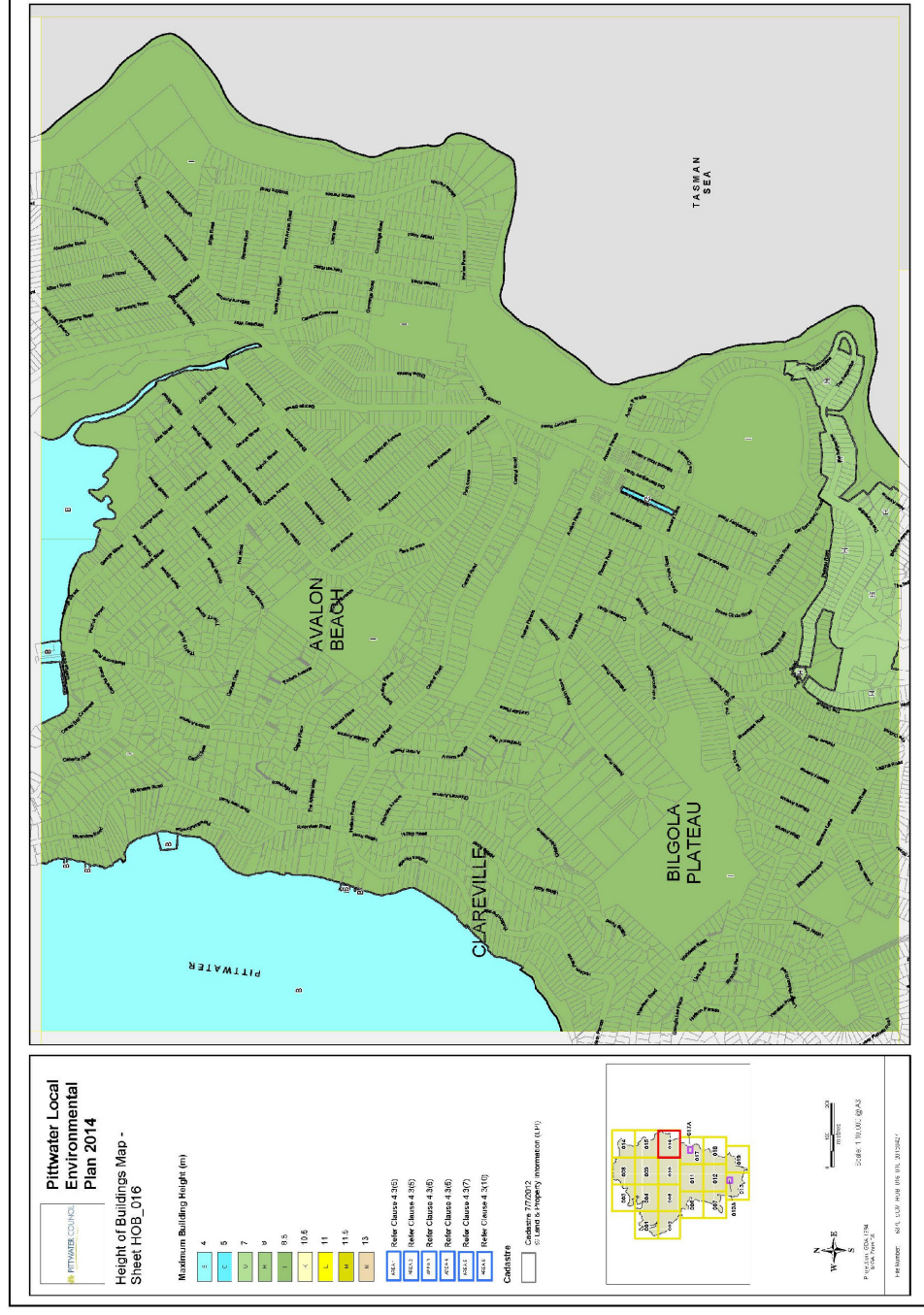


Attachment 4.26





**Pittwater Local Environmental Plan 2014**  
**Height of Buildings Map - Sheet HOB\_017A**

**Maximum Building Height (m)**

4
6
7
8
8.5
10.5
11
11.5
13

**Rule Classes**

REC	Rule Class 4.3(5)
REC2	Rule Class 4.3(5)
REC3	Rule Class 4.3(5)
REC4	Rule Class 4.3(5)
REC5	Rule Class 4.3(5)
REC6	Rule Class 4.3(5)
REC7	Rule Class 4.3(5)
REC8	Rule Class 4.3(5)

**Cadastre**

Creating 27/2015  
 Local Property Information (LPI)

**Scale** 1:200 (G.A.)

**North Arrow**

**Legend**

**Area 1**

**Area 2**

**Area 3**

**Area 4**

**Area 5**

**Area 6**

**Area 7**

**Area 8**

**Area 9**

**Area 10**

**Area 11**

**Area 12**

**Area 13**

**Area 14**

**Area 15**

**Area 16**

**Area 17**

**Area 18**

**Area 19**

**Area 20**

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**Area 233**

**Area 234**

**Area 235**

**Area 236**

**Area 237**

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**Area 242**

**Area 243**

**Area 244**

**Area 245**

**Area 246**

**Area 247**

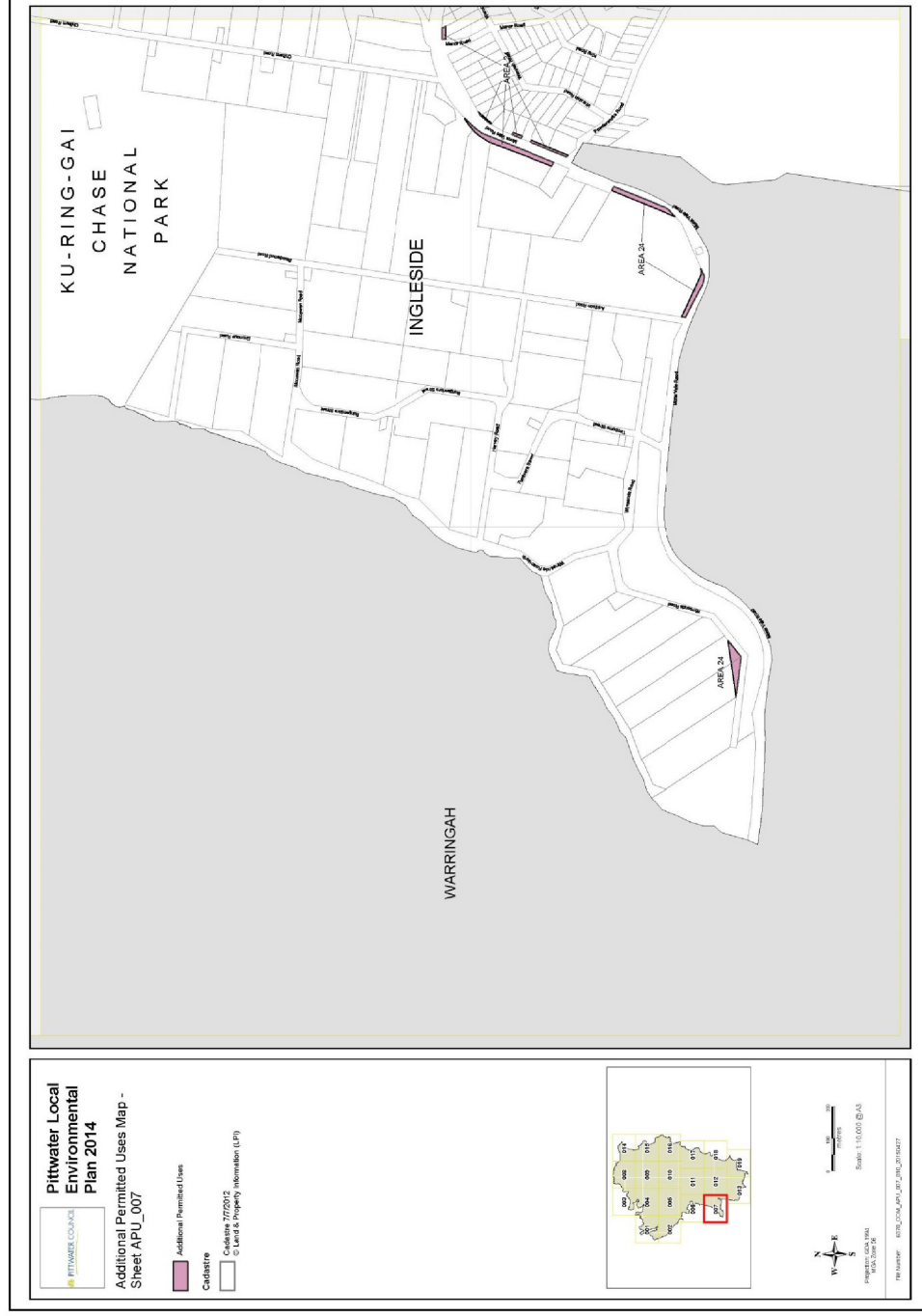


[illegible]



[illegible]

# Attachment 4.31



# Attachment 4.32

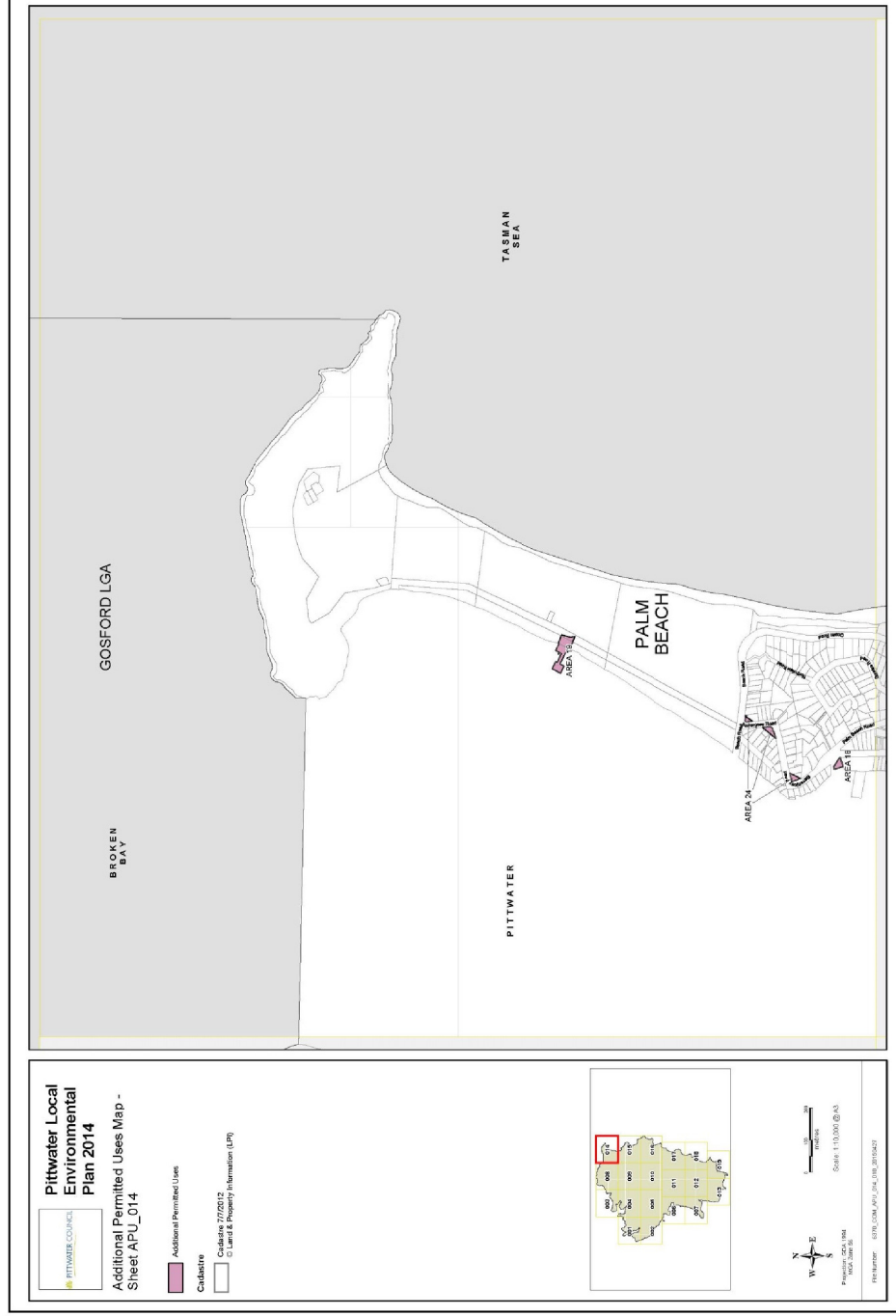




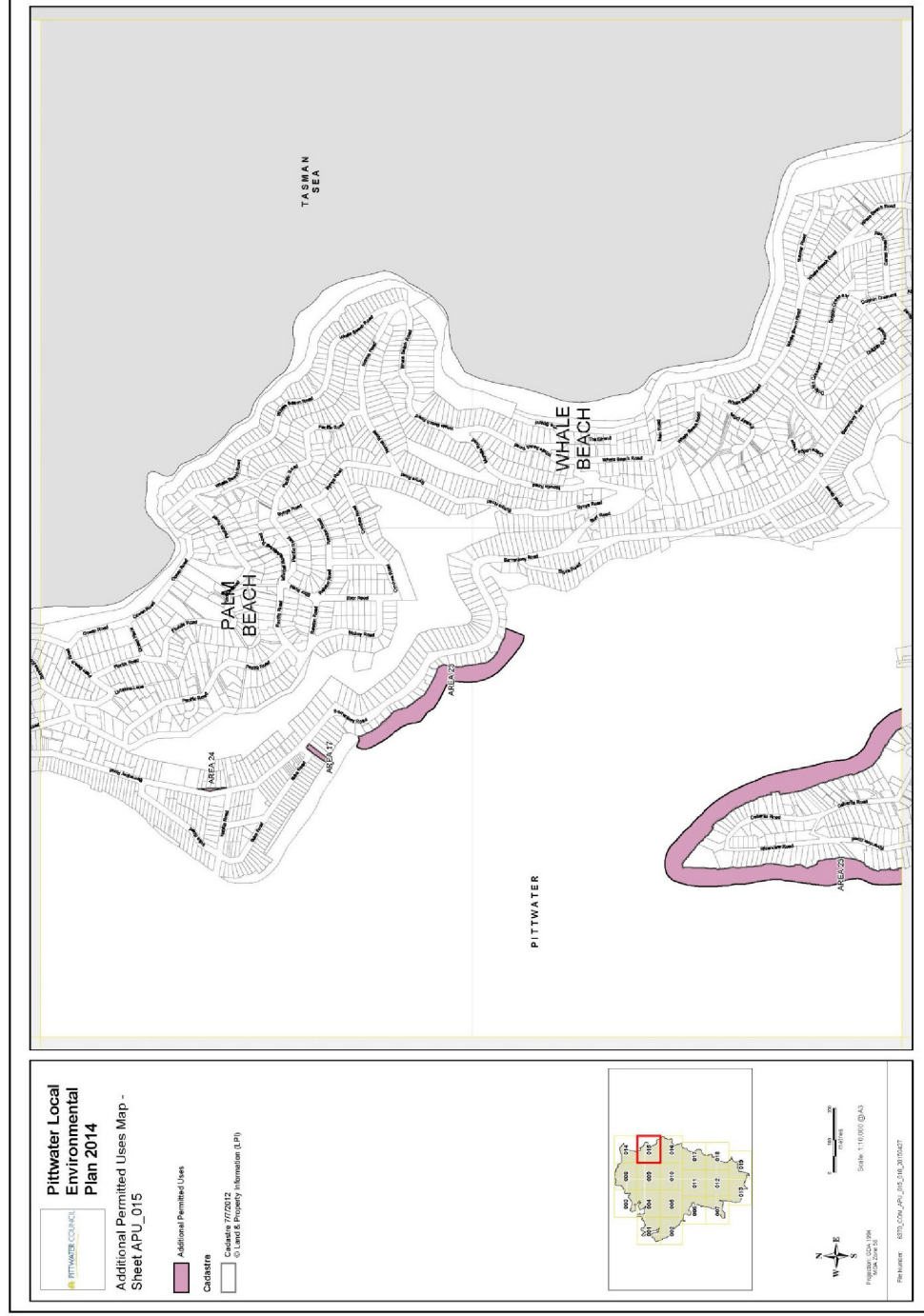
# Attachment 4.33



# Attachment 4.34

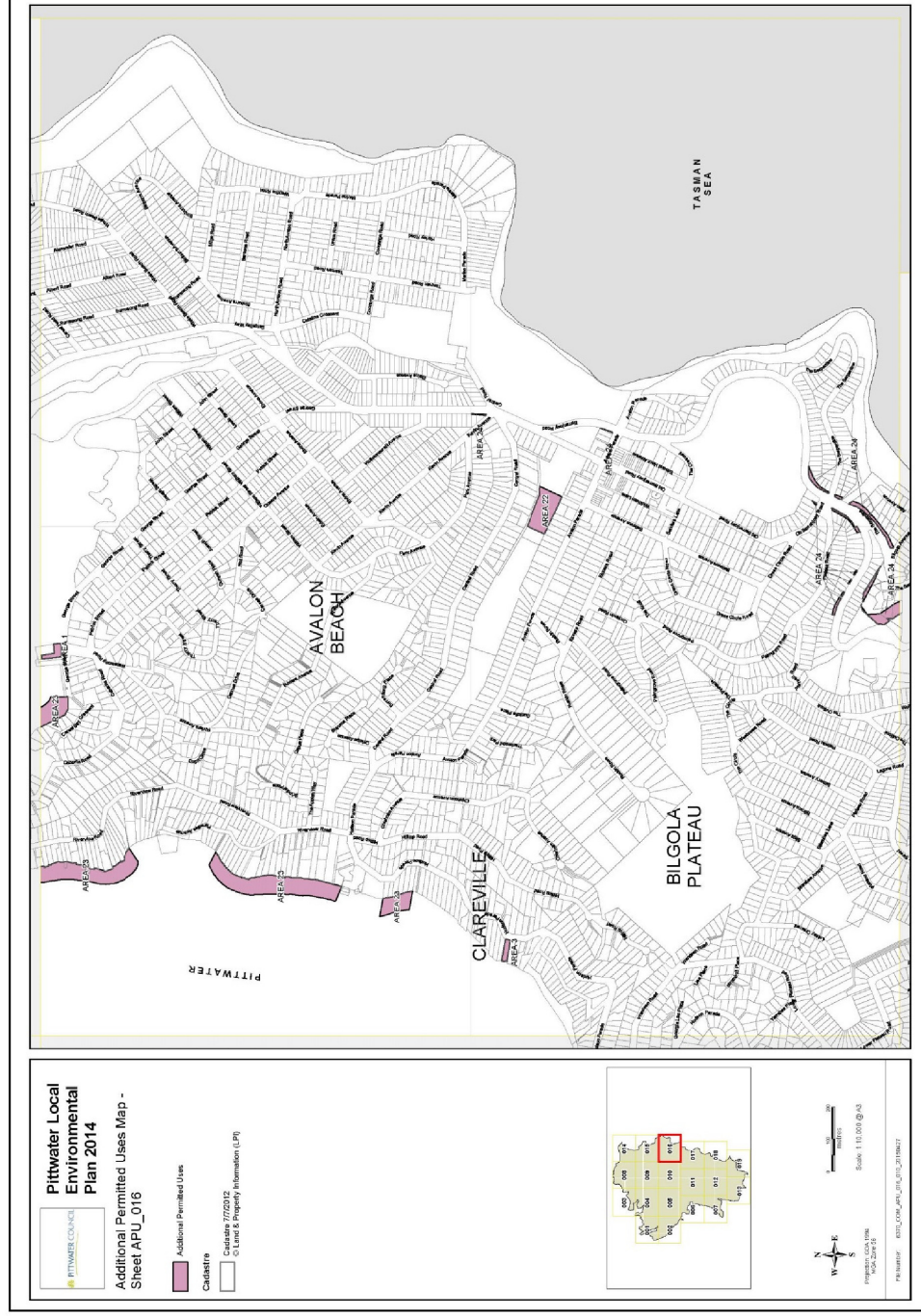


# Attachment 4.35

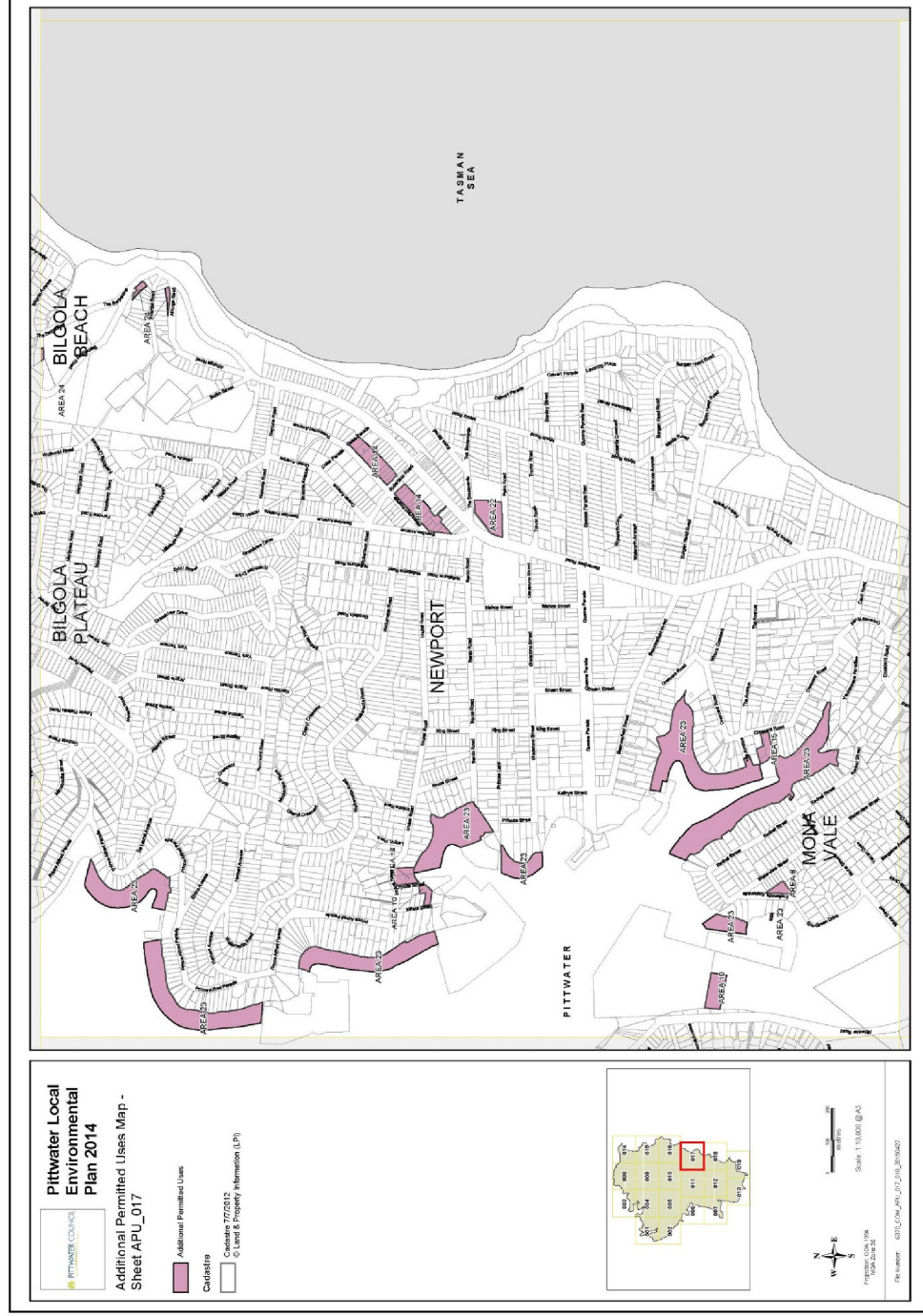




Attachment 4.36



# Attachment 4.37

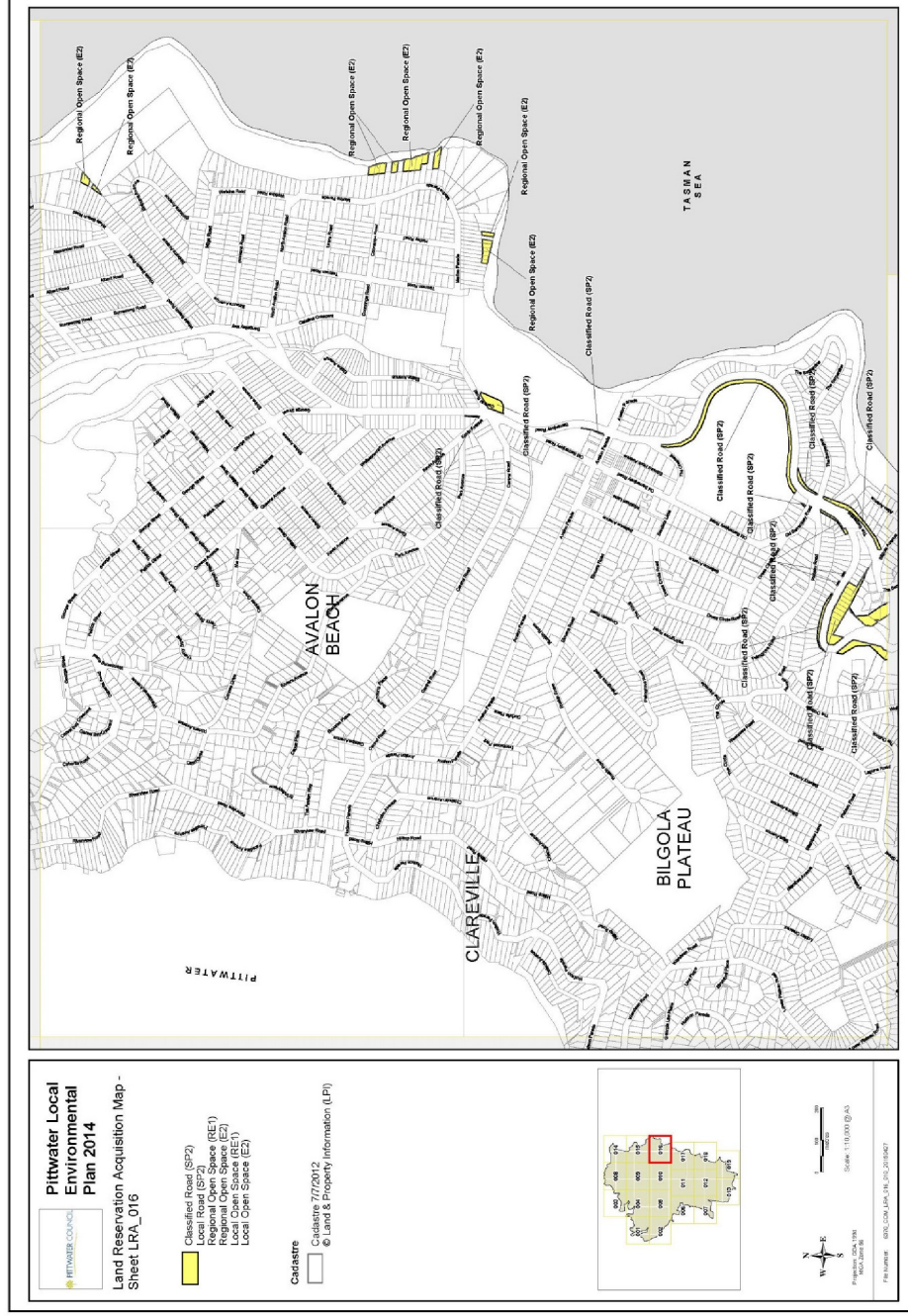


[illegible]





# Attachment 4.40



## **Appendix 5: Clause 28 of the Pittwater LEP 1993**

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### **28 Buildings, etc, not to be erected without consent—Zone No 9(a), 9(b), 9(c) or 9(d)**

- (1) A person shall not carry out any development on land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d) so as to render it unfit for the purpose for which it is reserved.
- (2) Until land within Zone No 9 (a), 9 (b), 9 (c) or 9 (d) is acquired by the public authority concerned, the council may, subject to subclause (3), consent to the carrying out of development on that land for any purpose.
- (3) (Repealed)
- (4) In considering whether to consent to an application for consent referred to in subclause (2), the council shall take into consideration:
  - (a) the effect of the proposed development on the costs of acquisition,
  - (b) the imminence of acquisition, and
  - (c) the costs associated with the reinstatement of the land for the purposes specified in item 1 of the matter relating to that zone in the Table to clause 9.
- (5) (Repealed)



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<b>C12.6</b>	<b>Pittwater 21 Development Control Plan (DCP) Amendment 17 - 1200sqm Minimum Subdivision Lot Size Control</b>
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**Meeting:** Sustainable Towns and Villages Committee

**Date:** 18 May 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

**DELIVERY PROGRAM ACTION:**

- Undertake a review of 1200m<sup>2</sup> minimum subdivision lot size requirement in P21 DCP
- 

## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

At its meeting on 16 February 2015, Council resolved the following:

1. *That Council commence the process to amend the Pittwater 21 DCP to remove reference to a 1,200sqm minimum lot size.*
2. *That the minimum lot sizes contained in the Pittwater Local Environmental Plan 2014 of 700sqm north of Mona Vale Road and 550sqm south of Mona Vale Road remain for the areas identified during the 1,200sqm Subdivision Control Review.*

The proposed amendments were publicly exhibited between 7 March and 7 April 2015. During this time, no submissions were received.

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## **2.0 RECOMMENDATION**

1. *That the proposed amendments to the Pittwater 21 Development Control Plan (Pittwater 21 DCP) (refer Attachment 1) be adopted by Council.*
2. *That a public notice be placed in the Manly Daily within 28 days of Council adopting the amendments, specifying when the amendments to the Pittwater 21 DCP will come into effect.*
3. *That a copy of the Pittwater 21 DCP, as amended, is forwarded to the Secretary of the Department of Planning and Environment, once the plan comes into effect.*

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### 3.0 BACKGROUND

#### 3.1 PURPOSE

The purpose of this report is to provide Council with the results of the public exhibition of the proposed changes to Pittwater 21 DCP and seek Council's endorsement that the proposed amendments (refer **Attachment 1**) be implemented.

#### 3.2 BACKGROUND

Pittwater's planning framework contains conflicting information about the minimum lot size for subdivision for residential land with special environmental qualities. The Pittwater Local Environmental Plan (LEP) 2014 in accordance with clause 4.1 provides the minimum subdivision lot size for low density residential land north of Mona Vale Road is 700sqm and for subdivisions south of Mona Vale Road 550sqm.

In addition, properties identified as having special environmental qualities are also affected by a control in the Pittwater 21 DCP which states all lots formed from a subdivision should be 1,200sqm. Approximately 10,500 properties are affected by the current DCP control.

The inconsistency between the two planning documents is longstanding and has been in place prior to the secession of Pittwater from Warringah Council.

At its meeting on 5 August 2013, Council resolved to investigate and consider the appropriateness of the 1,200sqm subdivision control standard following the finalisation of the draft Pittwater LEP 2014. Council also resolved to consult with the wider community on the issue.

Following the finalisation of the Pittwater LEP 2014 on 27 June 2014, the review of the 1,200sqm subdivision control commenced.

A community consultation period was held between 25 October and 6 December 2014 to gauge community feedback on the best approach moving forward. The outcomes of this community consultation period and a review of the appropriateness of the 1,200sqm subdivision control were reported to Council on 16 February 2015. Council resolved the following:

1. *That Council commence the process to amend the Pittwater 21 DCP to remove reference to a 1,200sqm minimum lot size.*
2. *That the minimum lot sizes contained in the Pittwater Local Environmental Plan 2014 of 700sqm north of Mona Vale Road and 550sqm south of Mona Vale Road remain for the areas identified during the 1,200sqm Subdivision Control Review.*

In accordance with the above resolution, the proposed amendments to the Pittwater 21 DCP were publicly exhibited between 7 March and 7 April 2015.

#### 3.3 POLICY IMPLICATIONS

- This report relates to the Pittwater 21 DCP.

#### 3.4 RELATED LEGISLATION

- The proposed amendment has been prepared and exhibited in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

Funds have been set aside in the Delivery Plan and Budget for the review of the 1,200sqm subdivision control for the 2014/15 financial year.

#### 3.5.2 Resources Implications

It is not anticipated that additional resources would be required to complete the proposed DCP amendment.

### 4.0 KEY ISSUES

During the public exhibition period no submissions were received.

That there were no submissions received is a reflection that the key issues regarding the 1,200sqm subdivision control were previously addressed during the 1,200sqm Subdivision Control Review reported to Council in February 2015. The range of other development controls, such as the E4 Environmental Living zone, biodiversity and ecological controls, and landscaped area requirements, continue to control development in Pittwater and protect Pittwater's unique environment and character.

#### 4.1 FORWARD PATH

Clause 21 of the *Environmental Planning and Assessment Regulation 2000* specifies that council must give public notice of its decision to approve the amended DCP in a local newspaper within 28 days after the decision is made. The DCP will come into effect on the date specified in the public notice.

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### 5.0 ATTACHMENTS / TABLED DOCUMENTS

**Attachment 1** – Documents publicly exhibited during the public exhibition period, including:

- Council resolution dated 16 February 2015
- Table of proposed amendments
- Draft control (B2.2 Subdivision – Low Density Areas) showing proposed amendments
- Current control (B2.2 Subdivision – Low Density Areas) for reference purposes

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 proposed amendment to the Pittwater 21 DCP has been subject to a public exhibition period of 31 days. No written submissions were received during this time.
- Prior to the exhibition of a DCP amendment, the 1,200sqm Subdivision Control Review was subject to a 6 week community consultation period. During this time, 111 submissions were received and the majority of submissions supported an amendment to the Pittwater 21 DCP to remove reference to a 1,200sqm subdivision lot size.

### **6.1.2 Risk Management**

- The process to amend the Pittwater 21 DCP has been undertaken in accordance with the legislative requirements under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
- If the proposed amendment does not proceed, there is a reputational risk to Council. The proposed amendment is the outcome of a Council resolution and is supported by the community consultation process of the 1,200sqm Subdivision Control Review.

## **6.2 ENVIRONMENT**

### **6.2.1 Environmental Impact**

- The proposed DCP amendment will not affect flora and fauna. The 1,200sqm Subdivision Control Review found that other controls, State and Federal legislation adequately protect flora and fauna across the Pittwater LGA.
- The proposed DCP amendment will not affect levels of pollution (air, noise, water, soils etc.).

### **6.2.2 Mitigation Measures**

- The proposed DCP amendment will have no adverse impact on mitigation measures within the Pittwater LGA.

## **6.3 SOCIAL**

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

- The proposed DCP amendment is supported by the outcomes of the 1,200sqm Subdivision Control Review. During the community consultation period, 111 submissions were received and the majority of submissions supported the removal of the 1,200sqm subdivision lot size control from the Pittwater 21 DCP. It is considered that the proposed DCP amendment addresses and realises this aspiration of the community.
- The proposed DCP amendment will not affect the quality of cultural, community or recreational services available to the community.
- The proposed DCP amendment will not affect the health, safety and well-being of residents.
- The proposed DCP amendment will not affect the services of our community.
- The proposed DCP amendment will not affect the mobility of residents.

### **6.3.2 Strengthening local community**

- The proposed DCP amendment will not affect the community feeling of connectedness.
- The proposed DCP amendment will not affect the liveability of our villages.
- The proposed DCP amendment will not promote education or knowledge generation. The purpose of the proposed DCP amendment is to fulfil a Council resolution to remove reference to a 1,200sqm subdivision lot size.



## 6.4 ECONOMIC

### 6.4.1 Economic Development

- The proposed DCP amendment will not create or support opportunities for local economic growth. The purpose of the proposed DCP amendment is to fulfil a Council resolution to remove reference to a 1,200sqm subdivision lot size. During the 1,200sqm Subdivision Control Review, it was found that the minimum lot size of environmentally sensitive residential areas of Pittwater will have little impact on the economic development of the local government area.

Report prepared by  
Anne-Maree Newbery – Principal Planner (Strategic)

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

**Council Resolution**

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**C12.4 Outcomes of 1,200sqm Subdivision Control Review****Meeting:** Sustainable Towns and Villages**Date:** 16 February 2015

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**COMMITTEE RECOMMENDATION**

3. That Council commence the process to amend the Pittwater 21 DCP to remove reference to a 1,200sqm minimum lot size.
4. That the minimum lot sizes contained in the Pittwater Local Environmental Plan 2014 of 700sqm north of Mona Vale Road and 550sqm south of Mona Vale Road remain for the areas identified during the 1,200sqm Subdivision Control Review.

(Cr White / Cr Millar)

**Notes:**

1. A division was duly taken resulting in the following voting:

**Aye (For)**

Cr Ferguson  
Cr Grace  
Cr Hegarty  
Cr Millar  
Cr Townsend  
Cr White

**No (Against)**

Cr McTaggart

2. Cr Young left the meeting at 8.37pm and returned at 8.45pm having declared a pecuniary interest in Item C12.4 – Outcomes of the 1200sqm Subdivision Control and took no part in the discussion and voting on this item. The reason provided by Cr Young was:

*“Resident with an affected property was in my group for the 2012 Council Election”.*

## Table of Changes

Change #	Development Control	Amendments		Reason
1)	<b>B2.2 Subdivision - Low Density Residential Areas</b>	Under <b>Controls</b>		As per Council resolution on Monday 16 February 2015
		<b>Remove</b>	Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map is to have a minimum lot size of 1200 square metres*.	
2)	<b>B2.2 Subdivision - Low Density Residential Areas</b>	Under <b>Advisory Notes</b>		As per Council resolution on Monday 16 February 2015
		<b>Remove</b>	* It is noted that the minimum lot size area is in excess of the minimum lot size area prescribed in Pittwater Local Environmental Plan 2014. This recognises the environmental, visual and residential amenity attributes of Area 1 on the Landscaped Area Map.	

## Draft control

### B2.2 Subdivision - Low Density Residential Areas

#### Land to which this control applies

Land zoned R2 Low Density Residential, E3 Environmental Management or E4 Environmental Living.

#### Uses to which this control applies

Subdivision

#### Outcomes

Achieve the desired future character of the locality. (S)

Maintenance of the existing environment. (En)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The built form does not dominate the natural setting. (En)

Population density does not exceed the capacity of local and regional infrastructure and community services. (En, S, Ec)

Population density does not exceed the capacity of local and regional transport facilities. (En, S, Ec)

#### Controls

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 2 or 3 on the Landscaped Area Map shall have a minimum lot width at the building line of 15 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot width at the building line of 9 metres at the waterfrontage.

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).

The minimum area for building shall be 175m<sup>2</sup>.

#### Variations

Provided the outcomes of this control are achieved, Council may consider a variation for the following purposes:

- the making of an adjustment to a boundary between allotments that does not create an additional lot;
- the rectifying of an encroachment on an allotment;
- the excising from an allotment of land that is or is intended to be used for public purposes, including drainage, rescue services, public conveniences or public reserve.

#### Advisory Notes

To determine which area on the Landscaped Area Map that applies to your property, please use the property search function via Council's ePlanning Portal or call the Assistant Development Officers on 9970 1674.



## **Current control – for reference only**

### **B2.2 Subdivision - Low Density Residential Areas**

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

Land zoned R2 Low Density Residential, E3 Environmental Management or E4 Environmental Living.

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

Subdivision

#### **Outcomes**

Achieve the desired future character of the locality. (S)

Maintenance of the existing environment. (En)

Equitable preservation of views and vistas to and/or from public/private places. (S)

The built form does not dominate the natural setting. (En)

Population density does not exceed the capacity of local and regional infrastructure and community services. (En, S, Ec)

Population density does not exceed the capacity of local and regional transport facilities. (En, S, Ec)

#### **Controls**

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot depth of 27 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map shall have a minimum lot width at the building line of 16 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 2 or 3 on the Landscaped Area Map shall have a minimum lot width at the building line of 15 metres.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) shall have a minimum lot width at the building line of 9 metres at the waterfrontage.

Any lot (or lots) to be created by a subdivision of an existing lot (or lots) on land identified as Area 1 on the Landscaped Area Map is to have a minimum lot size of 1200 square metres\*.

Any lot (or lots) are to be capable of providing for the construction of a building which is safe from hazards, does not unreasonably impact on the natural environment, does not adversely affect heritage, and can be provided with adequate and safe access and services.

A person shall not subdivide land if the allotment(s) intended to be created have a slope in excess of 16.7 degrees (30%), measured between the highest and lowest points on any such allotment(s).

The minimum area for building shall be 175m<sup>2</sup>

#### **Variations**

Provided the outcomes of this control are achieved, Council may consider a variation for the following purposes:

- the making of an adjustment to a boundary between allotments that does not create an additional lot;
- the rectifying of an encroachment on an allotment;
- the excising from an allotment of land that is or is intended to be used for public purposes, including drainage, rescue services, public conveniences or public reserve.

#### **Advisory Notes**

\* It is noted that the minimum lot size area is in excess of the minimum lot size area prescribed in Pittwater Local Environmental Plan 2014. This recognises the environmental, visual and residential amenity attributes of Area 1 on the Landscaped Area Map.

To determine which area on the Landscaped Area Map that applies to your property, please use the property search function via Council's ePlanning Portal or call the Assistant Development Officers on 9970 1674.

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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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