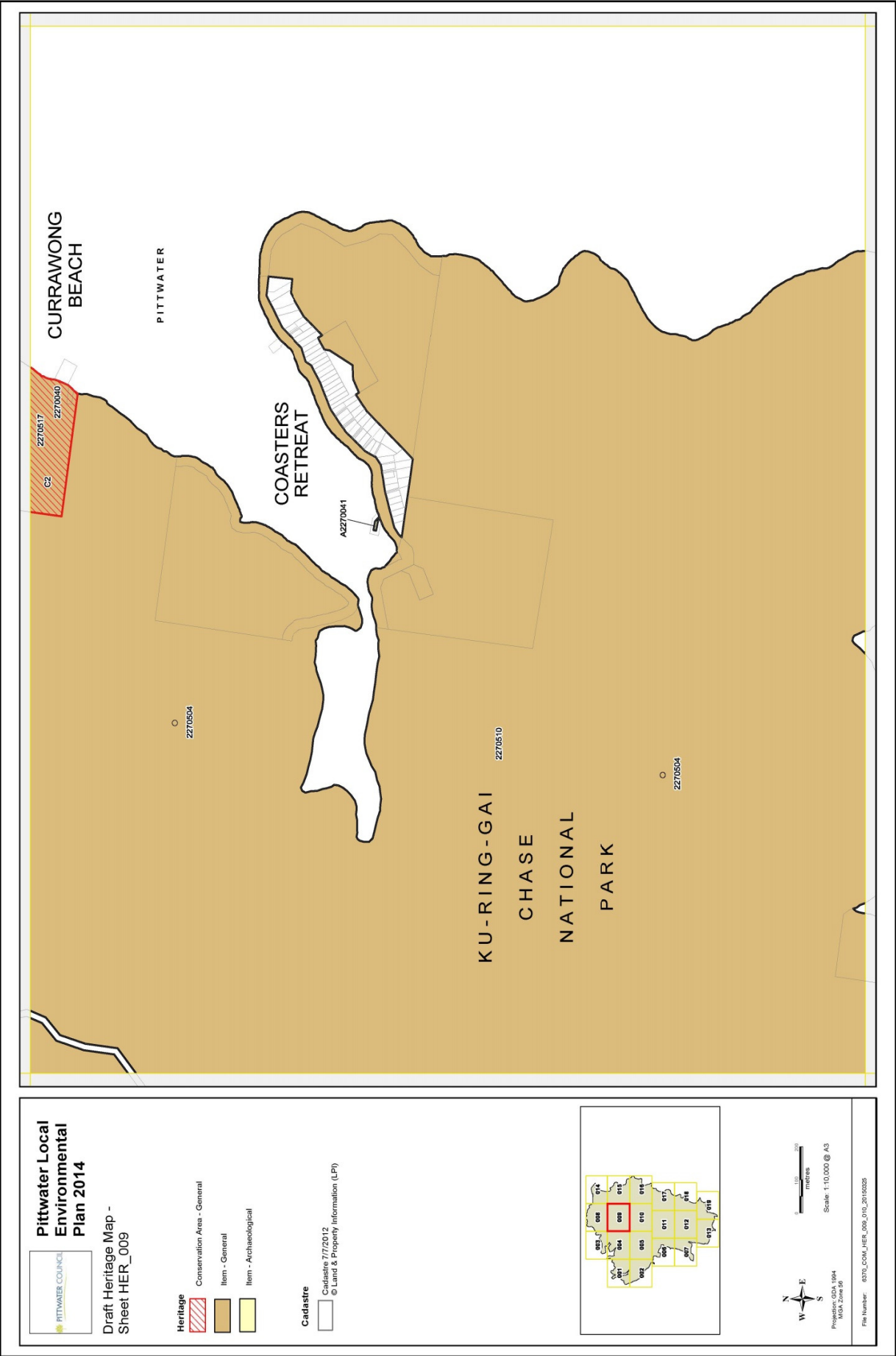


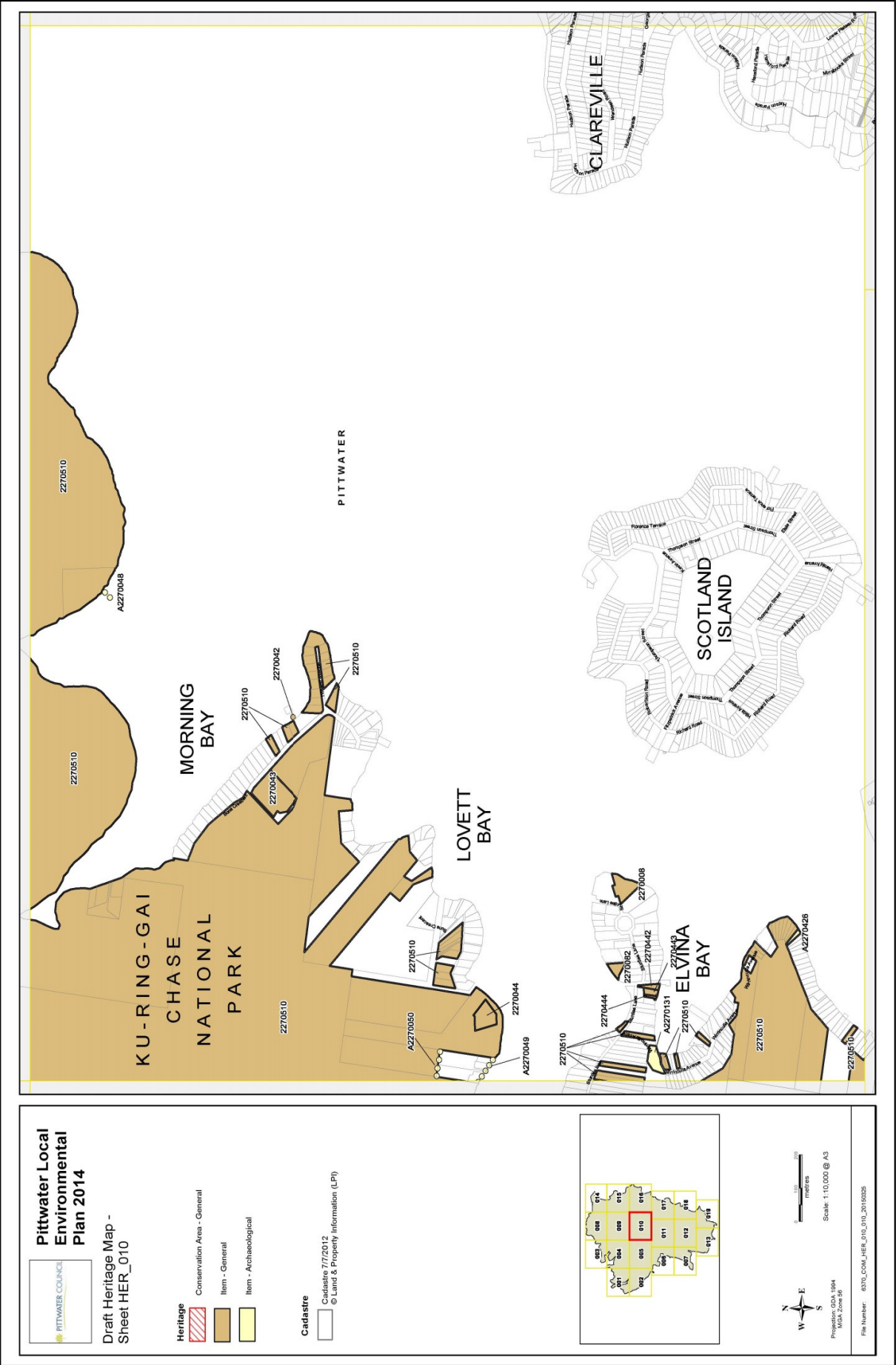




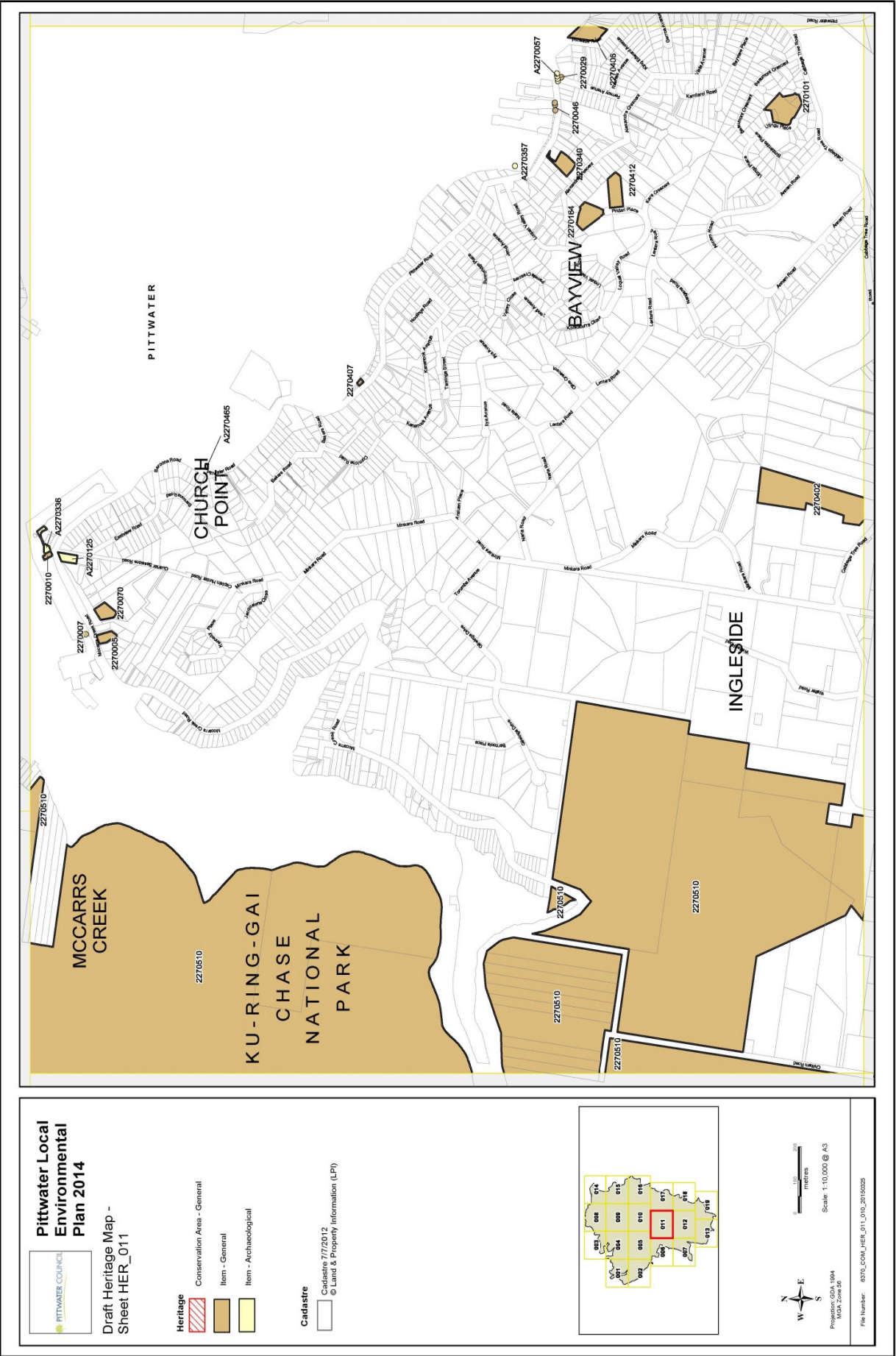






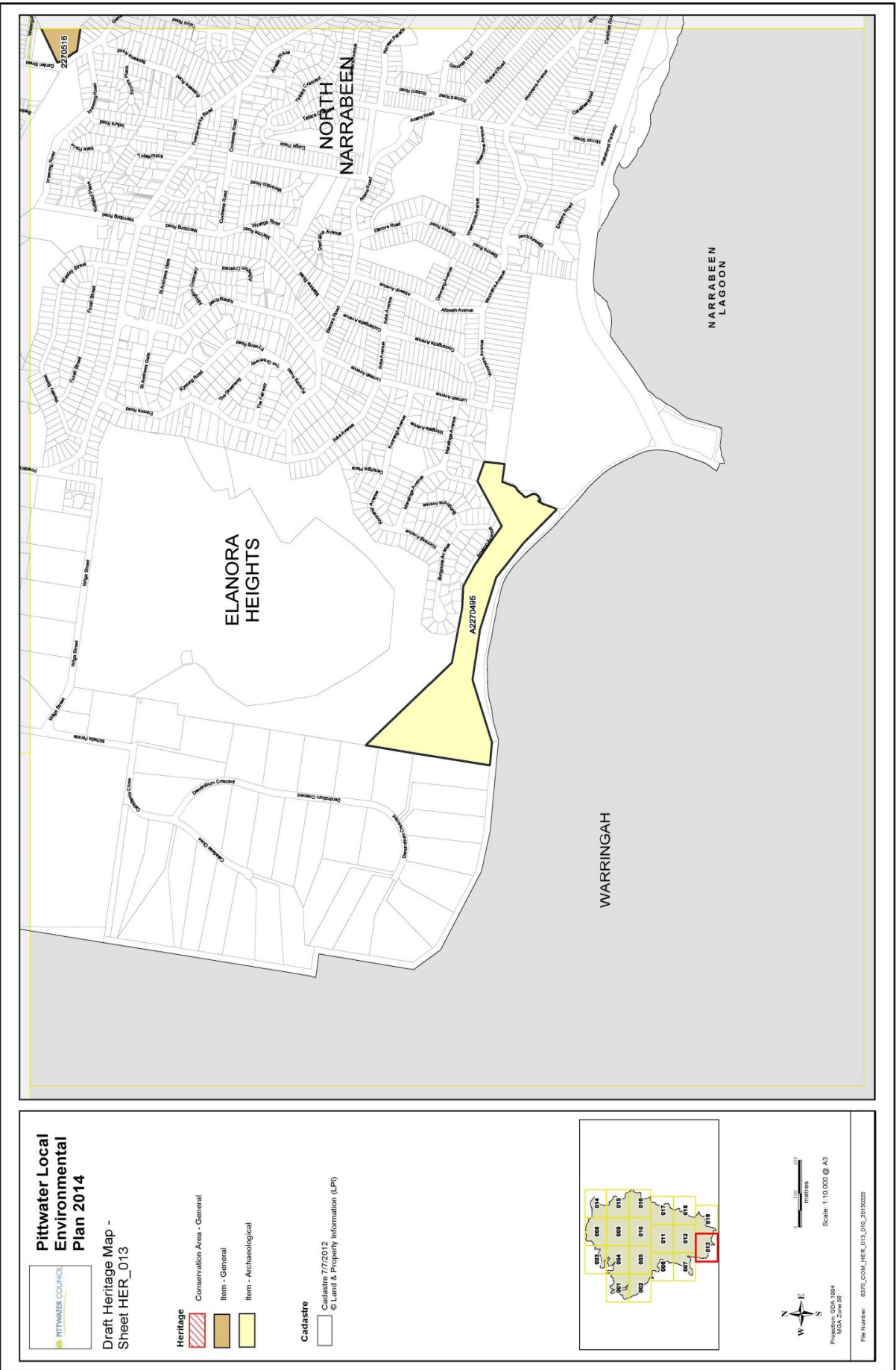




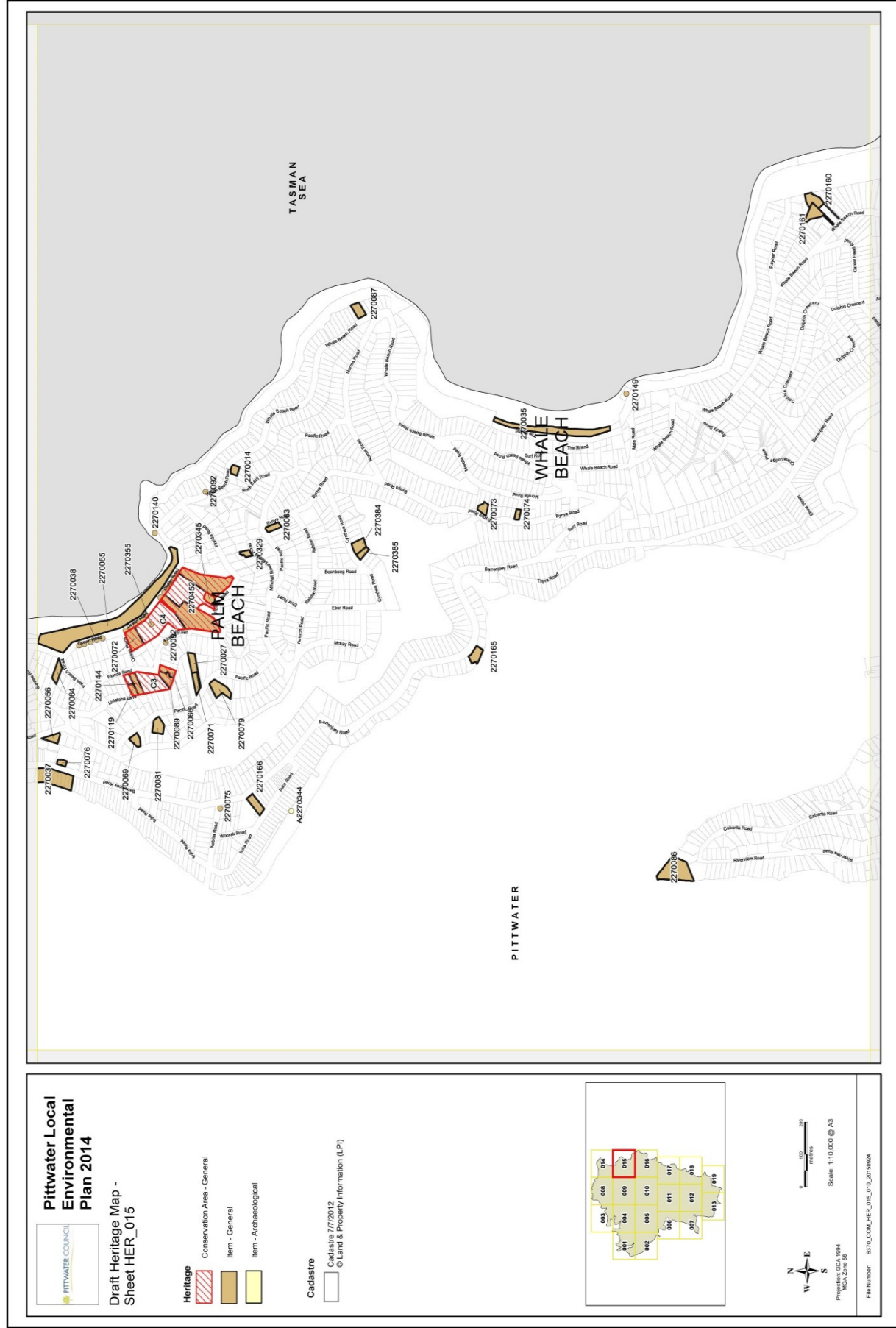




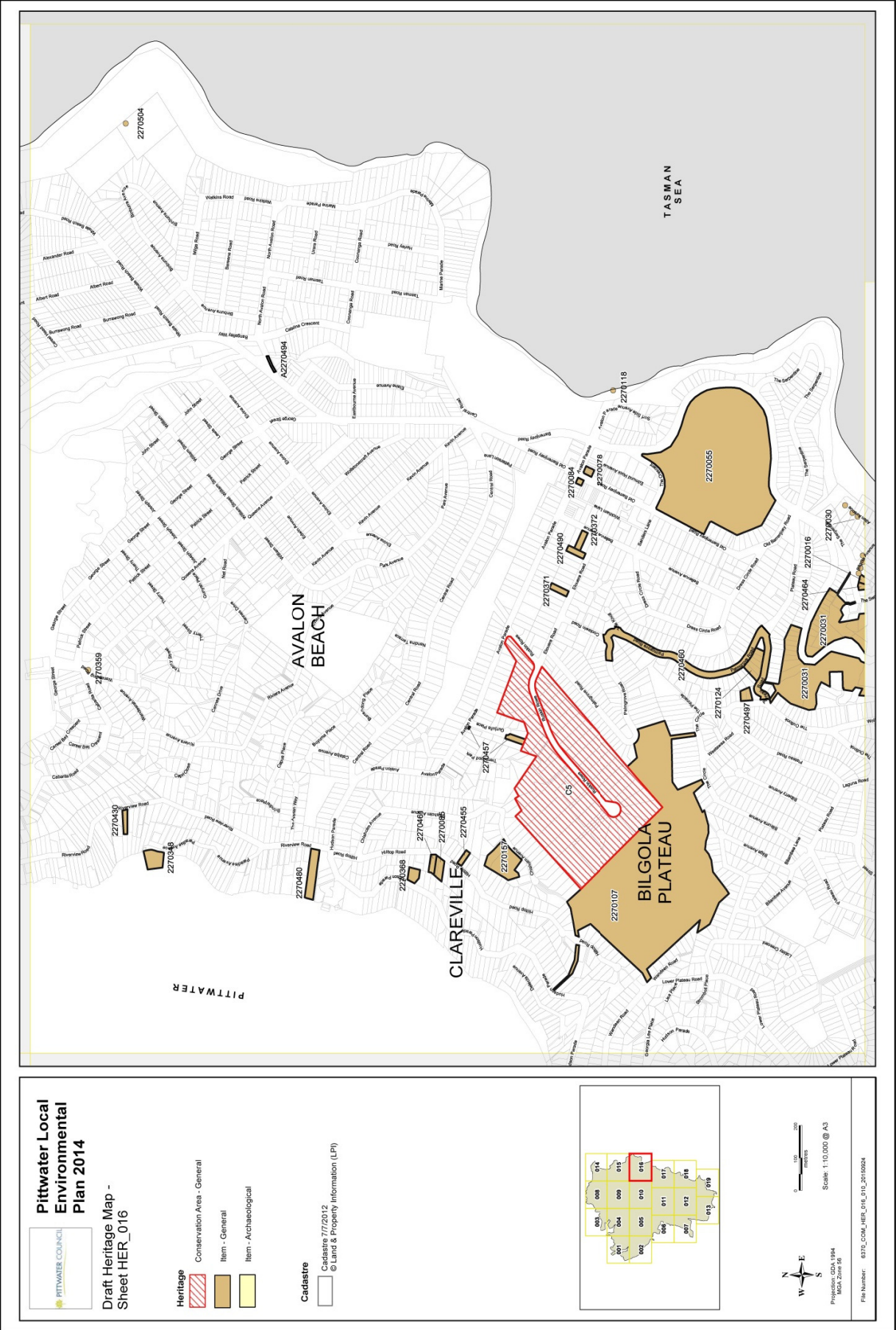


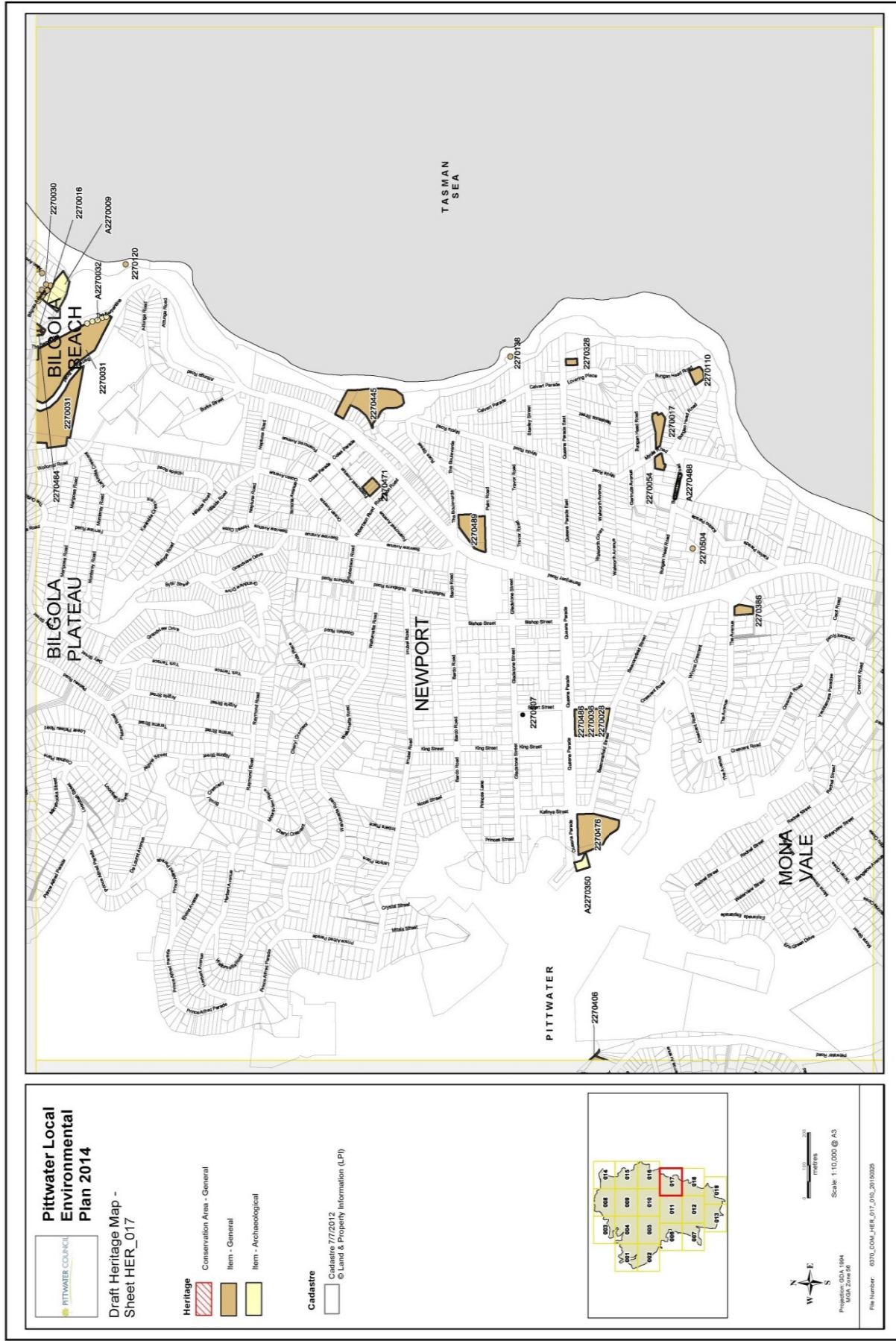




















**Planning &  
Environment**

Mr Mark Ferguson  
General Manager  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

Contact: James Sellwood  
Phone: (02) 8575 4122  
Email: [james.sellwood@planning.nsw.gov.au](mailto:james.sellwood@planning.nsw.gov.au)  
Postal: GPO Box 39 SYDNEY NSW 2001

Our ref: PP\_2015\_PITTW\_001\_00 (15/07217)  
Your ref: PP0001/15

Dear Mr Ferguson

**Planning proposal to amend Pittwater Local Environmental Plan 2014**

I am writing in response to your Council's letter dated 27 April 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend Schedule 5 and the Heritage Maps of Pittwater Local Environmental Plan 2014.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

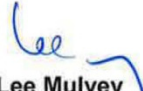
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr James Sellwood of the Department's Metropolitan (CBD) branch to assist you. Mr Sellwood can be contacted on (02) 8575 4122.

Yours sincerely

  
Lee Mulvey  
Director, Metropolitan (CBD)  
Planning Services

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template

**Department of Planning and Environment**  
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6445 | [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)





## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_PITTW\_001\_00): to amend Schedule 5 and the Heritage Maps.**

I, the Director, Metropolitan (CBD) at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Pittwater Local Environmental Plan 2014 update Schedule 5 Environmental Heritage and the Heritage Maps should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
2. The Pittwater Community Based Heritage Study Review (2015) should be placed on public exhibition with the planning proposal.
3. The planning proposal is to be updated to clearly demonstrate the need for the listing of Ku-ring-gai Chase National Park, and how this would operate in conjunction with the provisions of the *National Parks and Wildlife Act 1974*.
4. Consultation is required under section 56(2)(d) of the Act with the following divisions within the Office of Environment and Heritage:
  - Heritage; and
  - National Parks and Wildlife Service

Each division is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

The divisions may request additional information or additional matters to be addressed in the proposal. The planning proposal is to be revised to address any submissions from these divisions, and copies of all submissions must be included with the revised proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 29<sup>th</sup> day of May 2014.

  
Lee Mulvey  
Director, Metropolitan (CBD)  
Planning Services  
Delegate of the Minister for Planning

PITTWATER PP\_2015\_PITTW\_001\_00 (15/07217)



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Pittwater Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_PITTW_001_00	Planning proposal to amend Schedule 5 and the Heritage Maps.

In exercising the Minister's functions under section 59, the Council must comply with the Department's 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Dated 29 May 2015

  
**Lee Mulvey**  
**Director, Metropolitan (CBD)**  
**Planning Services**  
**Delegate of the Minister for Planning**

## Planning Proposal to amend Schedule 5 and the Heritage Maps of Pittwater Local Environmental Plan 2014

### Reporting template for delegated Local Environmental Plan amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2015_PITTW_001_00
Date Sent to Department under s56	29/04/2015
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information:

## ATTACHMENT 3

Summary of submissions received during the public exhibition of Planning Proposal PP0001/15 to amend Schedule 5 and the Heritage Map of Pittwater LEP 2014 and amend Pittwater 21 DCP B1 Heritage Controls.

No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
1	Maybank House and Plaque, 1945 Pittwater Road, Bayview	25 June 2015 & 26 July 2015	<ul style="list-style-type: none"> <li>Only a small section of the house resembles the original sandstone cottage</li> <li>Does not meet the Criteria of Aesthetic Vales, Social Value, Technical / Research Value, Rarity or Representativeness</li> <li>Insufficient to meet the threshold for listing as a heritage item</li> <li>Formerly known as Stoneleigh</li> <li>Opportunity for a new plaque to be updated and located on the sandstone boulder to replace the missing plaque</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment and further to an internal and external site visit the summary response is as follows:</p> <p>(i) While much altered and enlarged, the house still visibly incorporates the Anderson family house which continues to demonstrate the history and association of the family with the locality. An appropriate Conservation Management Plan (CMP) or Conservation Management Strategy (CMS) can define conservation policy for the house, making it evident which parts of its fabric are important. Listing should not in any way complicate future management of the property. Not listing the house will suggest that it has no heritage value and this would clearly be untrue and leave the house at risk, even though it is a substantial sandstone building, rare in the context.</p> <p>(ii) The plaque itself is a modern "plastic" element, recently replacing an earlier metal plaque. Its purpose is important, while its fabric is not.</p>	Retain in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.

No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
2	3 Pindari Place, Bayview	16 July 2015	<ul style="list-style-type: none"> <li>No on-site visit has been conducted.</li> <li>Concerns re: objections dismissed and legal right to object.</li> <li>Impact on owners in terms of liveability, financial implications, property rights.</li> <li>Community aspirations are dictated to by Heritage and conservation groups without respect for the owners of the property.</li> <li>Section 149 certificate indicated no limitations on site and an approved Complying Development Certificate (CDC) has been approved to renovate and demolish property.</li> </ul>	<p>As outlined previously, all nominated properties were inspected from the public domain for the initial assessment. Access to the property was requested on two occasions but a response to these requests was not received. However, internal and external photographs of the house (taken in March 2009) have been provided by the Australian Institute of Architects.</p> <p>All submissions received during all of the consultation periods have been presented in a summary of submissions and due process followed.</p> <p>The services of Council's Heritage Advisor are available to the owners of listed properties to seek pre application advice.</p> <p>Section 149 certificates are only required to specify heritage listings once an item is a draft heritage item. i.e. once an amendment to the Local Environmental Plan (LEP) to incorporate the property as a heritage item has been publicly exhibited.</p> <p>The Section 149 certificate has now been accordingly updated given that the item is now in draft form following the Public Exhibition of Planning Proposal PP0001/15 which closed on 18 July 2015.</p> <p>As the property is now a draft heritage item and an interim Heritage Order has been put in place by NSW Heritage Office, the CDC to demolish cannot be implemented.</p>	<p><b>Retain in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.</b></p>

No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
				An interim Heritage Order (No.125) in respect to Hamilton House was made under the NSW Heritage Act 1977 by the Minister for Heritage, which was gazetted on 10 October 2014 (Government Gazette, Number 118). This is indication of the property's heritage significance for architectural works of Peter Muller.	
3	524 Barrenjoey Road, Avalon	17 & 25 July 2015	<ul style="list-style-type: none"> <li>Not a Spanish Mission style house – no trace of a Californian or Spanish influence</li> <li>Does not possess any particular architectural merit</li> <li>Is of significance as one of the first houses built in the subdivision to the east of the Avalon Golf Course</li> <li>Wrought iron work to the front elevation was not present in 1935 photo but metal work appears in second undated photo. Not present on purchase</li> <li>Revised SHI form submitted</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment and further to an internal and external site visit the summary response is as follows:</p> <p>(i) While of some interest for its history and design, and for its construction and evolution over time, the building does not demonstrate a significance considered to merit listing within the LEP.</p> <p>(ii) It does not, on close inspection, demonstrate the features or formal qualities attributed to it in the draft heritage inventory entry</p>	Delete from the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.
4	Andriesse House, 25 Waterview Road, Mona Vale	11 August 2015 dated 8 September 2014	<ul style="list-style-type: none"> <li>'Critical key architectural and aesthetic components that defined much of Baldwinson's residential works were never achieved'</li> <li>'The Modernist flat form roof, so relevant in demonstrating a change in design philosophy and construction technology, was never achieved...'</li> <li>Only 20% of the structure now being suspended contrary to original plans</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment with the summary response as follows:</p> <p>(i) This is an important work of an important Australian architect. While it now appears modest, it was in its day, an innovative and modern design.</p> <p>(ii) While altered in some areas, the significance and integrity of the house appear to remain high, and its condition and presentation are both considered capable of improvement through carefully planned conservation works.</p>	Retain in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.



No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
			<ul style="list-style-type: none"> <li>Andriesse House is not one of Baldwinson's houses built to its purest / original form</li> <li>Does not merit historical or heritage significance</li> <li>Additional concerns re: financial implications of listing</li> </ul>	<p>(iii) The building should be listed and managed as a place of heritage value. A CMS or CMP could easily facilitate this.</p> <p>Access for the purpose of this review was sort but could not be arranged.</p>	
5	RMS - all affected sites.	27 July 2015	<ul style="list-style-type: none"> <li>No objection raised subject to:               <ol style="list-style-type: none"> <li>Widening reservation not included within the new listing.</li> <li>Existing items which contain existing road widening reservations within the listing are to ensure that the integrity of the widening reservations are maintained.</li> <li>Roads and Maritime easements are not included within the new listing.</li> </ol> </li> </ul>	<p>A response to the RMS submission received has been sent to outline the status of the draft items.</p> <p>Draft heritage items have due weight attached in accordance with S79C(ii) of the EP&amp;A Act 1979.</p> <p>The response sent to RMS sets out that any impact on the draft heritage items will need to be fully addressed in a Heritage Impact Statement.</p> <p>Previous correspondence with RMS regarding the notification of nomination of public assets as part of the CBHS in July 2013; notification of the Public exhibition of the CBHS in August 2014 and notification of the Public exhibition of PP0001/15 in June 2015 is also referred to in the letter.</p> <p>Recommendation 8 of the Community Based Heritage Study, which was adopted and endorsed by Council on 20 April 2015, is to ensure that Council and the local community have adequate access to heritage focussed education, management and promotion through information sessions and publications.</p>	<p>Retain draft items in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.</p>
6	Seidler House, 153 Queens Parade East, Newport	22 July 2015	<ul style="list-style-type: none"> <li>Submission received set out that owners of Heritage listed properties should be informed about the status of their properties and provided new information which may be useful.</li> </ul>		<p>Retain draft items in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.</p>

No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
				The implementation strategy for the CBHS recommendations currently being prepared includes the preparation of a range of heritage information publications. The information will include details of a local heritage fund which Council staff are in discussions with the NSW Heritage Office in relation to funding.	Prepare heritage information publication and details of a local heritage fund as already adopted and endorsed as part of recommendations 17 and 20 of the CBHS Review 2015.
7	Newport Arms Hotel	17 July 2015	<ul style="list-style-type: none"> <li>The physical fabric of the Hotel, both interior and exterior, is not in the listing.</li> <li>Only the social significance of the Hotel is proposed for heritage listing.</li> <li>The listing should explicitly exclude the Hotel's physical fabric, both interior and exterior.</li> <li>The listing in Schedule 5 of the LEP should read as follows: "Newport Arms Hotel (excluding the interior and exterior physical fabric of the Hotel building, all ancillary buildings and structures, including walls and fences, and the gardens and grounds of the Hotel".</li> </ul>	<p>City Plan Heritage were consulted with regard to this submission. It is recommended that the SHI form be amended to clarify that it is the social significance of the site rather than the built form that is of value.</p> <p>In the Statement of Significance it is noted that the physical fabric including the exterior and interiors of the hotel building are not included in the listing.</p>	<p>Retain draft item in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.</p> <p>Amend the SHI form as recommended by City Plan Heritage on 1 October 2015.</p>
8	Peter and the Bullock, 1667 Pittwater Road, Mona Vale	3 July 2015	<ul style="list-style-type: none"> <li>Statue has deteriorated with parts of the bullock's legs no longer retaining ferro cement to the reinforcing</li> <li>Cage removed</li> <li>Statue has been relocated into storage shed to avoid vandalism</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment and further to a site visit the summary response is as follows:</p> <p>(i) the statue had deteriorated to an advanced, unknown extent such that attempts by the owner to move it resulted in collapse. The statue has now effectively been lost.</p> <p>(ii) Elements (the head of the boy, the head of the bullock) might be worthy of retention and capable of stabilisation for display in a protected environment eg. Council's local history collection at Council's Library.</p>	Delete from the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.



No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
9	Lot 1 Jubilee Avenue / 8 Forest Road, Warriewood	17 July 2015	<ul style="list-style-type: none"> <li>The item was passed over for inclusion in the final list of 49 nominations of listing in the LEP</li> <li>Request reconsideration or interim heritage order</li> <li>Submission included reference to the heritage significance of the property</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment and further to an internal and external site visit the summary response is as follows:</p> <ul style="list-style-type: none"> <li>(i) This is an unusual, substantial house for its time, set in a once remote location.</li> <li>(ii) It appears in a reasonable condition with a high retained integrity.</li> <li>(iii) The retention of the building, in an appropriate setting and curtilage, could be compatible and manageable within the intended development future of its context.</li> <li>(iv) Conservation policies for its repair and adaptive re-use as a contemporary residence could be set out in a simple CMS or CMP.</li> </ul>	<p>Unfortunately, this property cannot be included for listing within this Planning Proposal given late assessment.</p> <p>This item will be added to the late nominations list for subsequent consideration in the future.</p>
10	Newport Public School	16 July 2015	<ul style="list-style-type: none"> <li>The department has no objections to the inclusion of the School's bell and foundation stone in Schedule 5 of the Pittwater LEP 2014.</li> <li>The Hoop Pine currently included in Schedule 5 of the LEP was removed in 2014 due to the condition of the tree and public safety.</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment with regard to the removal of the existing Heritage Item – Hoop Pine SHI form no. 2270036 from Schedule 5 of the LEP.</p> <p>A site visit was conducted on 19 August 2015 and it was found that the Hoop Pine had not been removed from site. However, the Bunya Pine was felled following safety concerns arising from the annual fall of heavy seed cones. Reference to the Bunya Pine has been removed from the item name and description of SHI form no: 2270028 of the existing heritage items.</p> <p>A letter has been sent to NSW Department of Education to inform them of the due process with regard to heritage listed items.</p>	<p>No further action required.</p>

No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
11	Adnam House, 2 Elouera Road, Avalon	25 July 2015	<ul style="list-style-type: none"> <li>Expressed concern with finding significance with the Architect rather than the item</li> <li>A thorough assessment of the place has not been carried out</li> <li>Statement of significance is generic</li> <li>Considered that the item would be likely to fall below the threshold for listing if a detailed analysis could be carried out</li> <li>Extensive changes have taken place</li> <li>The house retains its form and use of materials when viewed from the street</li> <li>Recommended that the item be placed on an interim list and subject to further assessment</li> </ul>	<p>Referred to Council's Heritage Advisor for assessment and further to an internal and external site visit the summary response is as follows:</p> <p>(i) This is an important work of an important Australian architect. As with the Andriess house, while it now appears modest, it was in its day, an innovative and modern design, seriously regarded by its architect author.</p> <p>(ii) The house has been altered in many areas, but the core significance and integrity of the house appear to remain, and is capable of interpretation.</p> <p>(iii) Its condition and presentation are both considered capable of improvement through carefully planned conservation works.</p> <p>(iii) The building should be listed and managed as a place of heritage value. A CMS or CMP could easily facilitate this.</p>	<p>Retain in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.</p>
12	All sites – Response from NSW Heritage Division		<ul style="list-style-type: none"> <li>No objection to the inclusion or removal of items of local heritage significance.</li> <li>The listing of heritage items and archaeological sites in Schedule 5 of the Pittwater LEP 2014 will provide these places of heritage significance with statutory protection to assist with their conservation and management.</li> <li>No objection is raised to the updating of the four heritage items of state significance provided the item names are consistent with that of the State Heritage Register to avoid confusion.</li> </ul>	<p>The item names of the four heritage items of state significance have been checked for consistency.</p>	<p>Retain all sites as previously recommended with the exception of the amendments listed in this summary of submissions and change the item name of Stella James House and Reserve to "Walter Burley Griffin Lodge (Stella James House and Reserve) to comply with the requirements set out in the consultation response from the NSW Heritage Division.</p>

No	Item name and Property Address	Date of Submission	Summary of Issues	Response	Recommendation
13	Ku-ring-gai Chase National Park – NSW National Parks and Wildlife Service	7 September	<ul style="list-style-type: none"> <li>No issues with listing Ku-ring-gai Chase National Park in the LEP.</li> <li>Regarding the inclusion of RMS road, NPWS cannot speak on behalf of RMS.</li> </ul>	<p>Consultation response to inclusion of Ku-ring-gai Chase National Park is noted.</p> <p>RMS have been notified of the Public Exhibition and have provided comments as shown in item 5 of this table.</p> <p>However, all roads within Ku-ring-gai Chase National Parks are local roads under the jurisdiction of NPSW not RMS.</p>	<p>Retain Ku-ring-gai Chase National Park in the Planning Proposal PP0001/15 to be included in Schedule 5 and the Heritage Maps of the Pittwater LEP 2014.</p> <p>Retain the inclusion of the roads within Ku-ring-gai Chase National Park in the Planning Proposal PP0001/15 to be included in the Heritage maps of the Pittwater LEP 2014.</p>

## **Draft Pittwater 21 Development Control Plan (DCP) heritage controls**

### **B1.1 Heritage Conservation – Heritage items, heritage conservation areas and archaeological sites listed in Pittwater Local Environmental Plan 2014**

#### **Land to which this control applies**

- Land on which a heritage item, heritage conservation area or archaeological site is located, and that is listed in Schedule 5 and shown on the Heritage Maps in the Pittwater Local Environmental Plan 2014

#### **Uses to which this control applies**

- All Uses

#### **Outcomes**

Conservation of the environmental heritage of Pittwater in accordance with the principles contained in the *Burra Charter*.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage design that responds appropriately to their character.

Development that is respectful of environmental heritage, undertaken in a manner that is sympathetic to, and does not detract unnecessarily from, any identified heritage significance.

Recording of identified cultural heritage throughout the development process.

#### **Controls**

##### Heritage Items or Archaeological Sites

Any development application involving work likely to impact the heritage significance of a heritage item or archaeological site is to be accompanied by a Heritage Impact Statement, prepared by an appropriately qualified heritage professional. Guidance on preparing a Heritage Impact Statement (Statement of Heritage Impact) is available at NSW Office of Environment & Heritage in the NSW Heritage Manual or superseding publication.

Alterations and additions to buildings and structures, and new development of sites containing a heritage item or archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Development on land containing a heritage item or archaeological site is to minimise the impact on the setting of the item or site by providing an adequate buffer zone where appropriate, and maintaining and respecting significant views to and from the heritage item or archaeological site.

Fencing and gates that are complementary to a heritage item should be retained, particularly those constructed from sandstone and are significant or represent important character elements for a locality.

New fencing and gates to a heritage item are to be compatible with the style and scale of the heritage item.

Original face brick or stone surfaces are not to be painted nor rendered.

Garages and carports are to be located as far behind the front building alignment of a heritage item as possible, if the site conditions allow. Garages and carports ideally should not be attached or integrated with heritage items, but set carefully next to them. Where possible they should not entail alteration of the heritage item to accommodate them, so that the heritage item is not distorted.

The scale and form of any alterations and additions are not to dominate the existing building, especially when viewed from the most significant elevations. New alterations and additions should be consistent with the existing building form with respect to roof shape and pitch, façade articulation, fenestrations, proportions and position of windows and door openings.

Alterations and additions to heritage items should not necessarily attempt to replicate the architectural or decorative detail of the original but be sympathetic and compatible so as to maintain a distinction between old and new in a subtle manner. Alterations and additions should complement a heritage item's existing period style and character. Reconstruction or reinstatement of the original details and finishes is encouraged.

Original roofing materials should be retained wherever possible. New roofing material should match the original as closely as possible in terms of colour, texture and profile.

The materials, finishes and colours used in alterations and additions should complement the heritage item. Modern materials can be used if their proportions and details are harmonious within the surrounding heritage context or with the heritage item.

Colour schemes for heritage buildings should generally be compatible with the particular architectural style and period of the building.

If work associated with a development approval is likely to adversely impact the heritage item, Council requires an archival recording of a heritage item to be prepared by an appropriately qualified heritage professional.

### Heritage Conservation Areas

Development applications in heritage conservation areas, involving work likely to impact the heritage significance of the conservation area, must be accompanied by a Statement of Heritage Impact, establishing and assessing how the significance of the heritage conservation area will be affected by the development.

The existing street pattern that reflects the original subdivision pattern of the estates is to be retained. Development is to respond to the established development patterns of the area as displayed by the subdivision layout, and front and side setbacks.

Distinctive characteristics of the streetscapes including fitting into the unique topography, leafy quality and garden settings is to be retained.

No new intrusive changes or elements will be permitted in the heritage conservation areas, including high, visually impenetrable front fences, painting of face brick façades, removal of original detailing, or unsympathetic alterations and additions.

Development must minimise the visual impact on the surroundings, in particular the landscaped setting.

Development in heritage conservation areas is to be carefully designed to respond to the heritage significance of the heritage conservation area, and to complement the existing character of buildings within the heritage conservation area, particularly the nearby heritage item(s) in terms of height, massing, form, bulk, setbacks, scale and detailing. Solid to void ratios of elevations are to be similar to those of nearby buildings with heritage significance.

Where there are uniform levels or setbacks within the streetscape, development is to be consistent with the levels and setbacks of the adjoining buildings.

Development is not to obscure existing significant views to and from heritage items.

Contemporary design for new houses and for alterations and additions is acceptable and encouraged as long as it respects its context and achieves a cohesive relationship with historically and architecturally significant existing fabric.

The materials and finishes of new houses are to be compatible with the materials and finishes of adjoining buildings of heritage significance. They must be similar to, but should not copy, the characteristic materials, finishes, textures and colours of the buildings of heritage significance within the streetscape. Contemporary materials may be used where their proportions, detailing and quantities are consistent with the existing and desired future character of the heritage conservation area.

### **Variations**

To help preserve environmental heritage in Pittwater, Council may consider varying other controls within this DCP to help preserve the significance of heritage items and heritage conservation areas.

### **Advisory Notes**

Section 5.10(3) of Pittwater LEP 2014 includes provisions for minor work or maintenance work to proceed without receiving development consent.

[Refer to Appendix 2](#) for additional information on heritage in Pittwater.

The *Burra Charter* provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

## **B1.2 Heritage Conservation – Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites**

### **Land to which this control applies**

- Land within the vicinity of a heritage item, heritage conservation area or archaeological site that is listed in Schedule 5 and shown on the Heritage Maps in the Pittwater Local Environmental Plan 2014

### **Uses to which this control applies**

- All Uses

### **Outcomes**

Conservation of the environmental heritage of Pittwater LGA in accordance with the principles contained in the *Burra Charter*.

Enhancement of the identified heritage values and significant character of the heritage conservation areas and encourage contemporary design that responds appropriately to their character.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

### **Controls**

Any development application involving work likely to impact the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site is to be accompanied by a Statement of Heritage Impact prepared by an appropriately qualified heritage professional. Guidance on preparing a Heritage Impact Statement (Statement of Heritage Impact) is available at NSW Office of Environment & Heritage in the NSW Heritage Manual or superseding publication.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to be designed to respect and complement the heritage significance in terms of the building envelope, proportions, materials, colours and finishes, and building alignment.

Developments in the vicinity of a heritage item, heritage conservation area, archaeological site or potential archaeological site are to minimise the impact on the heritage significance by providing an adequate buffer zone, and maintaining and respecting significant views to and from the heritage item, heritage conservation area, archaeological site or potential archaeological site.

### **Variations**

Nil.

### **Advisory Notes**

[Refer to Appendix 2](#) for additional information on heritage in Pittwater.

The *Burra Charter* provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.

## **B1.3 Heritage Conservation – General**

### **Land to which this control applies**

- Land on which there are no heritage items, heritage conservation areas or archaeological sites and is not in the vicinity of a heritage item, heritage conservation area or archaeological site.

### **Uses to which this control applies**

- All Uses

### **Outcomes**

Conservation of the environmental heritage across Pittwater LGA in accordance with the principles contained in the *Burra Charter*.

Enhancement of the existing heritage values and encouragement of contemporary design that responds appropriately to their context.

Development respectful of environmental heritage undertaken in a manner that is sympathetic to, and does not detract from, any heritage significance.

### **Controls**

If a property, the subject of a development application, is identified as possibly meeting any of the criteria for heritage listing (encompassing the four values of the *Burra Charter*, being historical, aesthetic, scientific and social significance) then additional independent information on the potential heritage significance may be requested. If the property meets the criteria for heritage listing then development control B1.1 of this DCP will apply.

### **Variations**

Nil.

### **Advisory Notes**

[Refer to Appendix 2](#) for additional information on heritage in Pittwater.

The Burra Charter provides guidance for the conservation and management of places of cultural significance and is published by Australia ICOMOS Incorporated.



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**Council Meeting**

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**13.0          Adoption of Leading and Learning Committee  
Recommendations**

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**14.0          Adoption of Sustainable Towns and Villages Committee  
Recommendations**

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