



# PLANNING PROPOSAL PP0002/15

To facilitate a number of amendments (primarily minor policy and 'house-keeping' matters) to the Pittwater Local Environmental Plan 2014

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## PART 1: OBJECTIVES OR INTENDED OUTCOMES

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The Pittwater Local Environmental Plan (LEP) 2014 came into effect on 27 June 2014. The LEP was intended as a translation of the provisions of the Pittwater LEP 1993 into the NSW Government's *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument).

Following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP on 20 December 2013 and the Pittwater LEP 2014 being made. The policy implications of these changes have been reviewed and it is considered necessary to rectify a number of the changes made.

Additionally, since the Pittwater LEP 2014 has been in effect, some 'house-keeping' matters have been identified and subsequent amendments are proposed to improve the accuracy and the effective operation of the plan.

The amendments proposed to the Pittwater LEP 2014 are generally consistent with the version of the draft Pittwater LEP adopted by Council on 20 December 2013, Council policies, the Pittwater LEP 1993 and/or provisions within the Pittwater 21 Development Control Plan (DCP) that were in place prior to the commencement of the Pittwater LEP 2014.

The objectives of this Planning Proposal are to amend the Pittwater LEP 2014 to:

- Rectify anomalies and discrepancies, and improve the clarity of the written instrument and maps.
- Implement or amend provisions consistent with the draft Pittwater LEP as publicly exhibited and/or adopted by Council, where certain provisions were altered or not included when the plan was made.
- Make other minor amendments relating to individual sites.

Council's General Manager (Council's sub-delegate) seeks to exercise the LEP making powers delegated under Section 59 of the *Environmental Planning & Assessment Act* (EP&A Act) in regard to this Planning Proposal. Council's General Manager thereby requests that a Written Authorisation to Exercise Delegation be issued.

## PART 2: EXPLANATION OF PROVISIONS

The tables below provide a description and explanation of the proposed changes to the Pittwater LEP 2014.

### Rectify anomalies and discrepancies, and improve the clarity of the written instrument and maps

	Proposed Amendments	Description
1	<p>Amend clause 4.1 (Minimum subdivision lot size) subclause (3A) to read:</p> <p>‘For the purpose of calculating the size of a battle-axe lot or other lot with access to a road by an access corridor (including any right of carriage way, access way or other area that provides for vehicle access), the area of the access corridor is excluded’.</p>	<p>The proposed amendment is intended to clarify what is not included in the calculation of the lot size of a battle-axe block or a lot with access to a road by an access corridor (e.g. a right of carriageway).</p> <p>It is considered that the current text of subclause (3A) does not clearly articulate that easements for access or rights of carriageway that are not in the form of an ‘access handle’, are not to be included in the calculation of the lot size.</p> <p>The proposed amendment is considered to be much clearer.</p>
2	<p>Amend clause 4.1 (Minimum subdivision lot size) by adding the following subclause:</p> <p>‘(3B) Despite subclause (3), development consent may be granted for the subdivision of land identified as “Area 1” on the Lot Size Map where one resultant lot zoned RU2 Rural landscape is less than the minimum subdivision lot size shown on the Lot Size Map, but only if the resultant lot is created in association with the subdivision of land identified within an Urban Release Area.’</p> <p>Amend the Lot Size Map to include “Area 1”, as per <b>Attachment 4.7</b>.</p>	<p>The proposed amendment is intended to rectify an anomaly by adding an exception to the minimum lot size control for land zoned RU2, where part of the land is also within the Warriewood Valley Urban Release Area.</p> <p>The amendment will ensure that land that forms part of the Urban Release Area can be subdivided from land that will remain zoned RU2 (where the land is dissected by the boundary of the Urban Release Area), despite the remaining RU2 portion of land not meeting the minimum subdivision lot size development standard (i.e. 10,000 square metres).</p> <p>It is noted that this issue could not be addressed via clause 4.6 as the lots that form “Area 1” could not meet the requirement of subclause (6).</p>
3	<p>Amend clause 4.3 (Height of buildings) subclause (2F) to read:</p> <p>‘Despite subclause (2), development on land identified as “Area 6” on the Height of Buildings Map must not exceed 8.5 metres at the street frontage to Orchard Street, Macpherson Street, Warriewood Road or Garden Street.’</p>	<p>The proposed amendment is intended to clarify where development must not exceed 8.5 metres in height in the Warriewood Valley Urban Release Area. The amendment will ensure that the 8.5 metre height requirement only applies to development fronting particular streets in the Warriewood Valley Urban Release Area – it does not apply to development that fronts any new street created within the existing “Area 6”.</p>

4	<p>Amend clause 4.3 (Height of buildings) by adding the following subclauses:</p> <p>‘Despite subclause (2), the height of a secondary dwelling or rural worker’s dwelling must not exceed 5.5 metres if it is separate from the principal dwelling.’</p> <p>‘Despite subclause (2), the height of the second dwelling within a dual occupancy (detached) must not exceed 5.5 metres.’</p>	<p>The proposed amendment is intended to clarify that secondary dwellings, rural worker’s dwellings and the second dwelling within a dual occupancy (detached) should be single storey in appearance, consistent with the Pittwater 21 DCP prior to the Pittwater LEP 2014 being made.</p> <p>Amending clause 4.3 to limit these particular land uses to a height of 5.5 metres will provide for single storey secondary dwellings, rural worker’s dwellings and the second dwelling within a dual occupancy (detached).</p> <p>It is noted that these subclauses were included in the draft Pittwater LEP as adopted by Council on 20 December 2013, however they were not included in the Pittwater LEP 2014 when it was made.</p>
5	<p>Amend clause 4.3 (Height of buildings) by adding the following subclause:</p> <p>‘Despite subclause (2), development below the mean high water mark may have a height of up to 4.0 metres, measured from _____ to the highest point of the development, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.’</p>	<p>The proposed amendment is intended to clarify the maximum height of development over the waterway. The height shown on the Height of Buildings Map is 4 metres, however as the definition of building height is measured from the ground level (existing) and the highest point of the building, it is considered that an exception to the 4 metre development standard may be required as the ground level (existing) could be considered to be the sea bed.</p> <p>It is not considered appropriate to measure the height of buildings (located below the mean high water mark) from the sea bed. The intention of the height of buildings control in relation to the waterway is to ensure that the height of development relative to the water level and the adjoining land above mean high water is reasonable and limited.</p> <p>Council is open to suggestions for the best way to achieve this.</p>
6	<p>Amend the Height of Buildings Map Grid Map 012 in relation to 14 Orchard Street, Warriewood (Sector 901F), as per <b>Attachment 4.21</b>.</p>	<p>The proposed amendment is intended to rectify an error on the Height of Buildings Map in relation to Sector 901F of the Warriewood Valley Urban Release Area.</p> <p>The amendment will ensure that the height conveyed on the Height of Buildings Map is consistent with the boundary of the Warriewood Valley Urban Release Area and the Land Zoning Map. It will ensure that on 14 Orchard Street, Warriewood (Sector 901F) a 10.5 metre height limit only applies to the area within the Warriewood Valley Urban Release Area and that an 8.5 metre height limit applies to the area outside the Warriewood Valley Urban Release Area.</p>

7	<p>Amend clause 6.1(1)(c) to remove:</p> <p>‘to facilitate the mitigation of odours from the Warriewood Sewage Treatment Plant on the users and occupiers of residential development in a buffer area.’</p>	<p>The proposed amendment is intended to remove an objective that is no longer relevant.</p> <p>The subclause that related to this objective (i.e. the subclause that translated clause 30D of the Pittwater LEP 1993) was removed prior to the Pittwater LEP 2014 being made. Accordingly, the objective is no longer relevant.</p>
8	<p>Amend Schedule 1 subclause 19 to read as follows:</p> <p>19 Use of certain land at 1191 Barrenjoey Road, Palm Beach</p> <p>(1) This clause applies to land:</p> <p>(a) at 1191 and 1193 Barrenjoey Road, Palm Beach, being Lot 298, DP 721572 and Lot 7005, DP 1117451, and</p> <p>(b) identified as “Area 19” on the Additional Permitted Uses Map.</p> <p><del>that is subject to Special Lease 1963/86.</del></p> <p>Amend the Additional Permitted Uses Map Grid Map 014 to accurately identify the extent of “Area 19” consistent with area currently leased for these purposes. “Area 19” should be amended as per <b>Attachment 4.34</b>.</p>	<p>The proposed amendment is intended to rectify an error in the Pittwater LEP 2014 that relates to the boundary of an area associated with an additional permitted use that is currently in operation and was permitted under the Pittwater LEP 1993.</p> <p>The amendment will ensure that the use of the site will continue to be permissible.</p>
9	<p>Amend the Land Zoning Map Grid Map 007 so the portion of 167 Mona Vale Road, Ingleside currently zoned SP2 Infrastructure “Classified Road” is instead zoned RU2 Rural Landscape consistent with the remainder of the allotment, as per <b>Attachment 4.38</b>.</p> <p>Amend the Lot Size Map Grid Map 007 so a minimum subdivision lot size of 20,000 square metres applies to the whole allotment, as per <b>Attachment 4.2</b>.</p>	<p>The proposed amendment is intended to rectify an anomaly. A portion of privately owned land at 167 Mona Vale Road, Ingleside is currently zoned SP2 Infrastructure “Classified Road”, but is not identified on the Land Reservation Acquisition Map.</p> <p>The Roads &amp; Maritime Services (RMS) has confirmed that they do not intend to acquire the portion of 167 Mona Vale Road, Ingleside that is zoned SP2 Infrastructure “Classified Road”. As such, the SP2 zone is not appropriate and should instead be zoned RU2 Rural Landscape, consistent with the remaining area of the allotment.</p> <p>The Lot Size Map subsequently requires amendment to ensure the minimum subdivision lot size of 20,000 square metres applies to the whole allotment.</p>

10	Amend the Height of Buildings Map Grid Maps 013 and 017 as per <b>Attachments 4.22 and 4.27</b> .	<p>The proposed amendment is intended to provide improved readability of the Height of Buildings Map and consistency with approved masterplans in relation to the Elanora and Newport commercial centres.</p> <p>Since the Pittwater LEP 2014 was made, issues have arisen with determining the height standard on the Height of Buildings Map in certain centres. To improve the readability, it is proposed to include inset maps at a larger scale for the Elanora and Newport commercial centres. This amendment also ensures that the inset maps are as accurate as possible in locating the boundary between different height controls, consistent with the approved masterplans.</p>
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**Implement or amend provisions consistent with the draft Pittwater LEP as publicly exhibited and/or adopted by Council, where certain provisions were altered or not included when the plan was made**

	<b>Proposed Amendments</b>	<b>Description</b>
11	<p>Insert the following objectives into the following zones:</p> <p><b>RU2 Rural Landscape</b></p> <ul style="list-style-type: none"> <li>To ensure that development is integrated with the immediate and surrounding landform, natural landscape and bushland setting to achieve the desired character of the locality.</li> </ul> <p><b>R2 Low Density Residential</b></p> <ul style="list-style-type: none"> <li>To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality.</li> </ul> <p><b>R3 Medium Density Residential</b></p> <ul style="list-style-type: none"> <li>To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality.</li> </ul> <p><b>Zone R5 Large Lot Residential</b></p> <ul style="list-style-type: none"> <li>To ensure that development is integrated with the immediate and surrounding landform, natural landscape and bushland setting to achieve the desired character of the locality.</li> </ul>	<p>The proposed amendment would reinstate zone objectives that ensure development in certain zones is consistent with the desired character of the locality.</p> <p>The draft Pittwater LEP as adopted by Council on 20 December 2013 contained zone objectives intended to ensure that development was consistent with the desired character of the locality, which is outlined in the Pittwater 21 DCP. These objectives were removed prior to the plan being made.</p> <p>In line with the original intention of the draft Pittwater LEP adopted by Council and the drafting requirements of the Department of Planning &amp; Environment and Parliamentary Counsel, it is intended to incorporate revised zone objectives that are more specific in achieving the desired character of the locality.</p>

	<p><b>Zone E3 Environmental Management</b></p> <ul style="list-style-type: none"> <li>To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality.</li> </ul> <p><b>Zone E4 Environmental Living</b></p> <ul style="list-style-type: none"> <li>To ensure that development is integrated with the immediate and surrounding landform and landscape to achieve the desired character of the locality.</li> </ul> <p><b>Zone B1 Neighbourhood Centre</b></p> <ul style="list-style-type: none"> <li>To ensure that the scale of development is compatible with the surrounding built and natural environment.</li> </ul>	
12	<p>Amend Clause 7.8 (Limited development on foreshore area) subclause (2) to remove reference to 'extension' and 'alteration', as follows:</p> <p>(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:</p> <p>(a) the <del>extension, alteration or rebuilding</del> of an existing building wholly or partly in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,</p>	<p>The proposed amendment is intended to remove the ability to undertake extensions and alterations to buildings in the foreshore area.</p> <p>The proposed amendment is generally consistent with the intention of the draft Pittwater LEP that was publicly exhibited and adopted by Council on 20 December 2013.</p> <p>The proposed amendment is necessary as the Pittwater LEP 2014 was intended to be a 'like for like' translation of the Pittwater LEP 1993, which did not permit the erection of a building in the foreshore area.</p> <p>Additionally, as per the Pittwater 21 DCP before the Pittwater LEP 2014 was made, the only works permitted in the foreshore area were boating facilities, in-ground swimming pools at natural ground level, fencing, works to enable pedestrian access, and seawalls.</p> <p>In modifying Council's version of the local provision, the Pittwater LEP 2014 that was made has increased the development potential in the foreshore area beyond the previously well-established limits that Council had in place. As such, it is necessary for clause 7.8 to be amended to remove the ability for buildings to be extended and altered in any way that increases the footprint or extent of a building within the foreshore area.</p> <p>Further, it is noted that if this proposed amendment is not supported, maintaining Clause 7.8 as is would be inconsistent with the Aims and Part 2 (Matters for consideration) of SEPP 71 – Coastal Protection (in the area that makes up the coastal zone).</p>

13	<p>Amend Schedule 1 by adding the following subclause:</p> <p>24. Use of certain land in Zone SP2 Infrastructure "Classified Road"</p> <p>(1) This clause applies to land identified as "Area 24" on the Additional Permitted Uses Map.</p> <p>(2) Development for the purposes of access structures associated with a dwelling house is permitted with development consent.</p> <p>Amend the Additional Permitted Uses Map to include "Area 24", as per <b>Attachments 4.31-4.37</b>.</p>	<p>The proposed amendment would permit 'access structures ancillary to a dwelling house' on privately-owned land zoned SP2 Infrastructure "Classified Road". Under the Pittwater LEP 2014 (clause 5.1A), such structures would not be permitted over land zoned SP2 Infrastructure "Classified Road".</p> <p>The draft Pittwater LEP originally incorporated 'structures associated with vehicular and pedestrian access including garages, carports, stairs, paths, inclinator and the like' as a type of development permitted on such land through clause 5.1A (Development on land intended to be acquired for public purposes). It is understood that Parliamentary Counsel did not support this approach.</p> <p>Clause 28 of the Pittwater LEP 1993 provided the flexibility for land uses for any purpose to be permitted on land intended to be acquired (see clause 28 at <b>Appendix 5</b>). Accordingly, numerous properties had the opportunity to undertake a number of land uses, including building a dwelling house.</p> <p>The Pittwater LEP 2014 does not provide for such flexibility through the ability to exercise discretion for the purpose of any development on land intended to be acquired. This has reduced the development potential for properties that are undeveloped, as they will not be able to comply with clause 7.10 if there is no suitable access. It would be Council's preference for a clause that is similar to clause 28 of the Pittwater LEP 1993 to be included in the Pittwater LEP 2014.</p> <p>However, as such a request has previously been raised though to no avail, it is now proposed to provide for 'access structures associated with a dwelling house' on privately-owned land zoned SP2 Infrastructure "Classified Road" via Schedule 1.</p> <p>It is not considered that such works can be undertaken as ancillary or incidental to a dwelling house if a dwelling house is prohibited in the SP2 zone.</p> <p>This issue is exacerbated by the fact that acquisition is unlikely in some areas such as Barrenjoey Road, Bilgola.</p>
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**Make other minor amendments relating to individual sites**

	<b>Proposed Amendments</b>	<b>Description</b>
14	Amend the Land Zoning Map Grid Area 012 for 6A Macpherson Street, Warriewood (Lot 6 DP 1161389) from R3 Medium Density Residential to RE1 Public Recreation, as per <b>Attachment 4.39</b> .	The proposed amendment is required as the land has been dedicated to Council and forms part of the creek line corridor shown on the Urban Release Area Map.
15	Remove 67A Marine Parade, Avalon Beach (Lot 2 DP 1205310) from the Land Reservation Acquisition Map, as per <b>Attachment 4.40</b> .	The proposed amendment is required as the land has been acquired.

## **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?**

The Planning Proposal stems from the preparation of the Pittwater LEP 2014 in line with the Standard Instrument.

On 5 November 2007, Council resolved to commence the statutory process to prepare a new LEP for Pittwater in line with the Standard Instrument.

In August 2011, Council adopted the *Pittwater Local Planning Strategy*, which was prepared to establish an equitable, consistent and transparent policy framework for local level planning to guide land use planning and decision-making into the future.

The *Pittwater Local Planning Strategy* identified that Pittwater is on track to achieve set housing and employment targets (as identified in the relevant Metropolitan Strategy for Sydney at the time – *A City of Cities – A Plan for Sydney's Future* and the draft North East Subregional Strategy) without the need to increase housing or employment capacity in the Local Government Area (LGA). The *Pittwater Local Planning Strategy* provided the basis for preparing the Pittwater LEP 2014.

Having established that the planning regime in Pittwater was adequate to meet housing and employment targets, Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993.

Council adopted the draft Pittwater LEP on 20 December 2013.

Following a thorough review of the Pittwater LEP 2014 after it was made, it was evident that a number of changes had been introduced in the period between Council adopting the draft Pittwater LEP and the Pittwater LEP 2014 being made.

Meetings were held with the Hon. Robert Stokes MP (then Minister for the Environment, Minister for Heritage, Minister for the Central Coast, and Assistant Minister for Planning) and DP&E staff to discuss issues with some of the changes made to the Pittwater LEP 2014 and to establish a forward path for each.

In line with the intention to undertake a 'like for like' approach to preparing the new LEP for Pittwater, and following the meetings held with the Hon. Robert Stokes MP and DP&E staff, a number of changes made to the Pittwater LEP 2014 are sought to be rectified.

Further, since the Pittwater LEP 2014 has been in effect, some 'house-keeping' matters have been identified and subsequent amendments are proposed to improve the accuracy and the effective operation of the plan.

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

Yes. The Planning Proposal is the best and only means of achieving the objectives.

## **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 the objectives and actions contained in *A Plan for Growing Sydney* and the Draft North East Subregion Strategy. The proposed amendments will not have a significant impact on such objectives and actions. In particular, it is unlikely that any of the proposed amendments will affect the delivery of housing or employment in the Pittwater LGA. However, it is noted that if proposed amendment no. 13 (in Part 2 of this Planning Proposal) is not supported, this will restrict certain properties from being able to construct a dwelling house, thereby reducing the development potential of the land from that which was permissible under the Pittwater LEP 1993.

### **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*.

The *Pittwater Local Planning Strategy* provides an evidence-based rationale and policy framework to guide land use planning and decision making in Pittwater.

*Pittwater 2025* is Council's Community Strategic Plan – a 12 year community plan outlining the community's aspirations and desires to shape Pittwater's future. The amendments proposed are of a minor nature and will not have a significant impact on the strategies outlined in *Pittwater 2025*. Though several of the amendments proposed in this Planning Proposal are considered necessary to achieve the community's aspirations in relation to land use and development, including proposed amendments no. 11 and 12 (in Part 2 of this Planning Proposal).

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

This 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?**

No. It is unlikely that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposed amendments in this Planning Proposal. However, it is noted that if amendment no. 12 (in Part 2 of this Planning Proposal) is not supported, the natural environment within the foreshore area is likely to be affected, which may or may not include impact on critical habitat or threatened species, populations or ecological communities, or their habitats.

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

No. It is unlikely that other environmental effects will result from the proposed amendments in this Planning Proposal. However, it is noted that if amendment no. 12 (in Part 2 of this Planning Proposal) is not supported, the natural environment within the foreshore area is likely to be affected.

### **9. How has the Planning Proposal adequately addressed any social and economic effects?**

As Council resolved to undertake a 'like for like' approach to preparing the new LEP for Pittwater, or a translation of the previous LEP – the Pittwater LEP 1993, all care was taken within the bounds of the Standard Instrument, to ensure that the new LEP for Pittwater provides for development outcomes (including social and economic outcomes) generally consistent with the previous Pittwater LEP 1993 where appropriate.

As the proposed amendments in this Planning Proposal are intended to rectify changes made to the Pittwater LEP 2014 since Council adopted the draft Pittwater LEP on 20 December 2013, or to address 'house-keeping' matters that have been identified since the LEP came into effect; the proposed amendments are considered to be of a minor nature and seek to maintain the intended 'like for like' approach undertaken to prepare the Pittwater LEP 2014 and, subsequently, the outcomes (including social and economic) of the Pittwater LEP 1993.

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

### **10. Is there adequate public infrastructure for the Planning Proposal?**

No additional public infrastructure is required as a result of the proposed amendments in this Planning Proposal.

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

No formal consultation has been undertaken, therefore the views of state and Commonwealth public authorities have not yet been sought.

Consultation with all required public authorities will be undertaken in accordance with the Gateway Determination.

## **PART 4: MAPPING**

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The proposed amended Pittwater LEP 2014 Maps are contained in **Appendix 4**.

## **PART 5: COMMUNITY CONSULTATION**

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Community consultation will be undertaken in accordance with Section 57 of the EP&A Act and the requirements of '*A guide to preparing local environmental plans*' (Department of Planning & Infrastructure, 2013).

As part of the statutory public exhibition of the Planning Proposal, the following is proposed to be undertaken:

- A 28-day public exhibition period
- Notification in writing to landowners directly affected by site specific amendments, registered Pittwater community groups and Chambers of Commerce, and relevant public authorities and State agencies at the commencement of the public exhibition period
- Notification in the Manly Daily at the commencement of the public exhibition period
- Relevant documentation available at Council's Customer Service Centres and libraries for the duration of the public exhibition period
- Relevant documentation on Council's website for the duration of the public exhibition period
- Council staff will be available to respond to any enquiries

## PART 6: PROJECT TIMELINE

Planning Proposal Milestone	Timeframe	Anticipated Completion Date
Council decision to forward Planning Proposal to Gateway	-	18 May 2015
Date of Gateway determination	6 weeks from Council decision to forward Planning Proposal to Gateway	29 June 2015
Completion of required technical information	<i>Due to the nature of this Planning Proposal it is not anticipated that additional technical information will be required</i>	-
Government agency consultation	Formal consultation will be undertaken concurrent to the public exhibition	-
Public exhibition	28 days, commencing after the school holidays which run from 27 June to 12 July	13 July to 10 August 2015
Consideration of submissions	2 weeks following the public exhibition	24 August 2015
Consideration of Planning Proposal post-exhibition and report to Council	4 weeks following the public exhibition	7 September 2015
Council decision to finalise LEP	Next available council meeting following post-exhibition consideration	19 October 2015
Submission to DP&E and PCO to prepare draft instrument	Following Council decision to finalise LEP	21 October 2015
RPA to make plan (if delegated)	2 weeks from receipt of final draft instrument and maps from PCO and DP&E	November / December 2015
Notification of LEP/LEP comes into force	1 week from RPA making the plan	November / December 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.

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 1 – Development Standards	NO	-	-
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	YES	YES	-
SEPP (Affordable Rental Housing) 2009	NO	-	-
SEPP (Building Sustainability Index: BASIX) 2004	NO	-	-
SEPP (Exempt and Complying Development Codes) 2008	NO	-	-
SEPP (Housing for Seniors or People with a Disability) 2004	NO	-	-
SEPP (Infrastructure) 2007	NO	-	-

<b>Title of State Environmental Planning Policy (SEPP)</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Reason for inconsistency</b>
SEPP (Major Development) 2005	NO	-	-
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.

Further, it is noted that if the amendment proposed to Clause 7.8 of the Pittwater LEP 2014 is not supported, maintaining it as is would be inconsistent with the Aims and Part 2 (Matters for consideration) of SEPP 71 – Coastal Protection (in the area that makes up the coastal zone).

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

<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

---

	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	-
1.4	Oyster Aquaculture	NO	-
1.5	Rural Lands	NO	-

#### Justification for inconsistency

Nil.

### 2 Environment and Heritage

---

	Direction	Applicable	Consistent
2.1	Environmental 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

---

	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	-
3.6	Shooting Ranges	NO	-

#### 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.

Further, is noted that if the proposed amendment to Schedule 1 (in relation to the use of certain land in Zone SP2 Infrastructure “Classified Road”) is not supported, maintaining the current planning regime for these properties would be maintaining an inconsistency with Section 117 Direction 3.1 (Residential zones), in particular 5(b).

#### 4 Hazard and Risk

	Direction	Applicable	Consistent
4.1	Acid Sulphate Soils	YES	YES
4.2	Mine Subsidence and Unstable Land	NO	-
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	NO	-
5.2	Sydney Drinking Water Catchments	NO	-
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	-
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-

##### 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 Purposes	YES	YES

##### Justification for inconsistency

Nil.

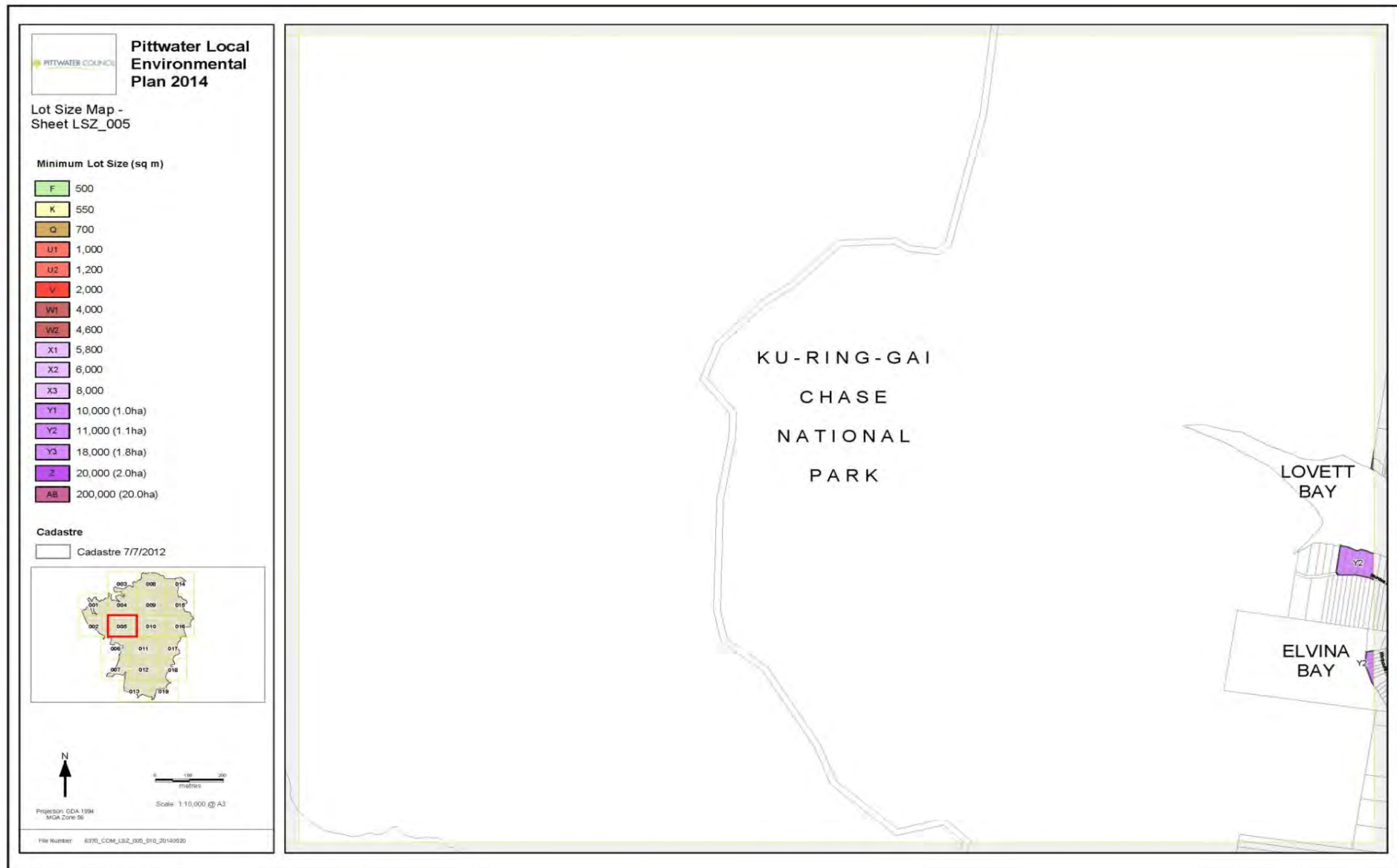
#### 7 Metropolitan Planning

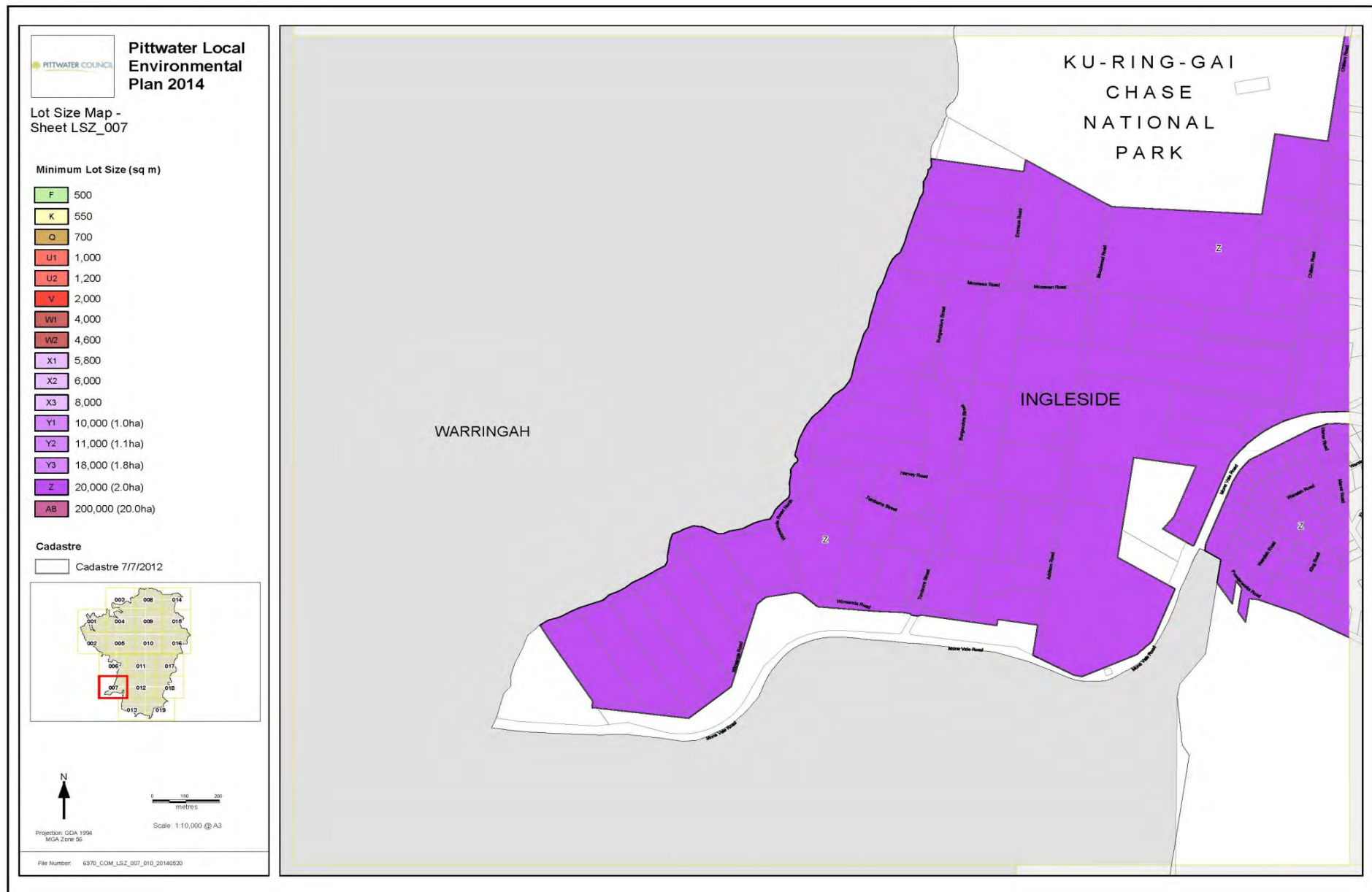
	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES

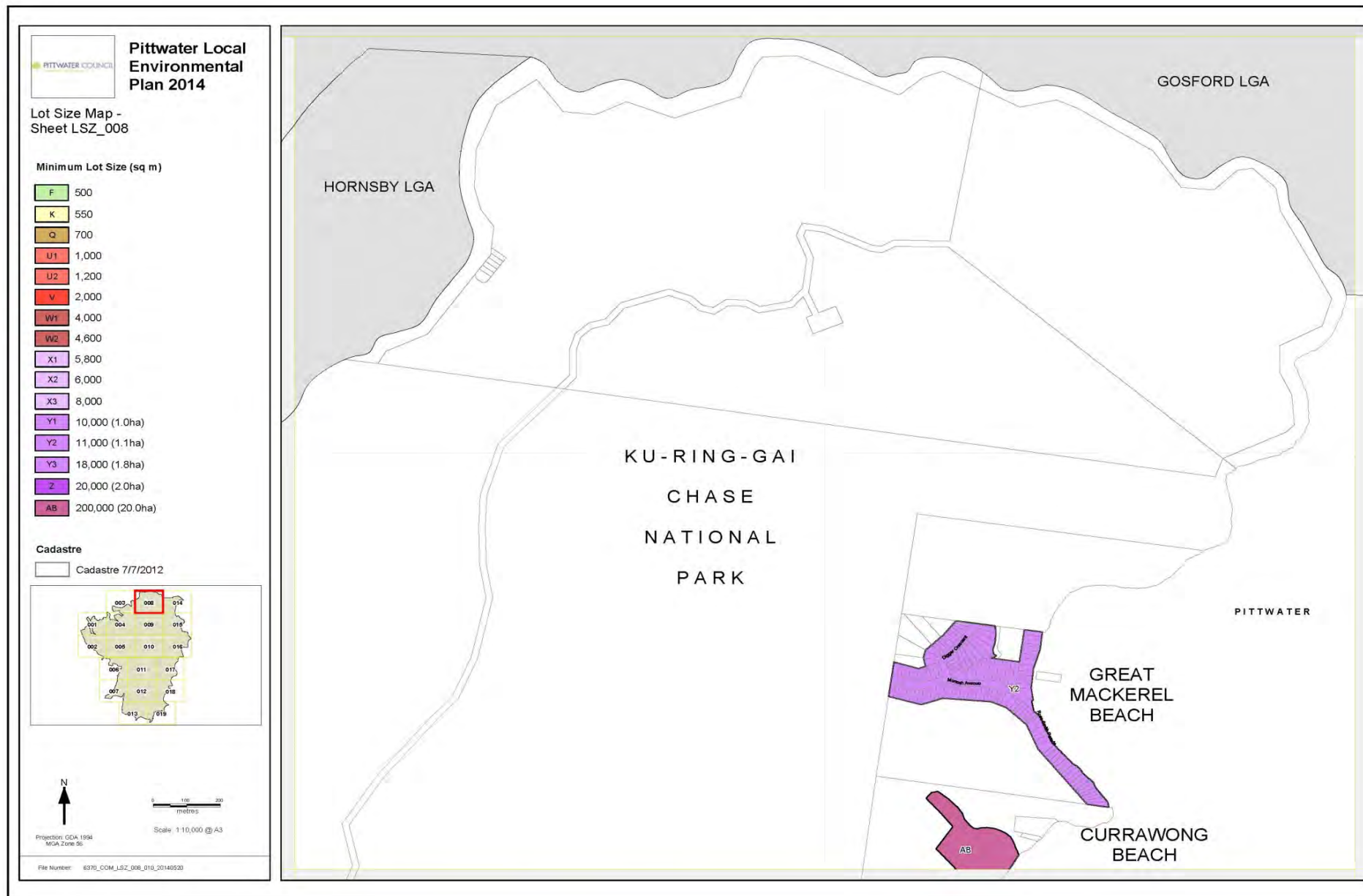
##### Justification for inconsistency

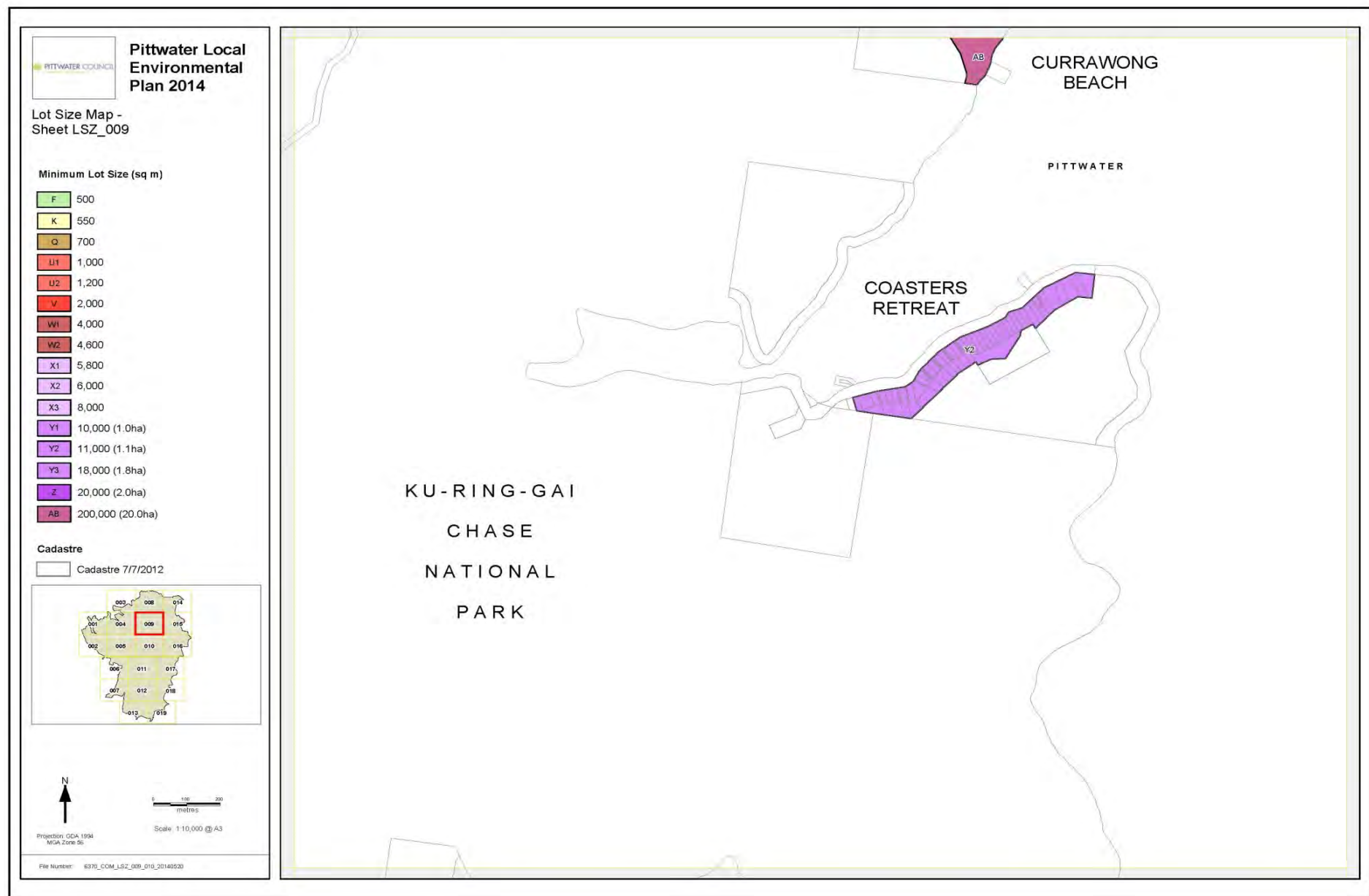
Nil.

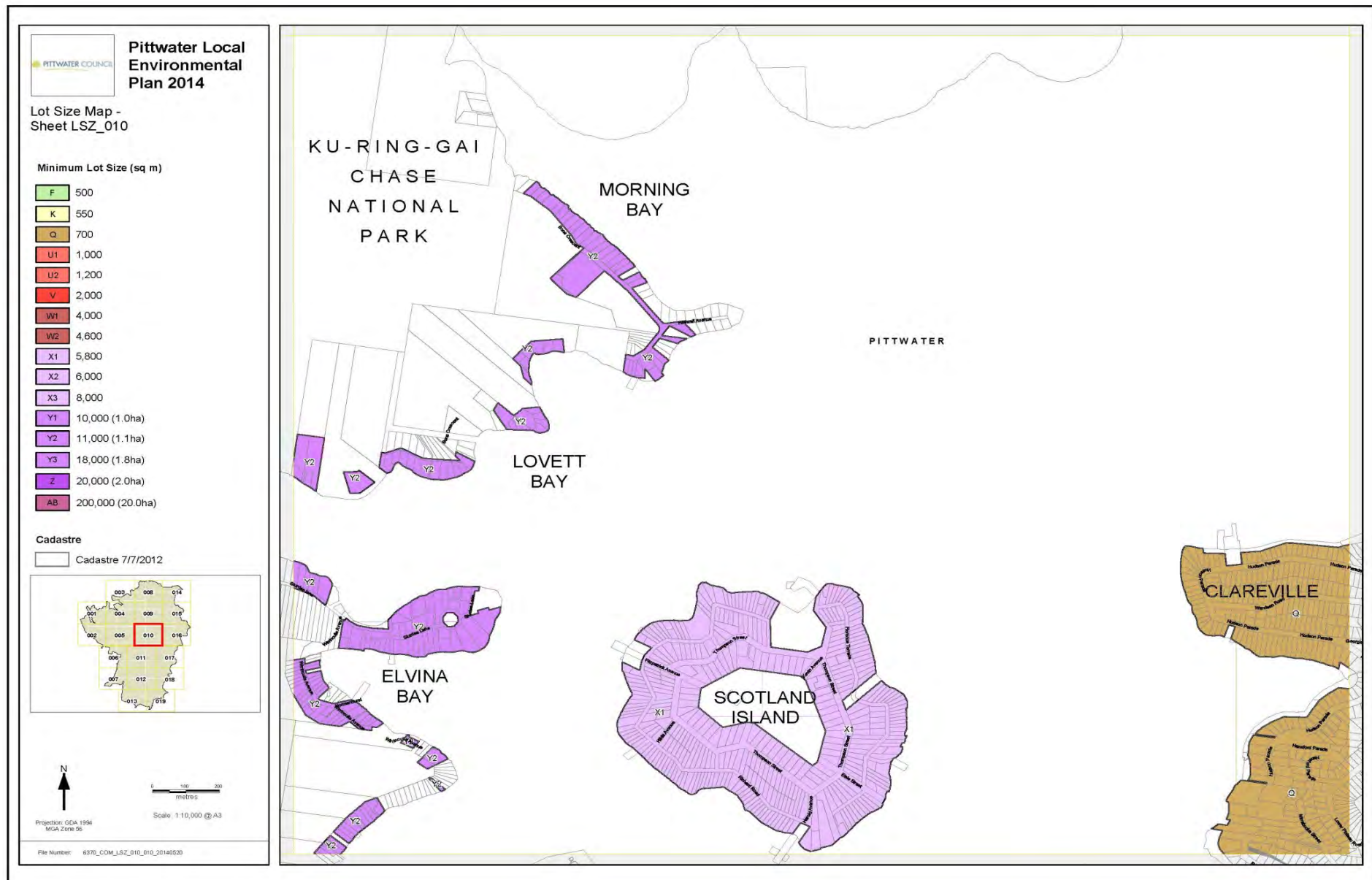
## Appendix 3: Current Pittwater LEP 2014 Maps

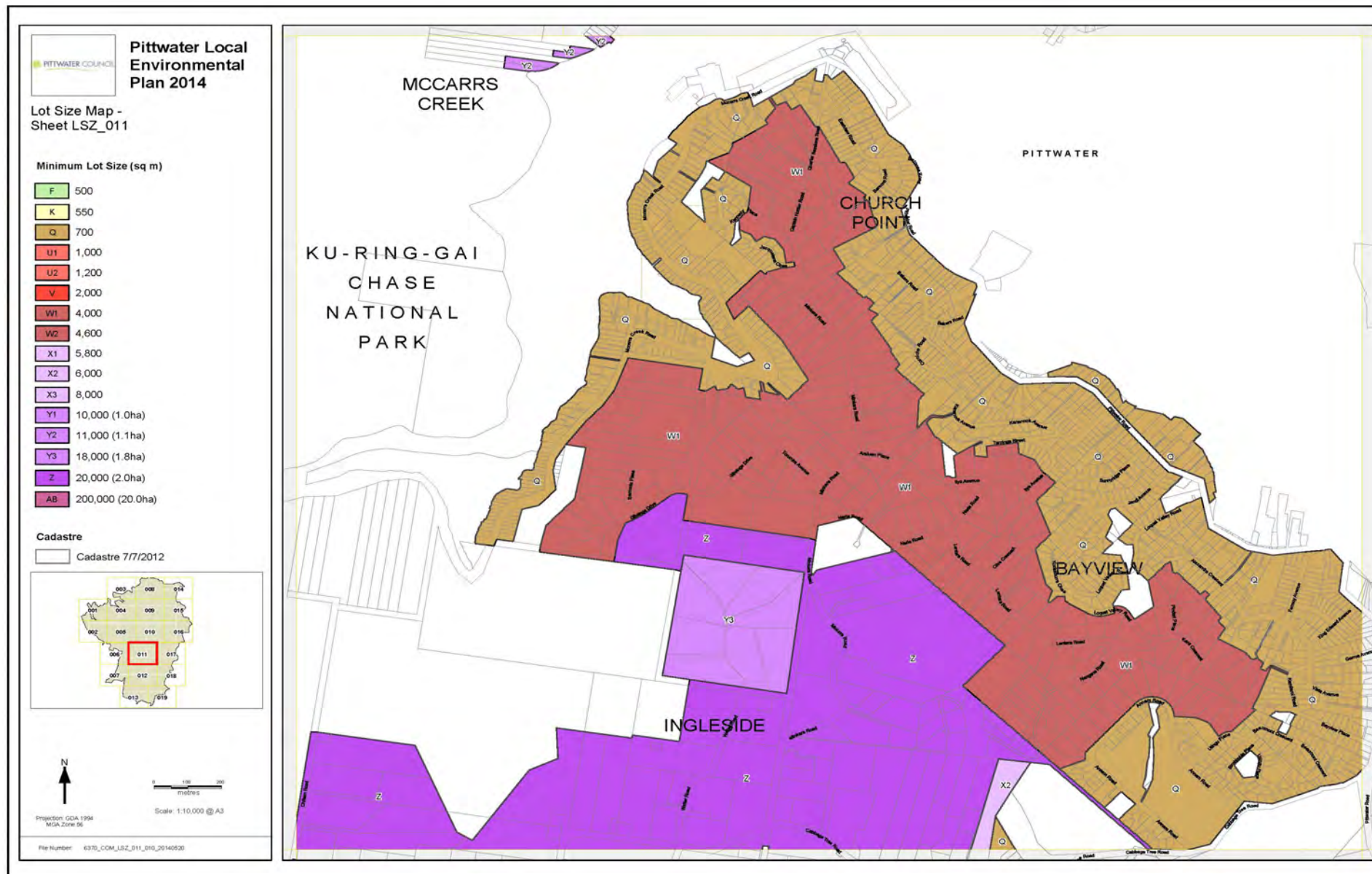






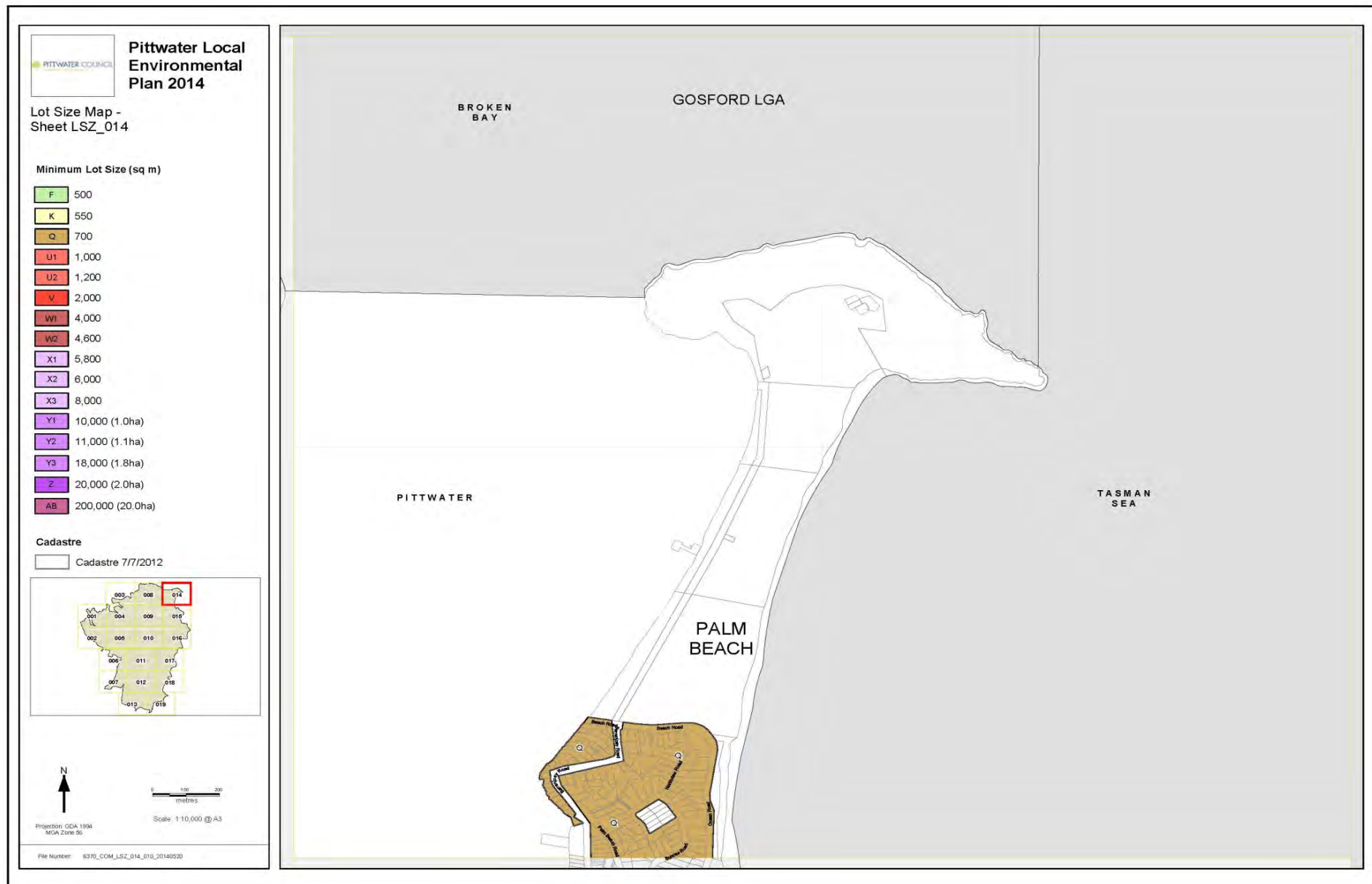




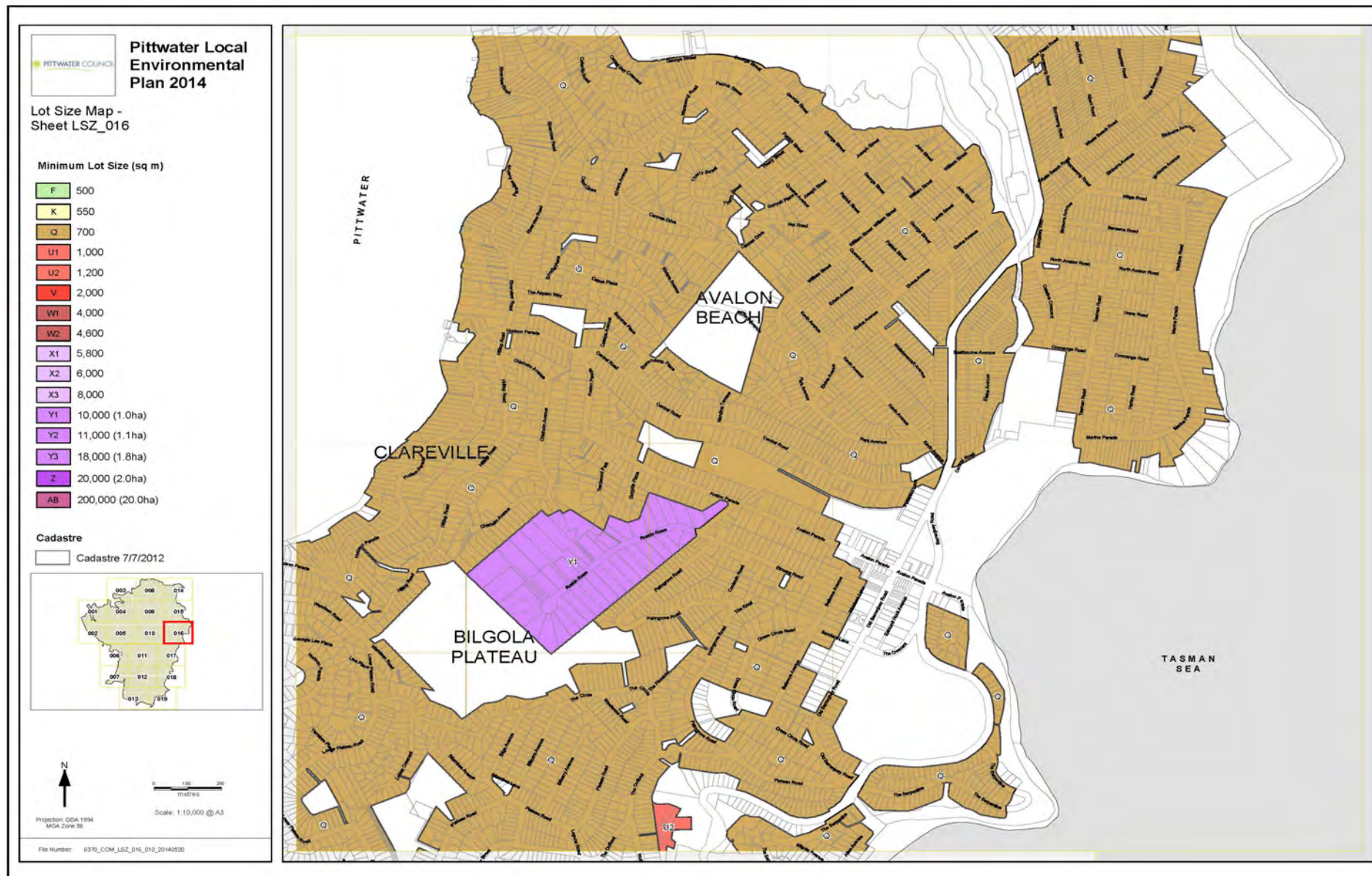


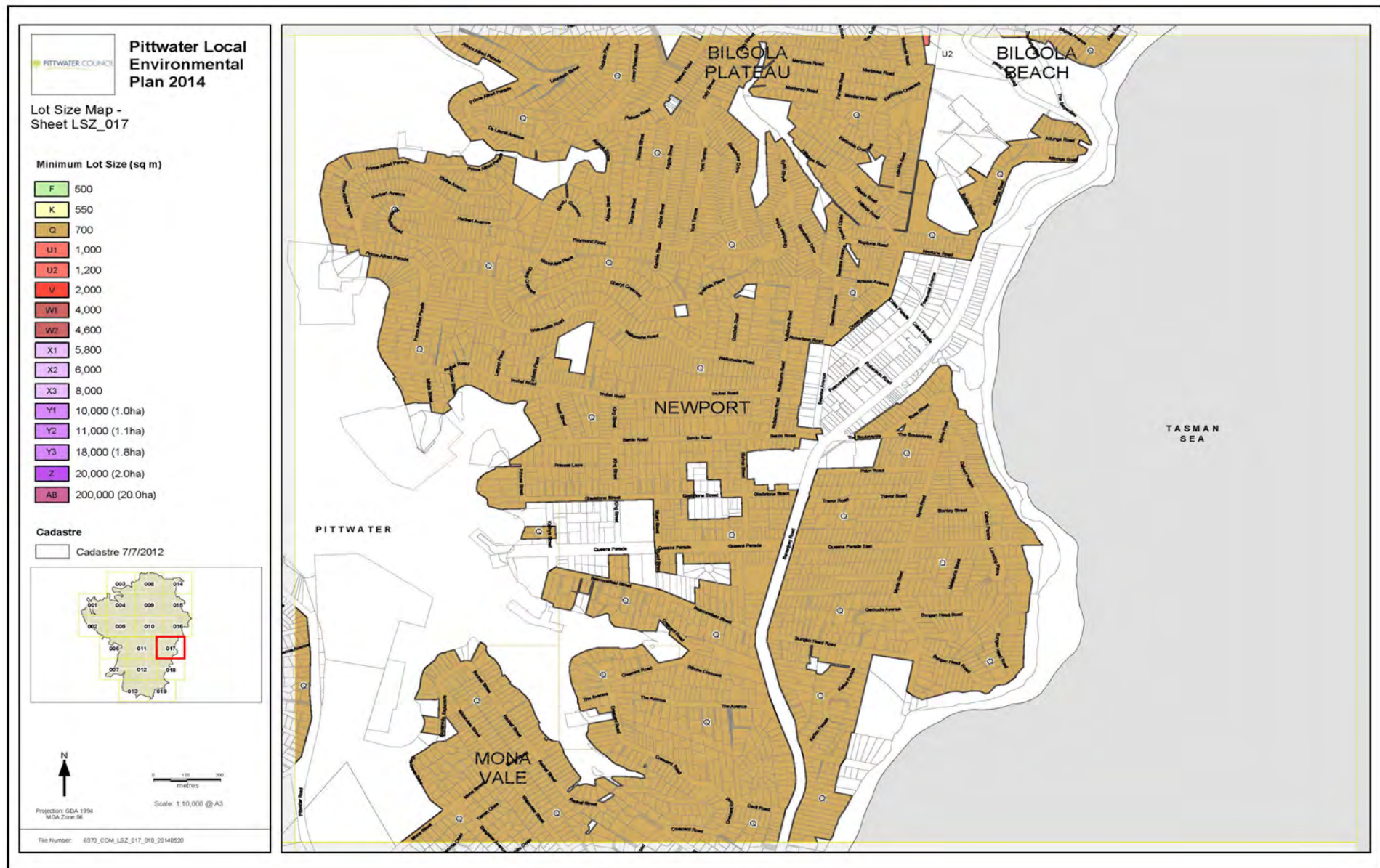


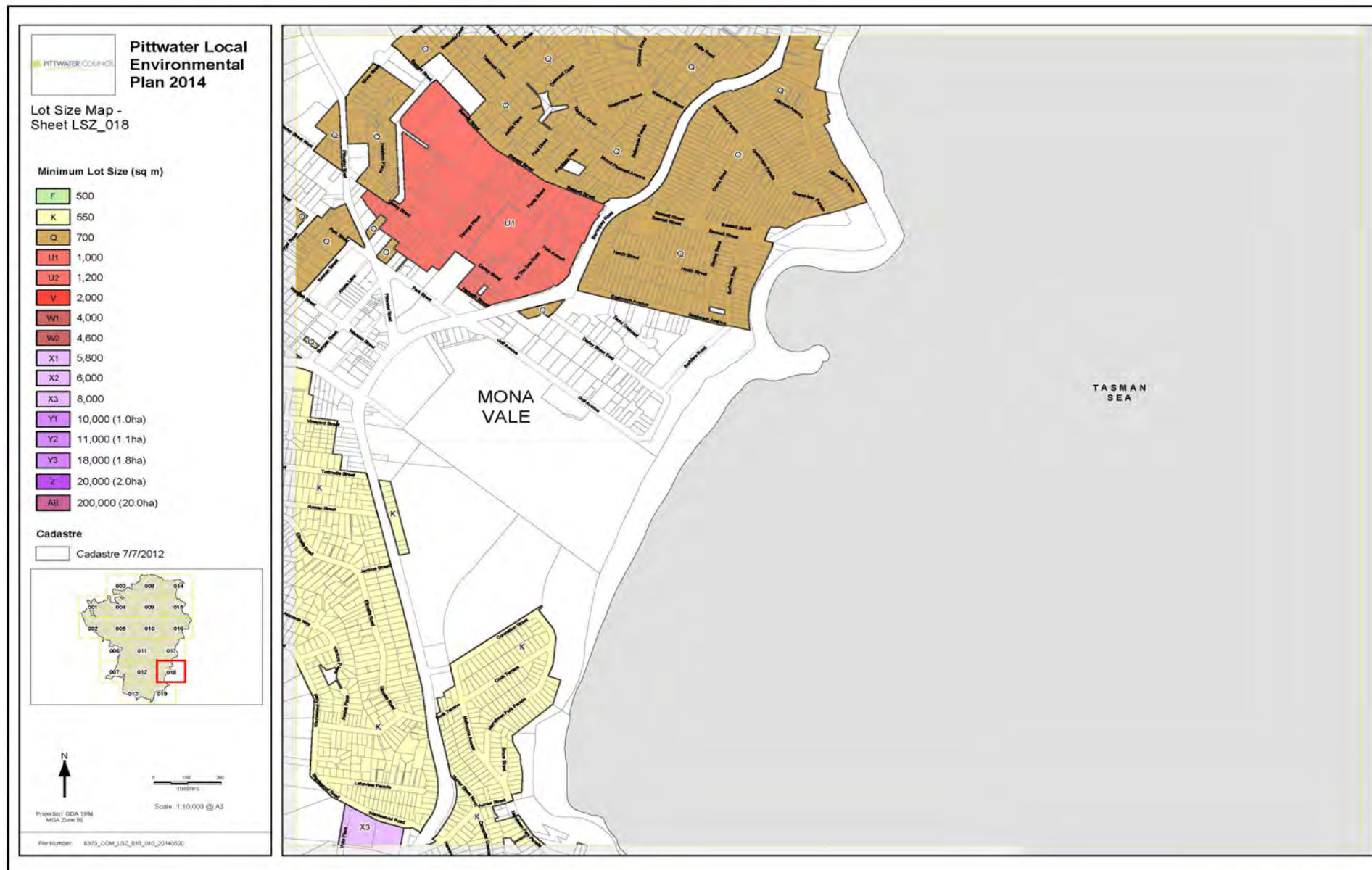


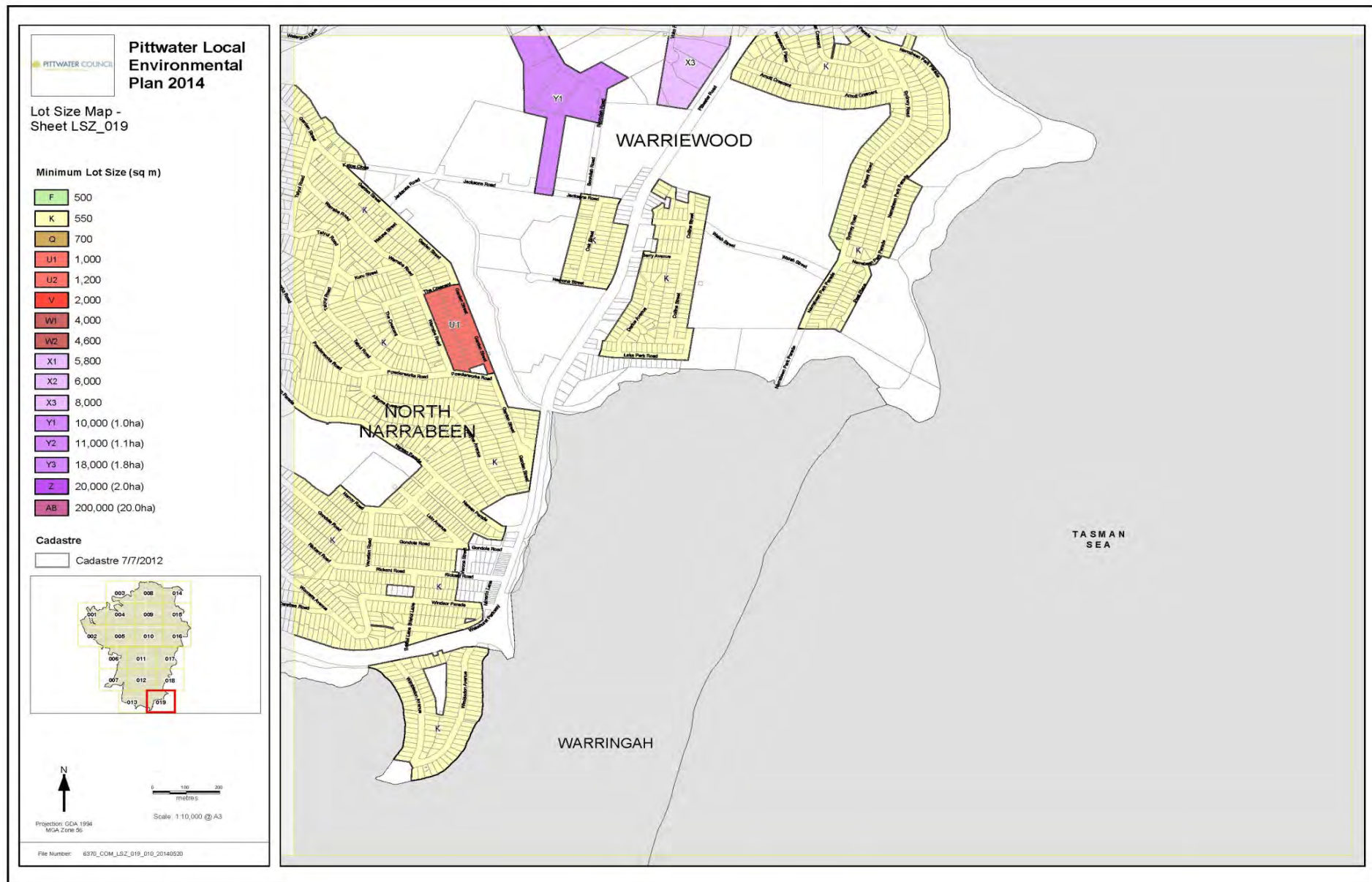




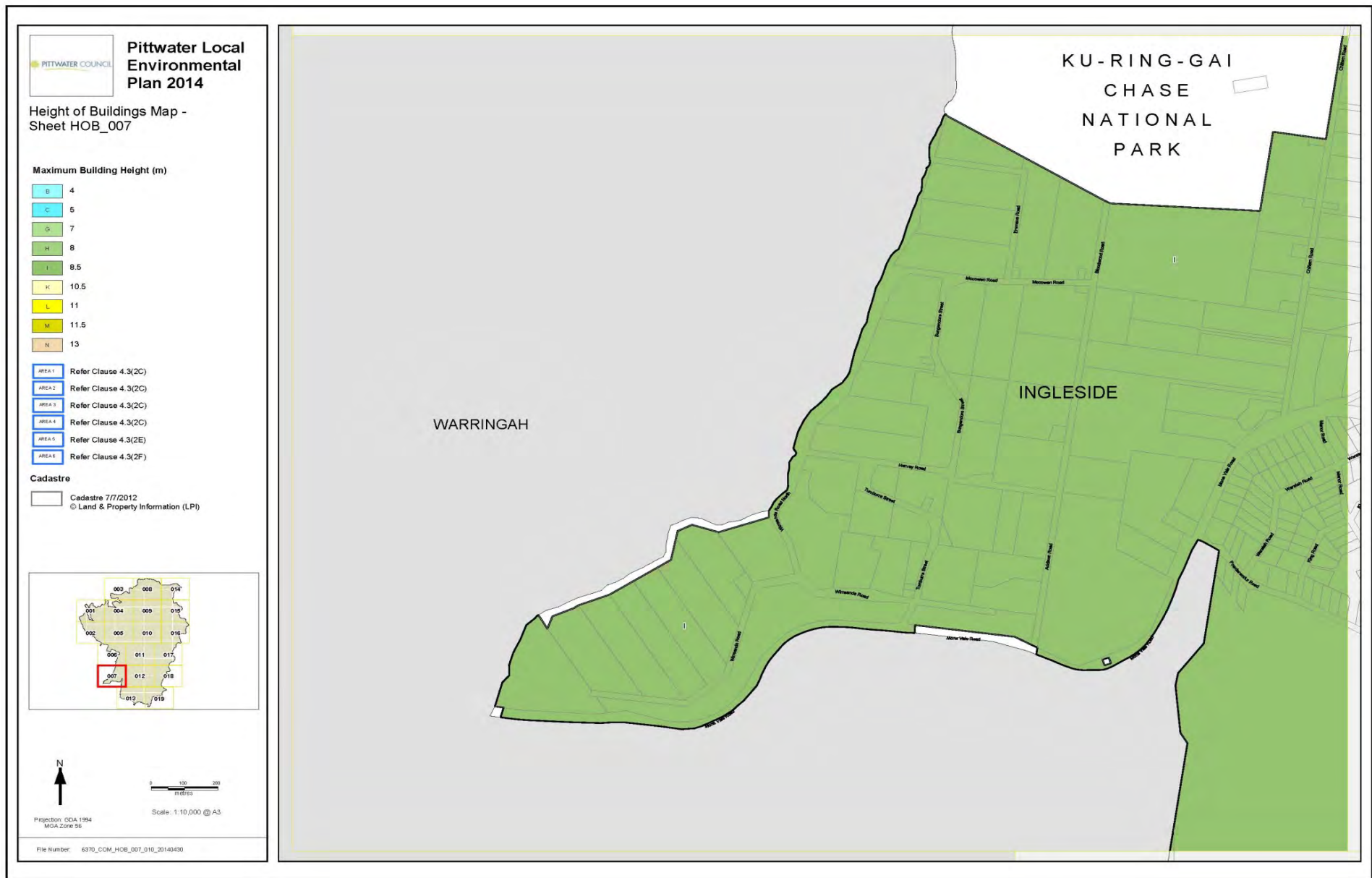




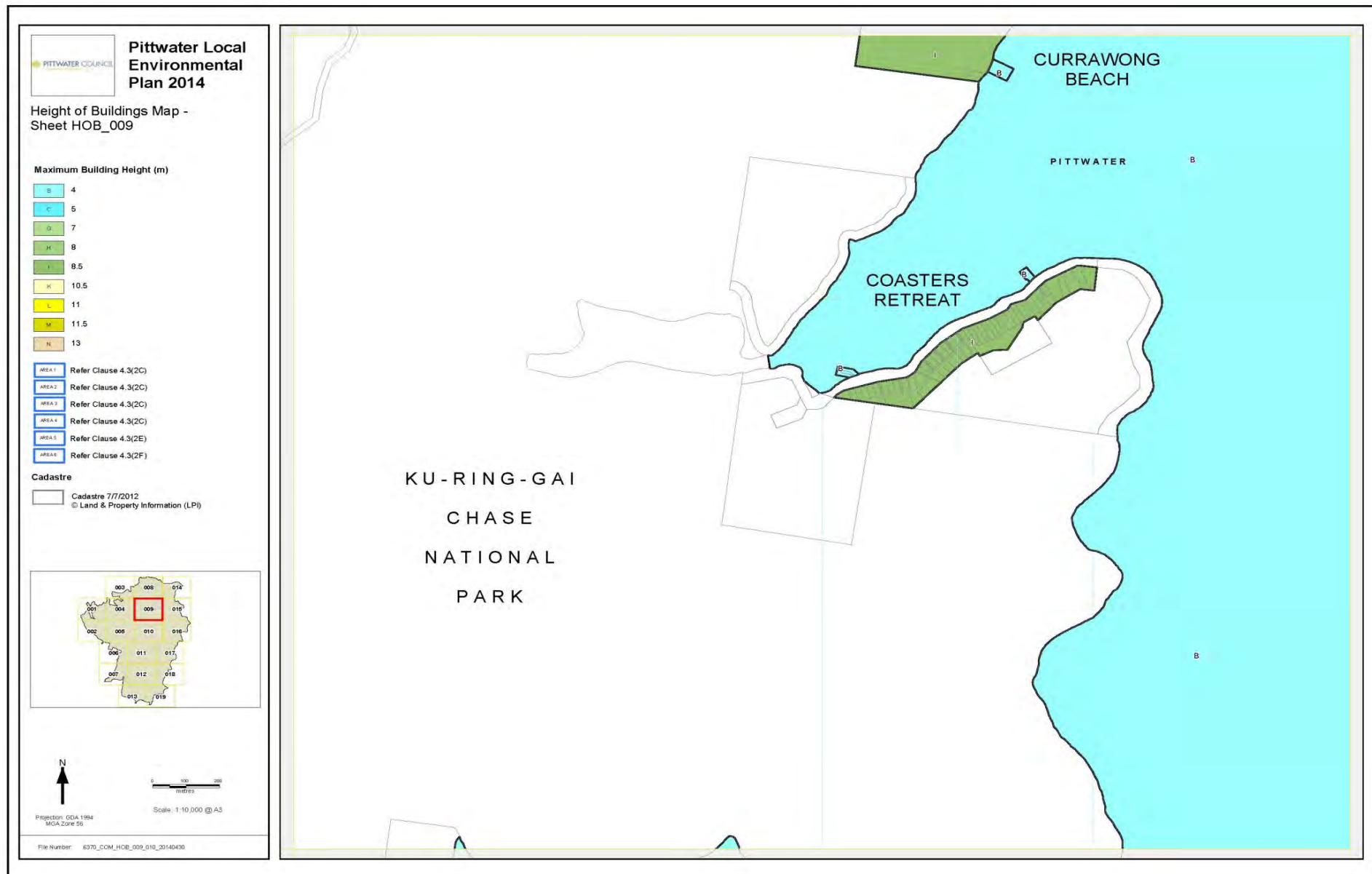


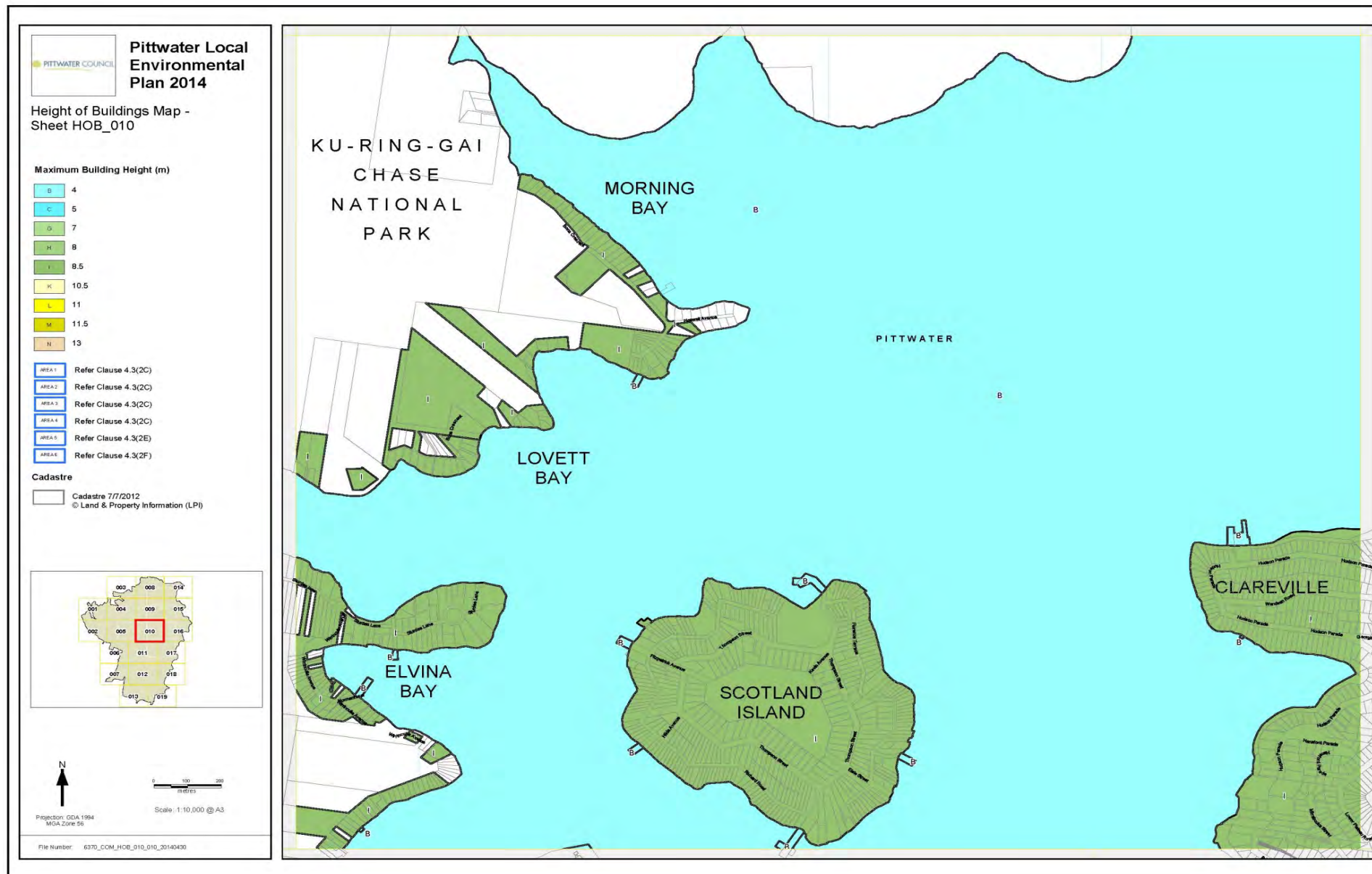















Height of Buildings Map -  
Sheet HOB\_012

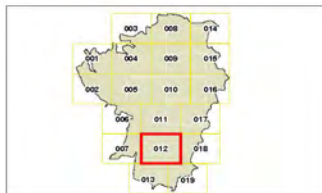
## Maximum Building Height (m)

B	4
C	5
G	7
H	8
I	8.5
K	10.5
L	11
M	11.5
N	13

AREA 1	Refer Clause 4.3(2C)
AREA 2	Refer Clause 4.3(2C)
AREA 3	Refer Clause 4.3(2C)
AREA 4	Refer Clause 4.3(2C)
AREA 5	Refer Clause 4.3(2E)
AREA 6	Refer Clause 4.3(2F)

## Cadastral

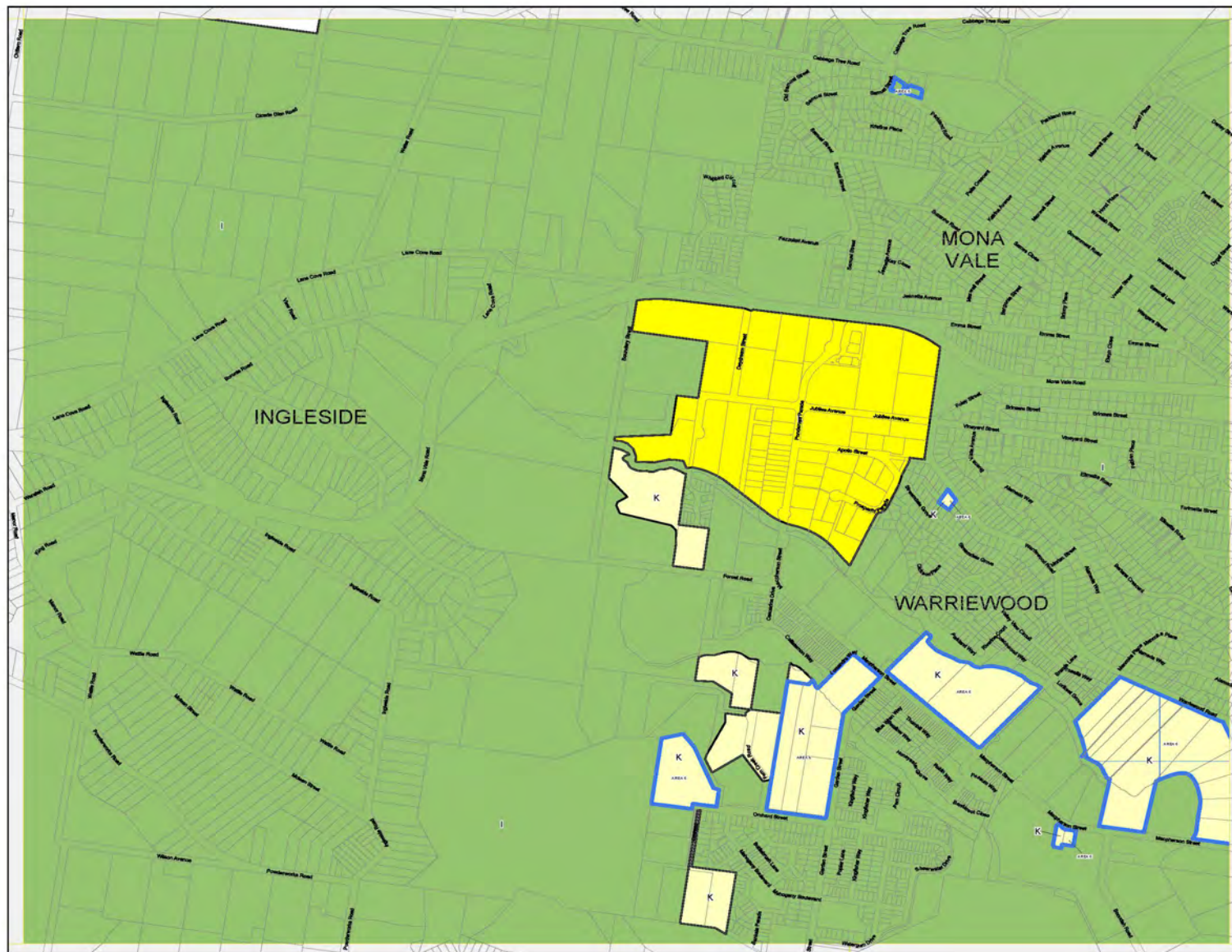
 Cadastre 7/7/2012  
© Land & Property Information (LPI)

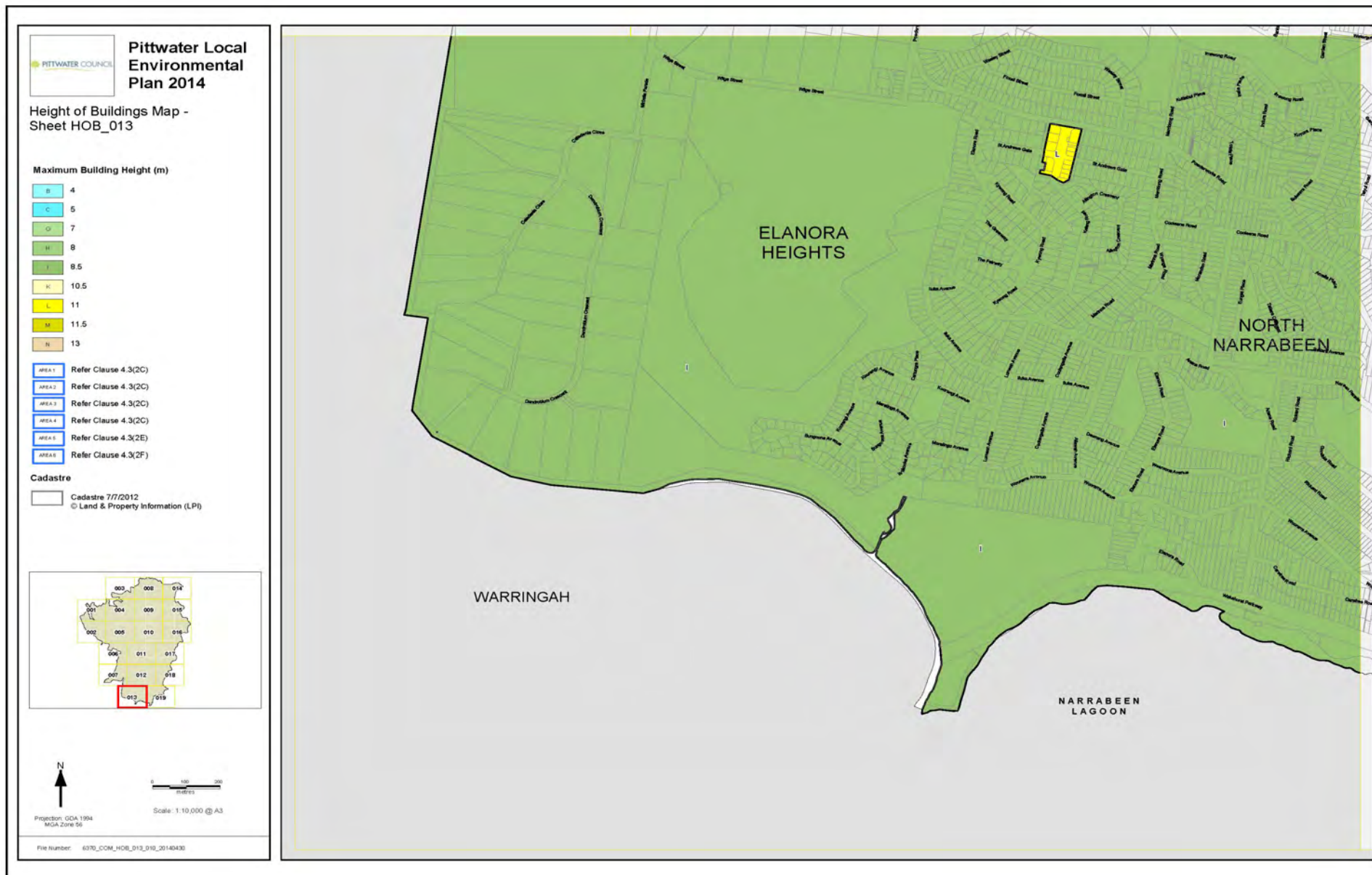


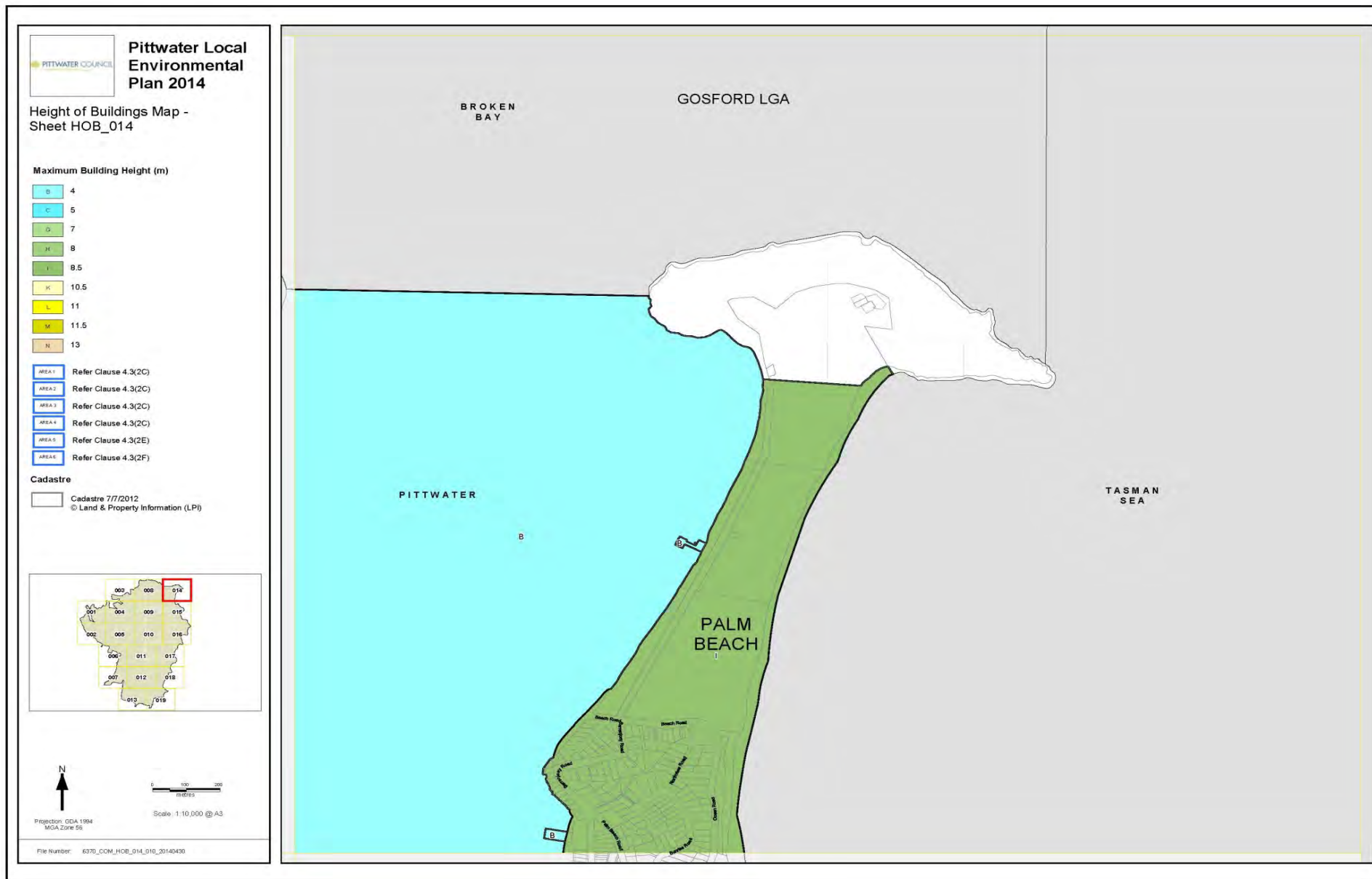
Projection: GDA 1994  
MGA Zone 56

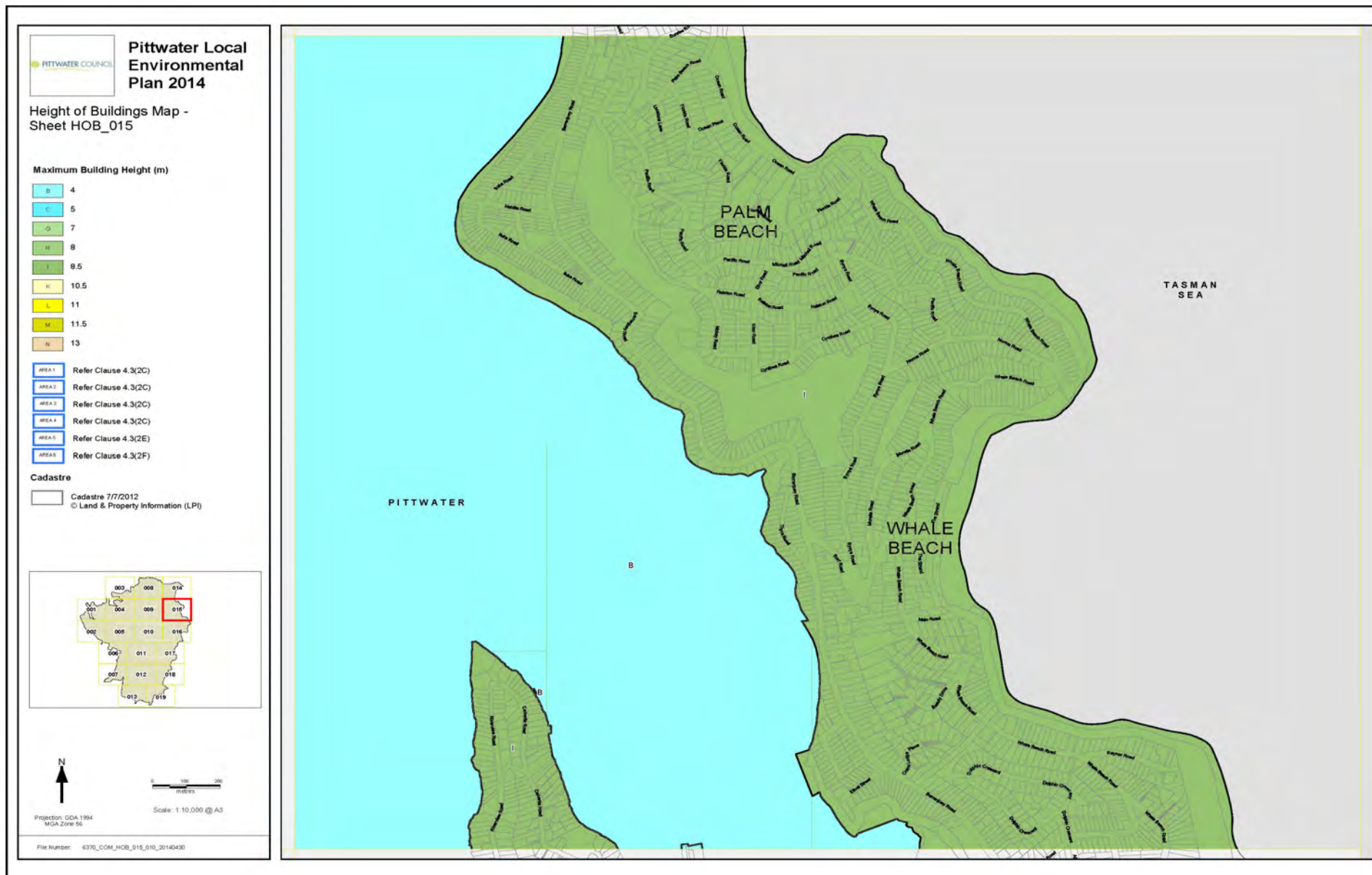
Scale: 1:10,000 @ A3

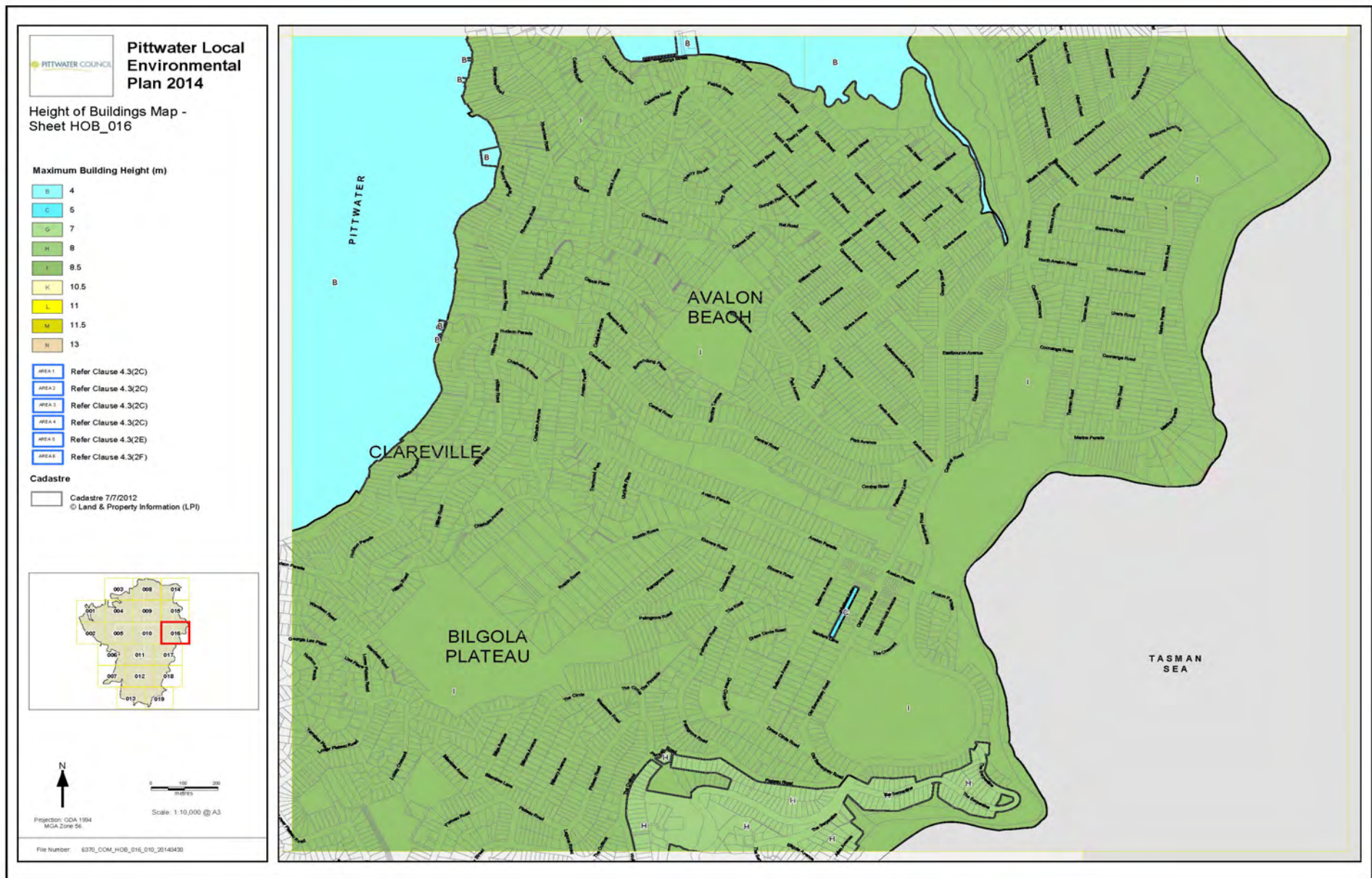
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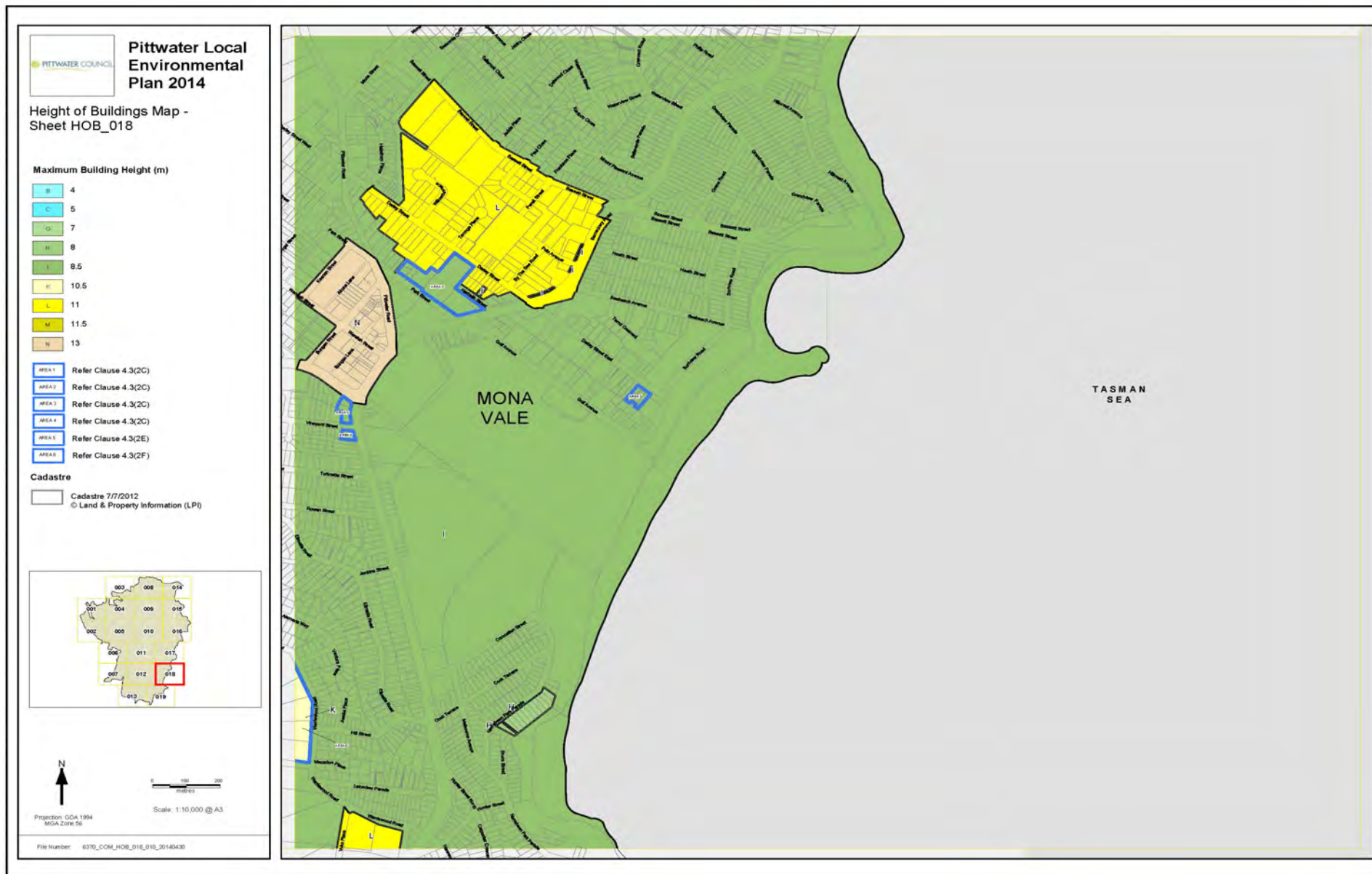


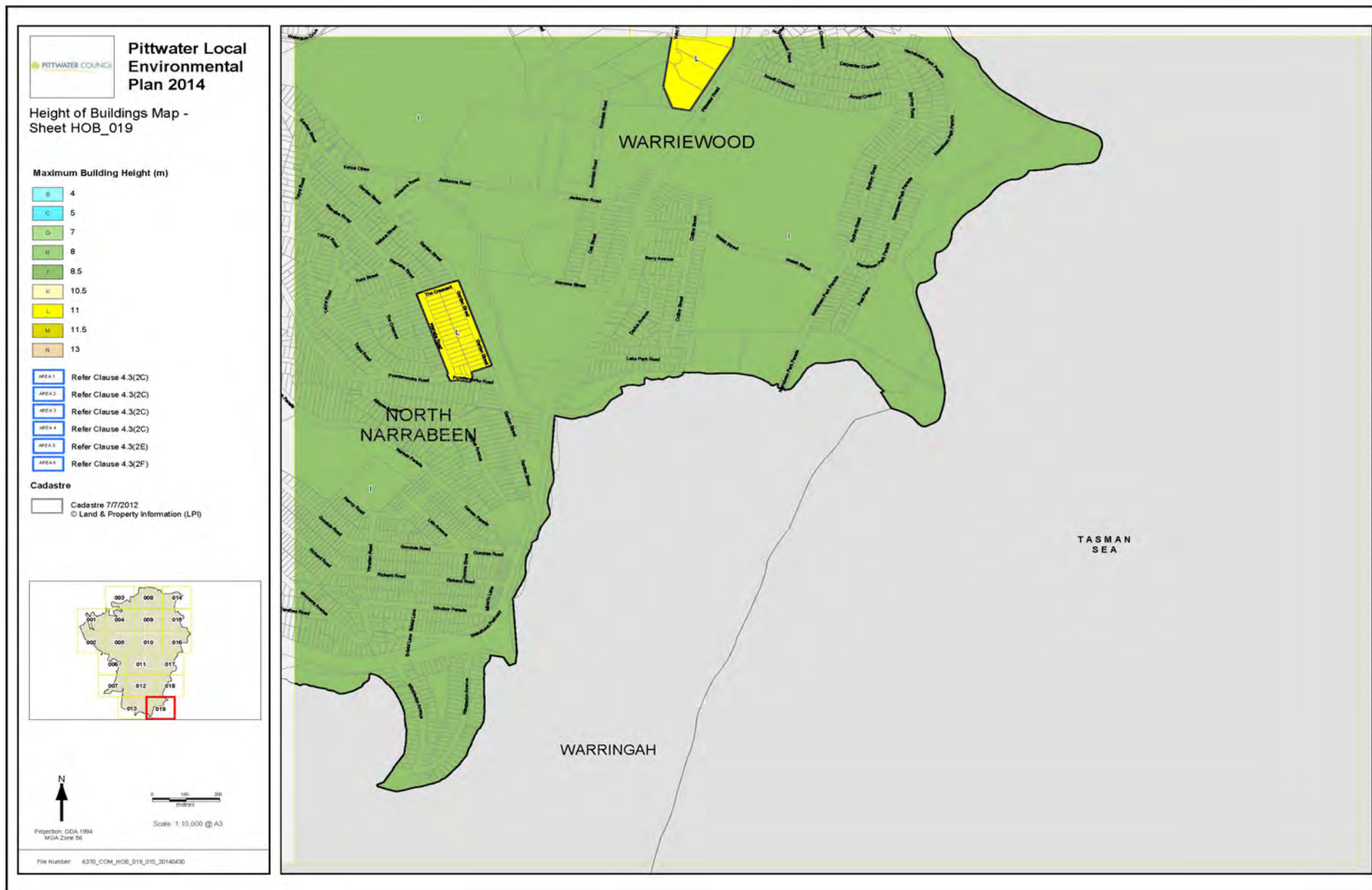






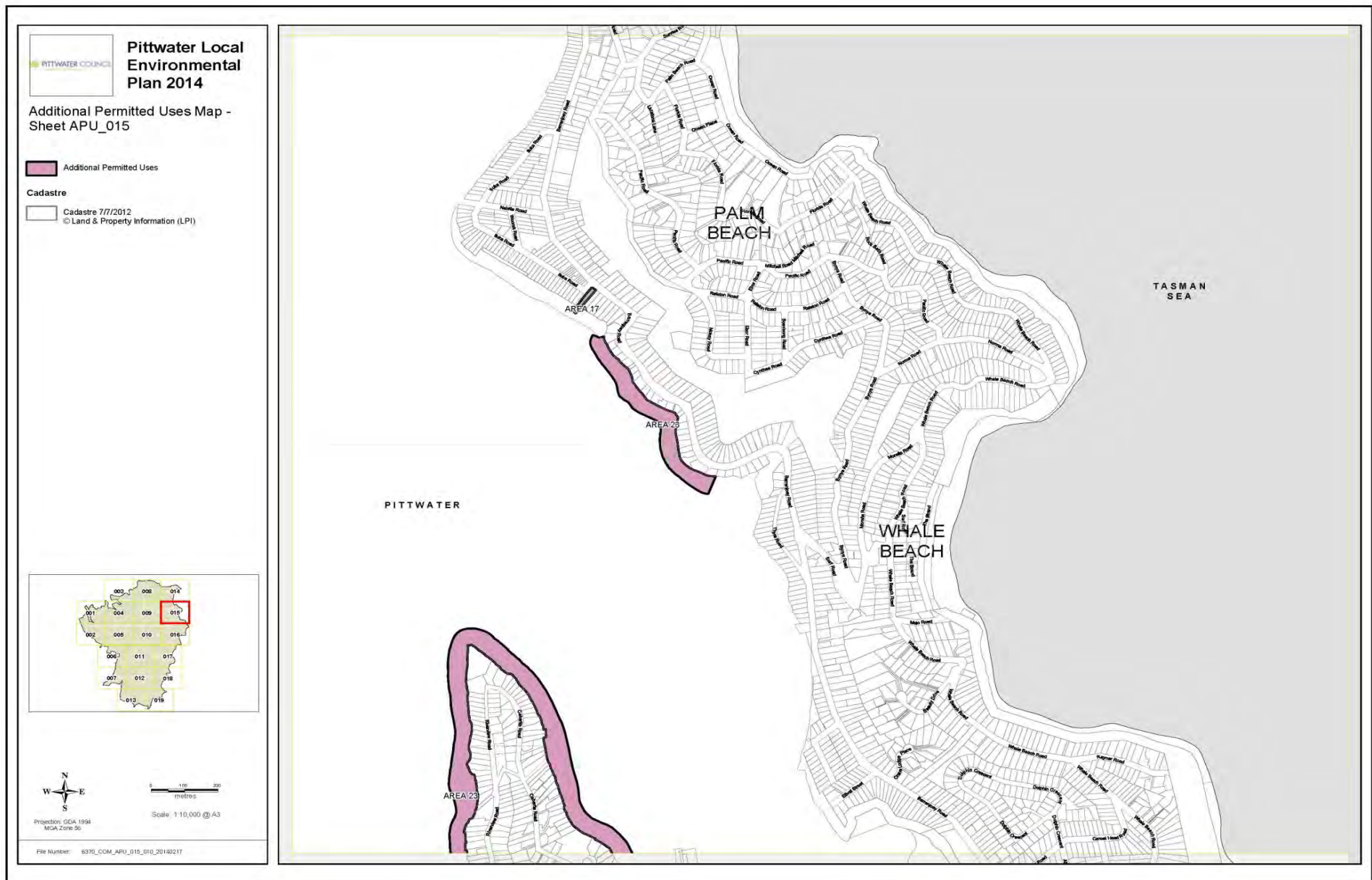


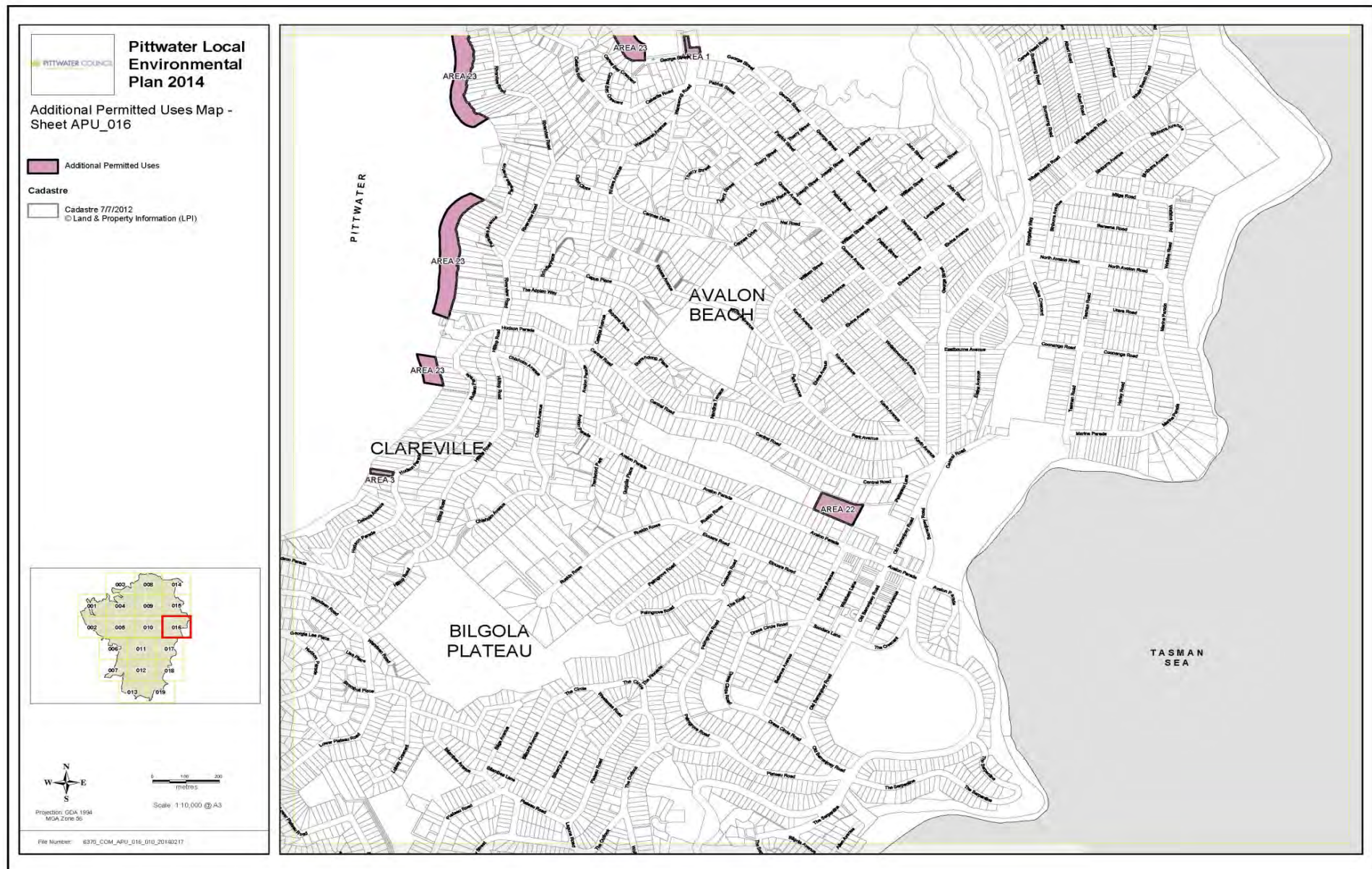




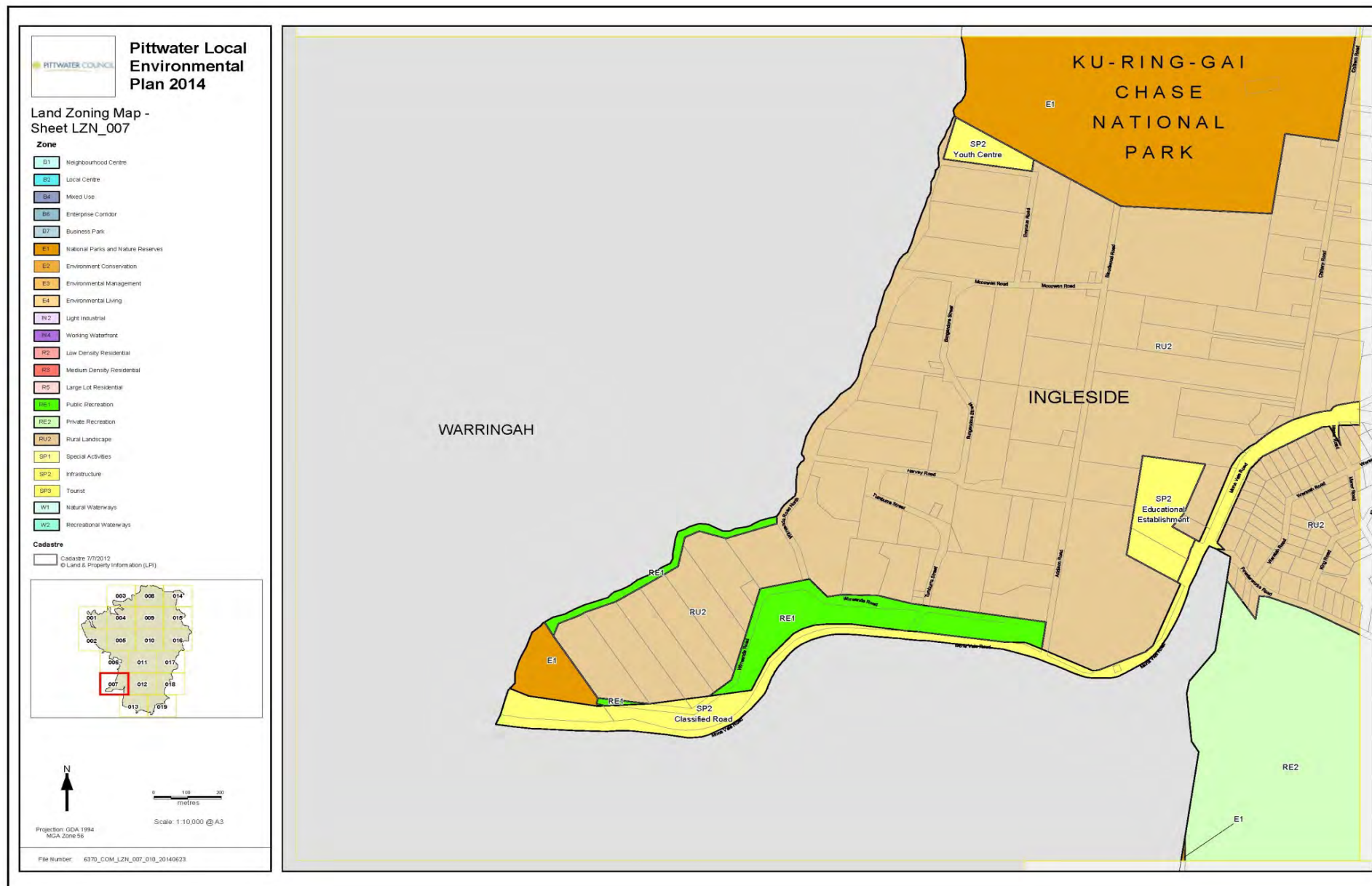




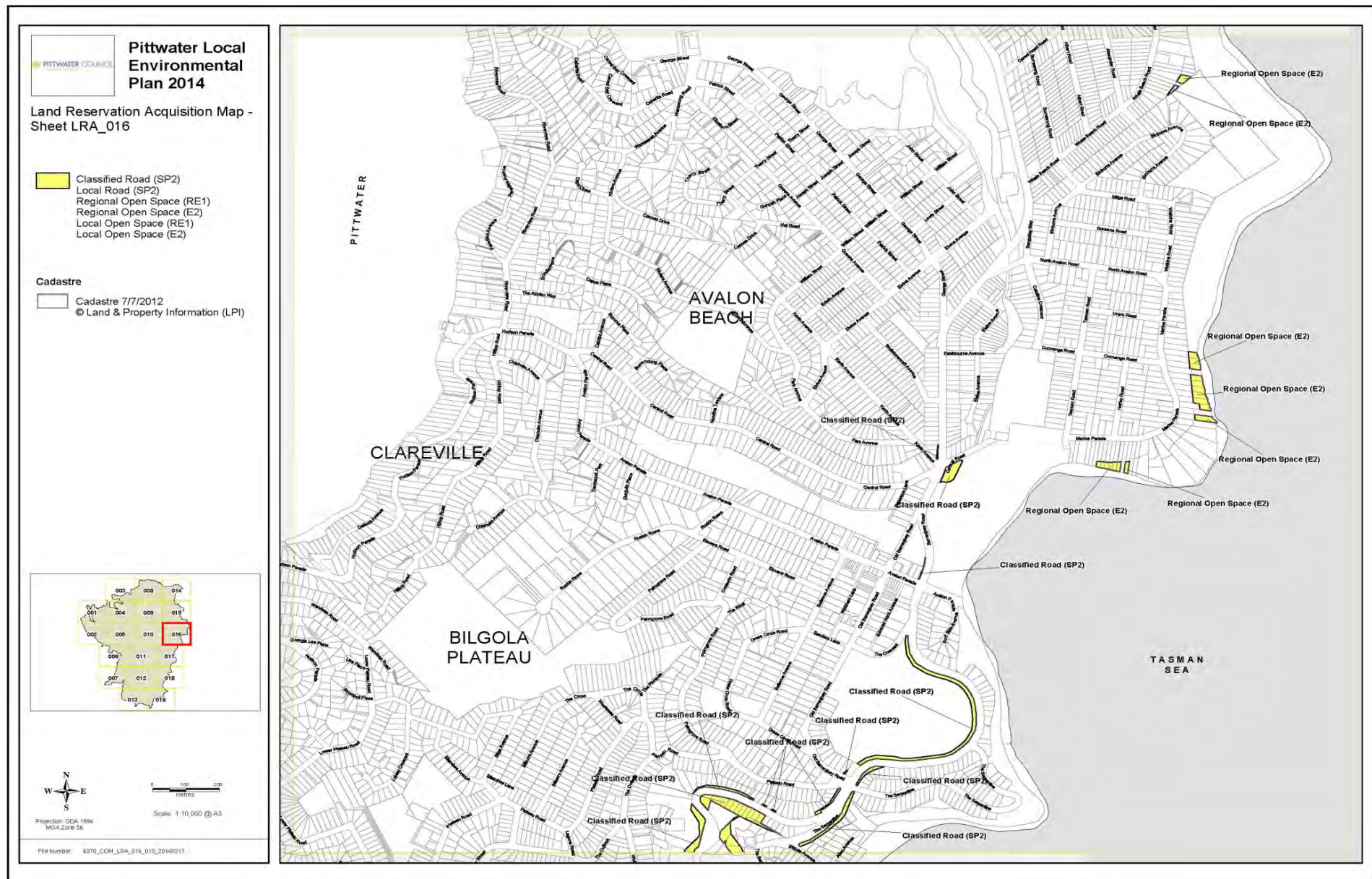






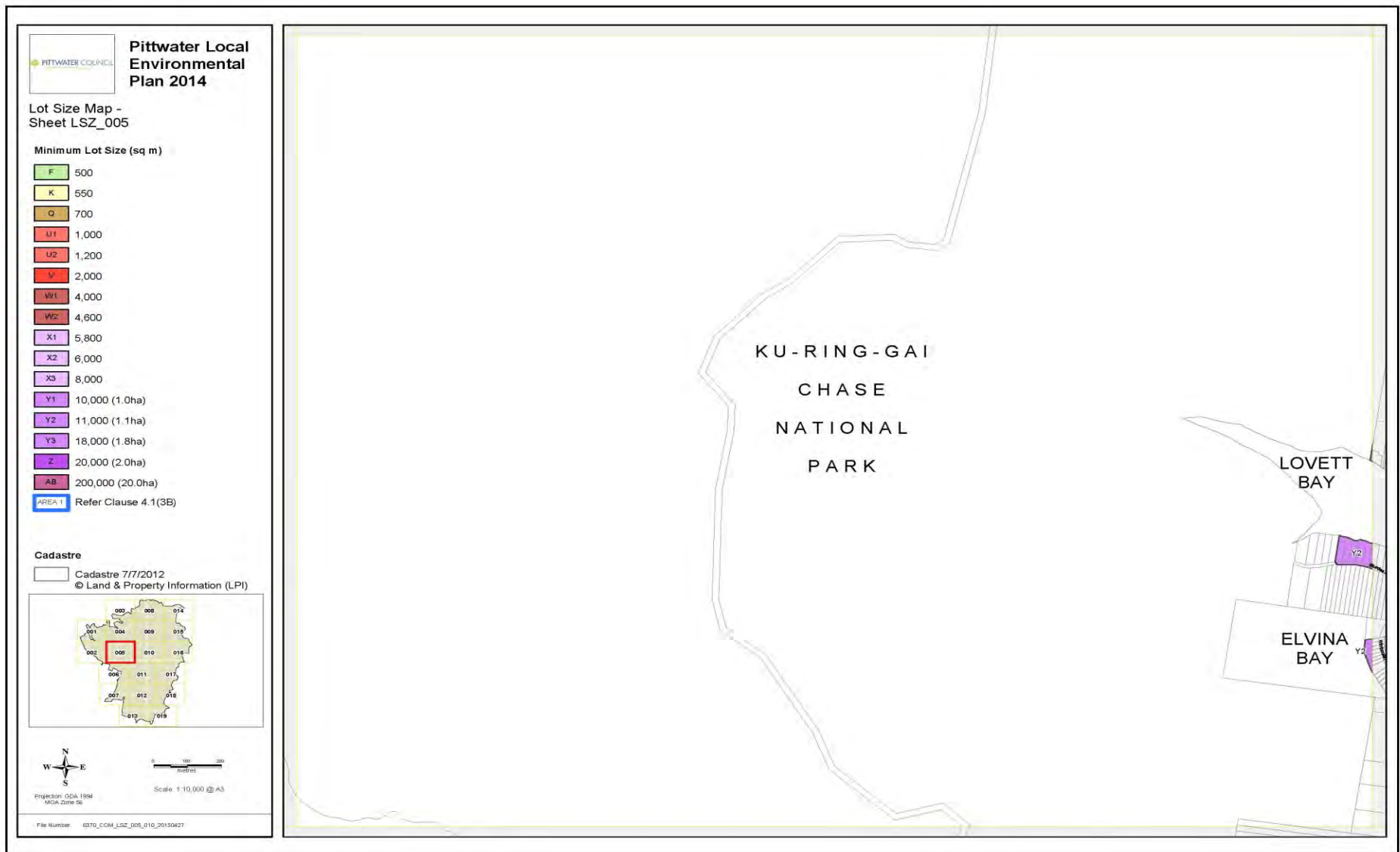




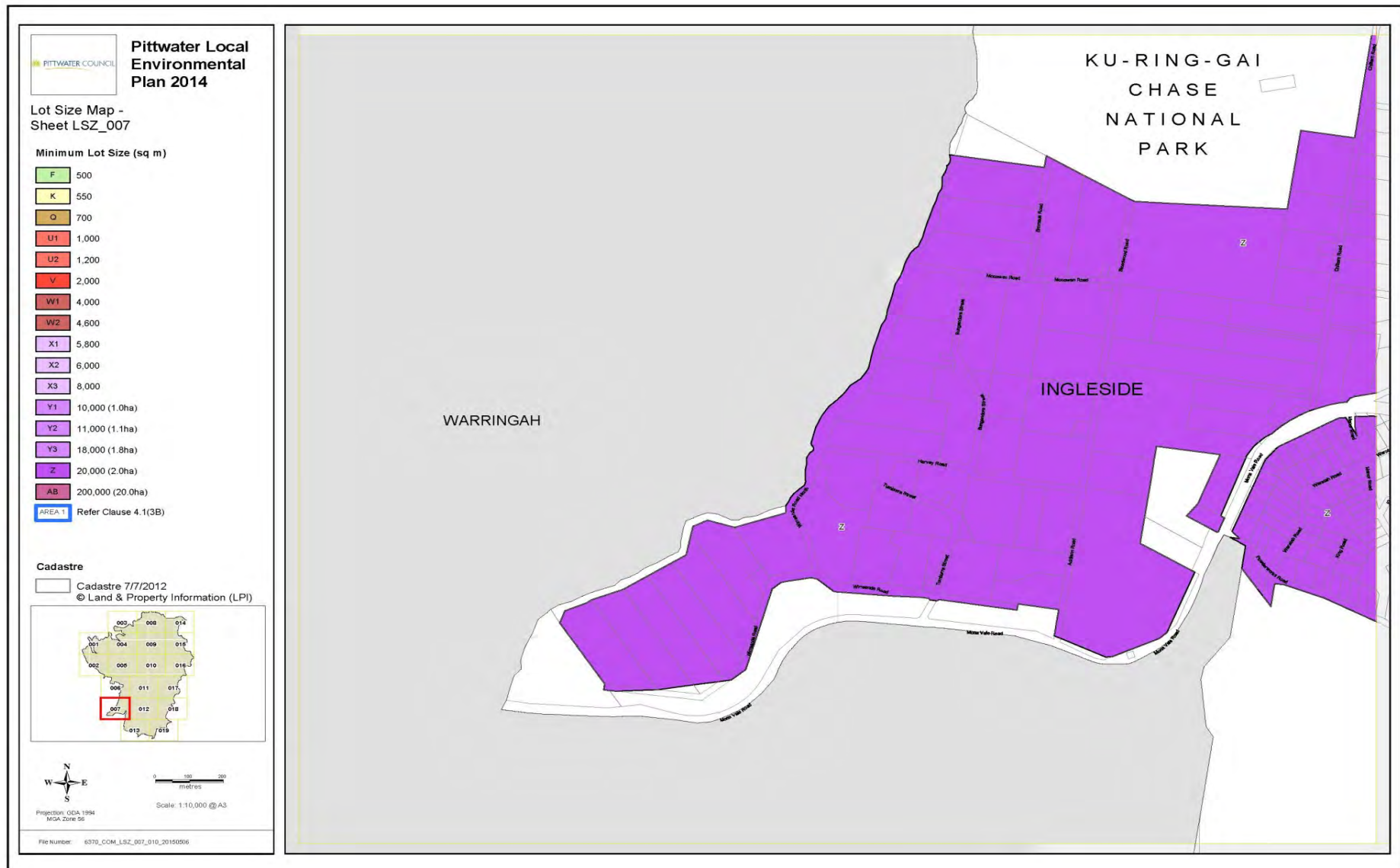


## Appendix 4: Proposed Pittwater LEP 2014 Maps

### Attachment 4.1



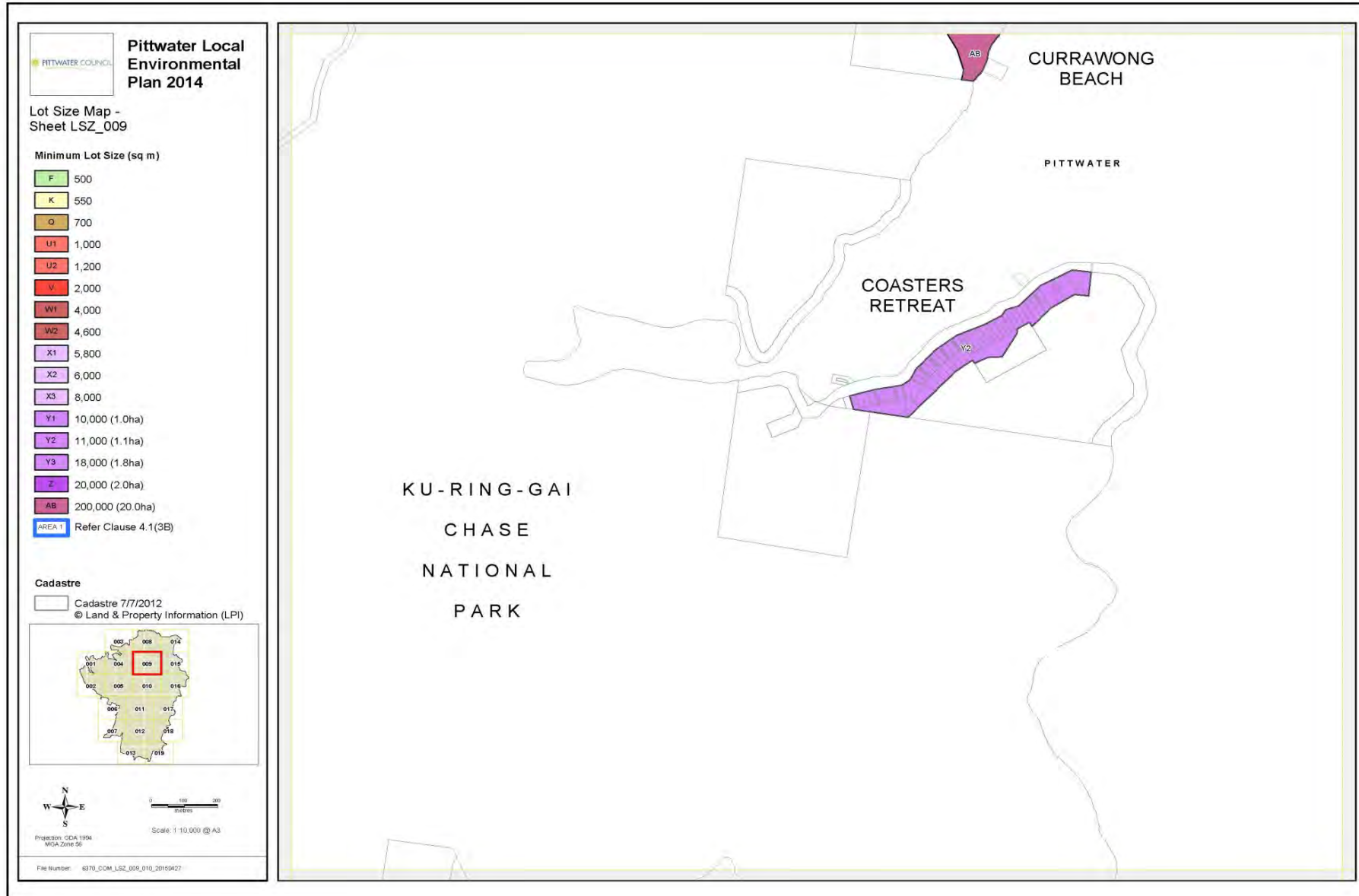
## Attachment 4.2



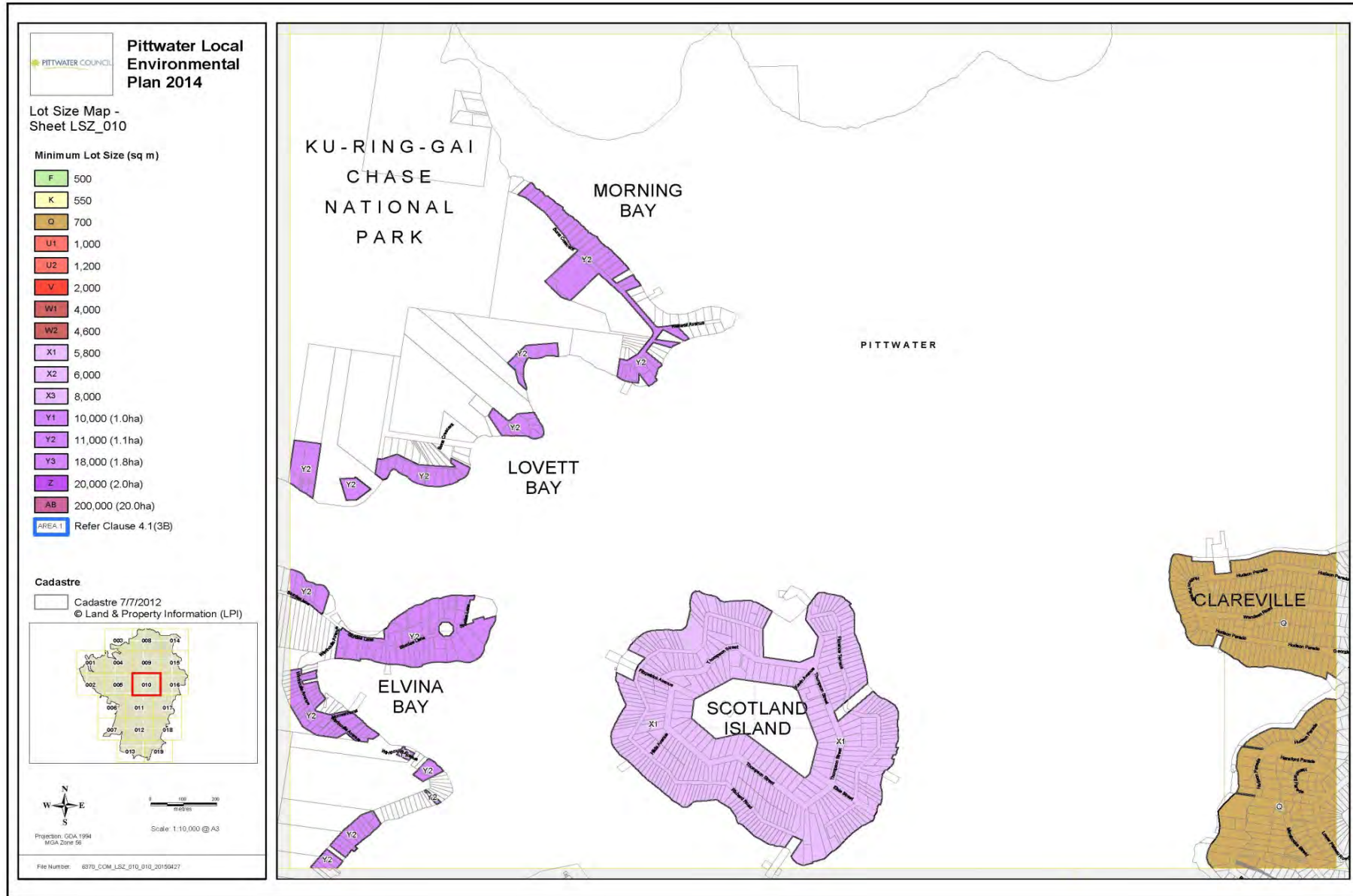
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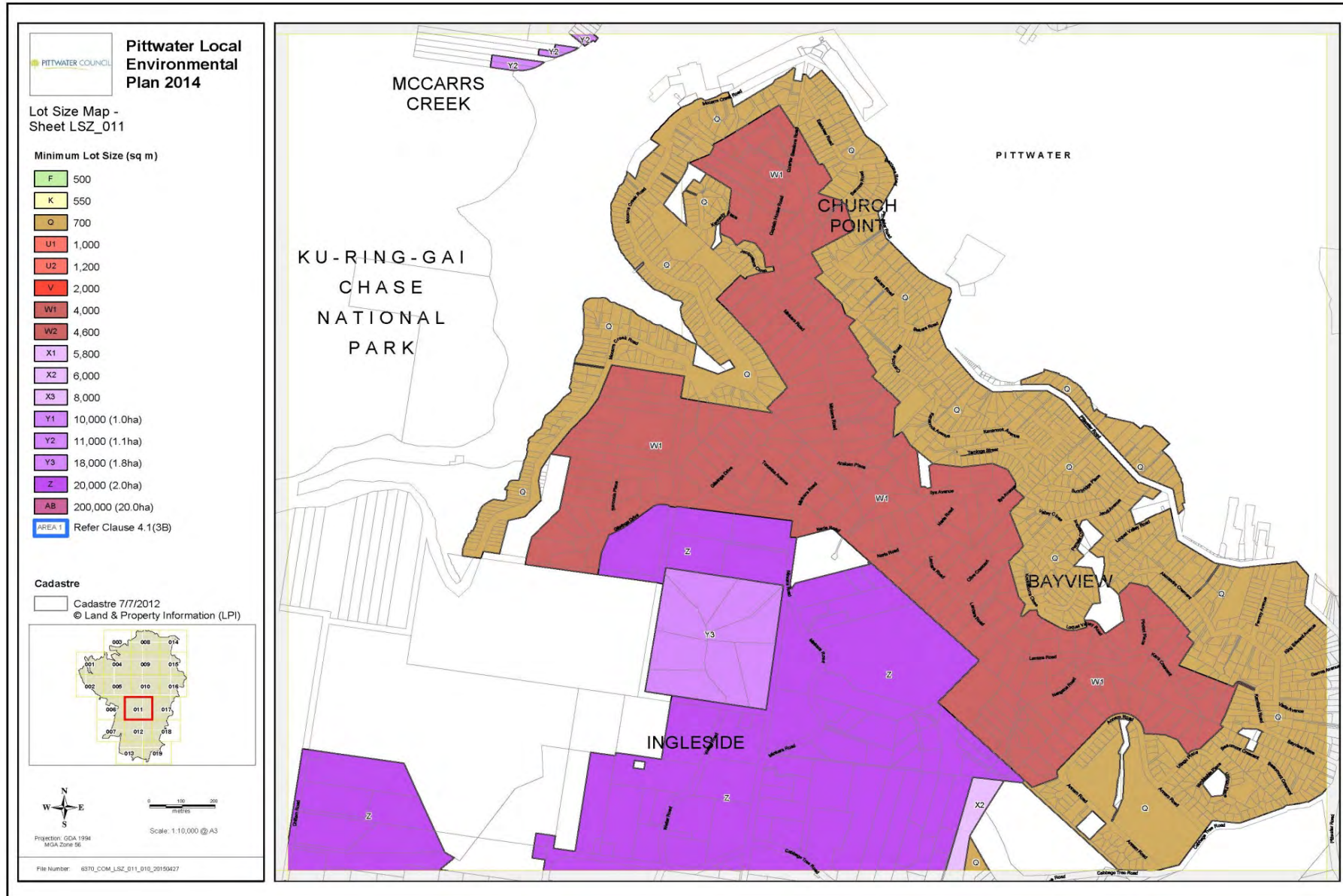
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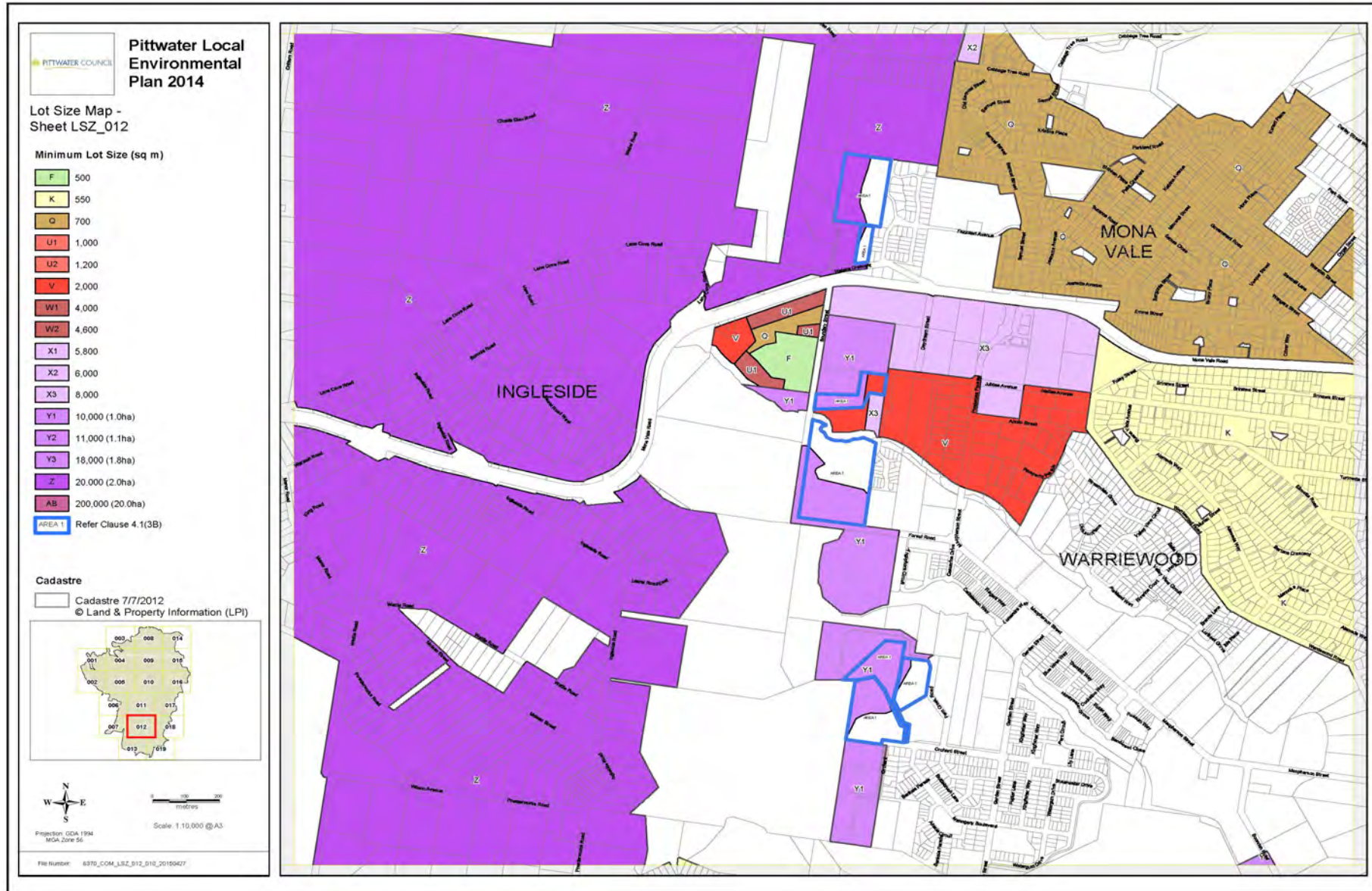
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## Attachment 4.6



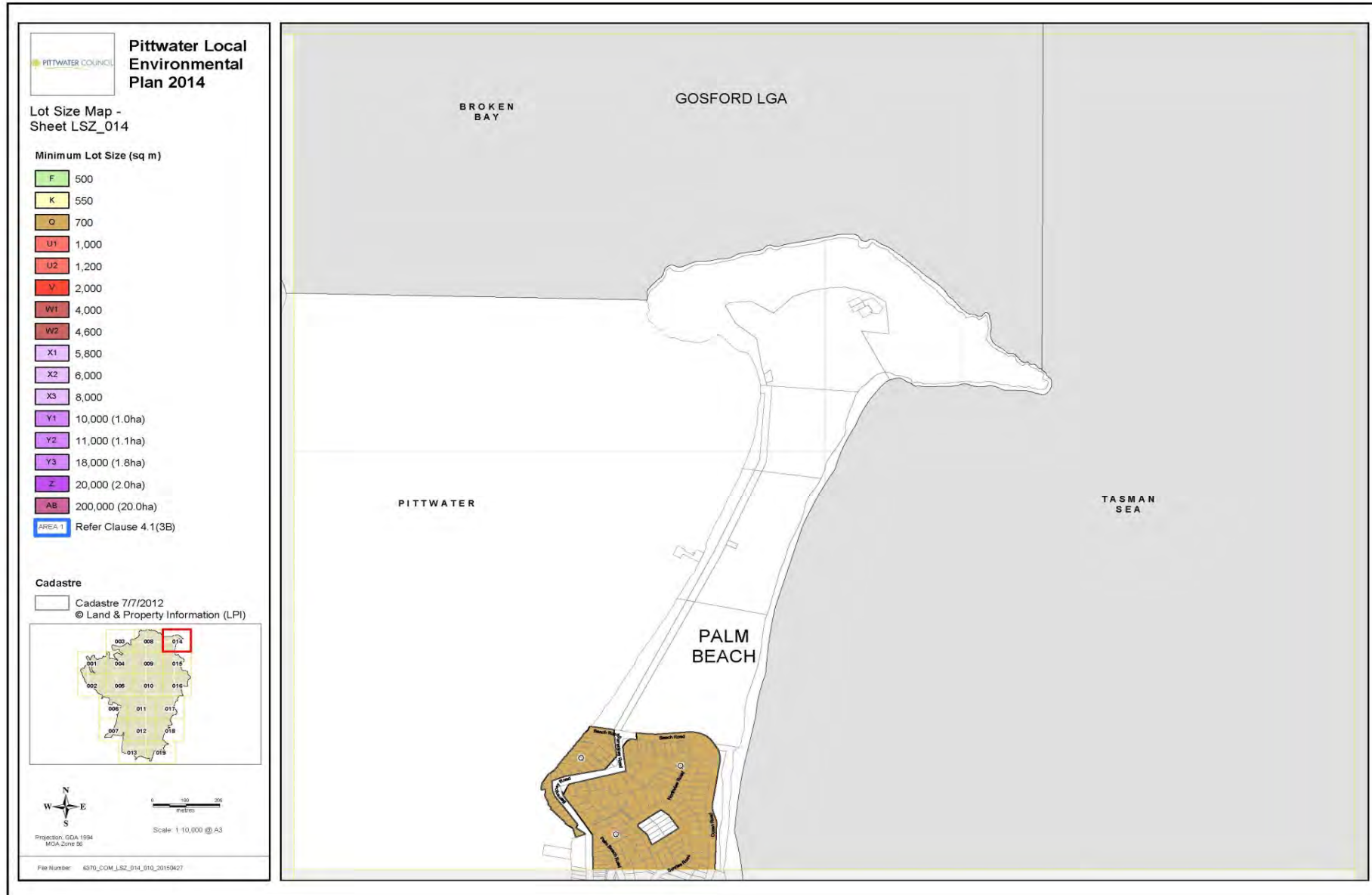
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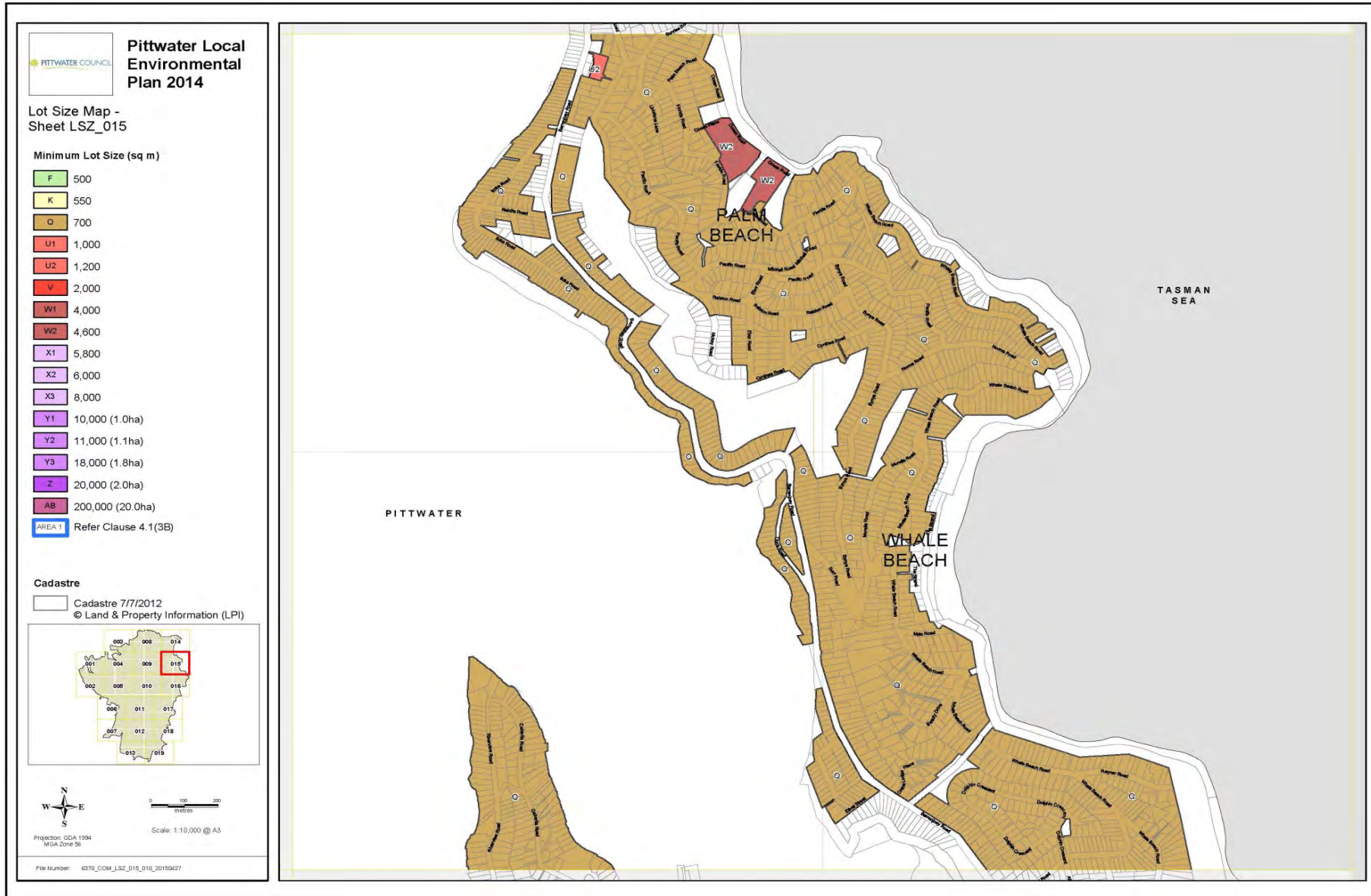
## Attachment 4.8



## Attachment 4.9



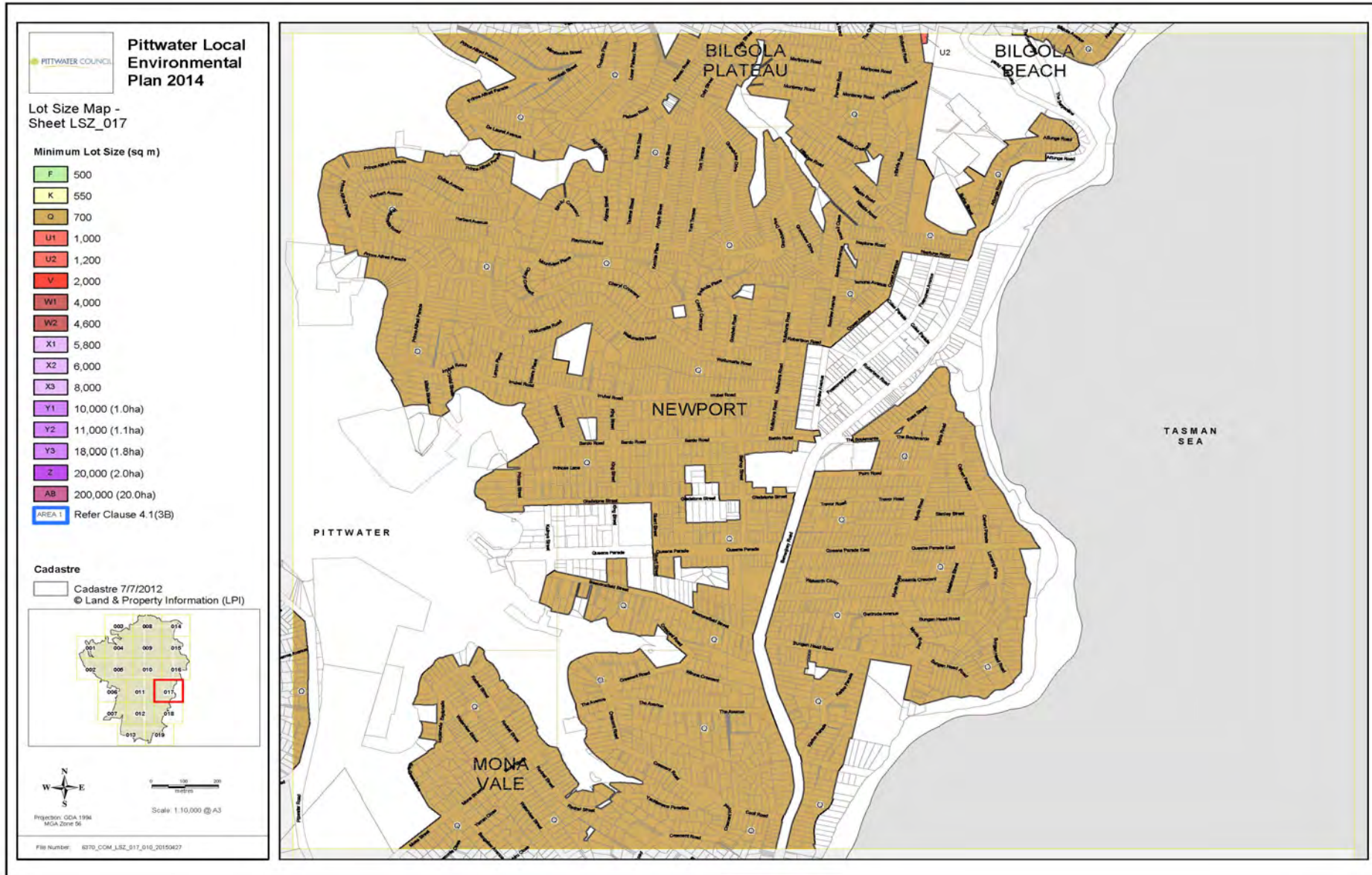
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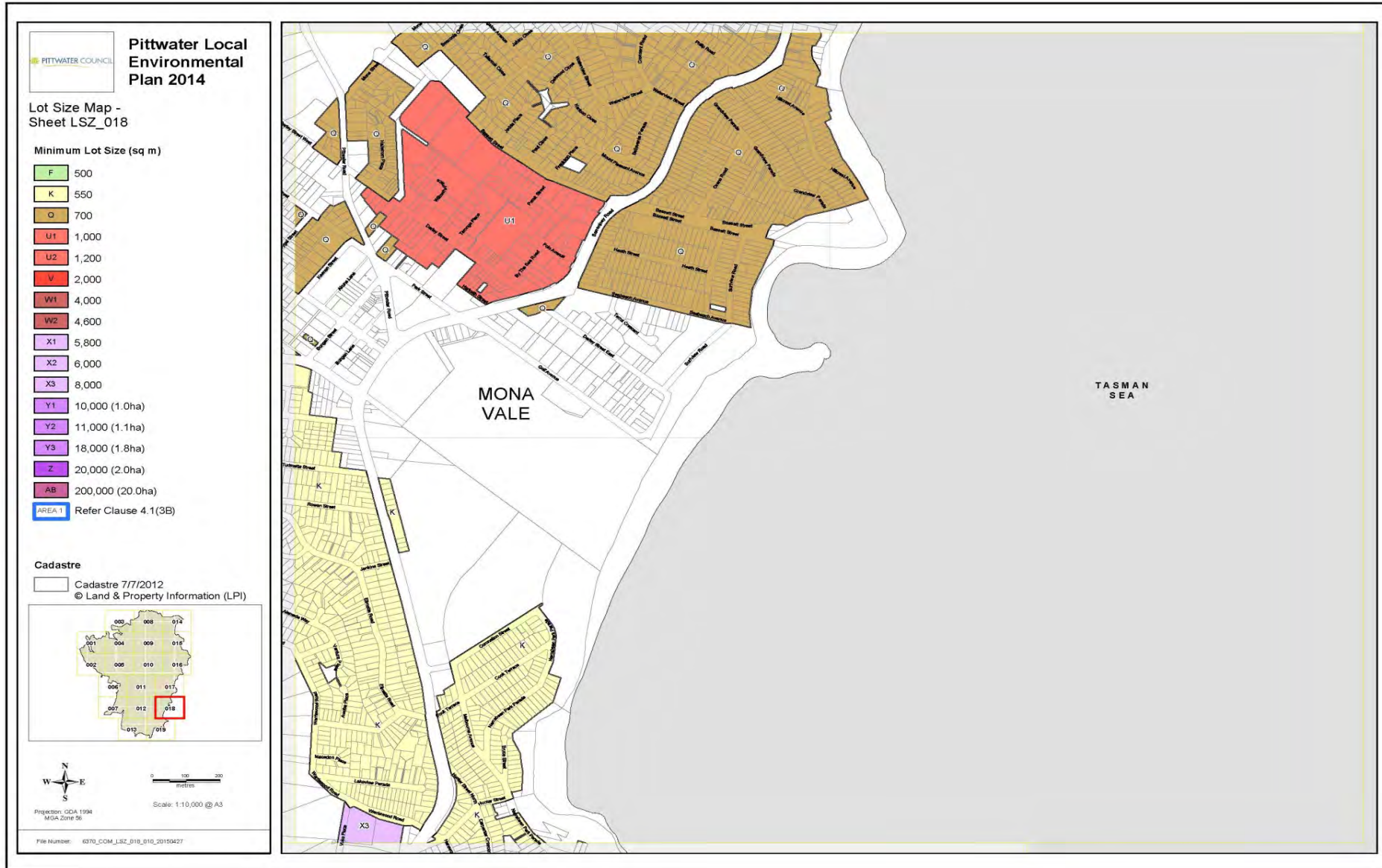
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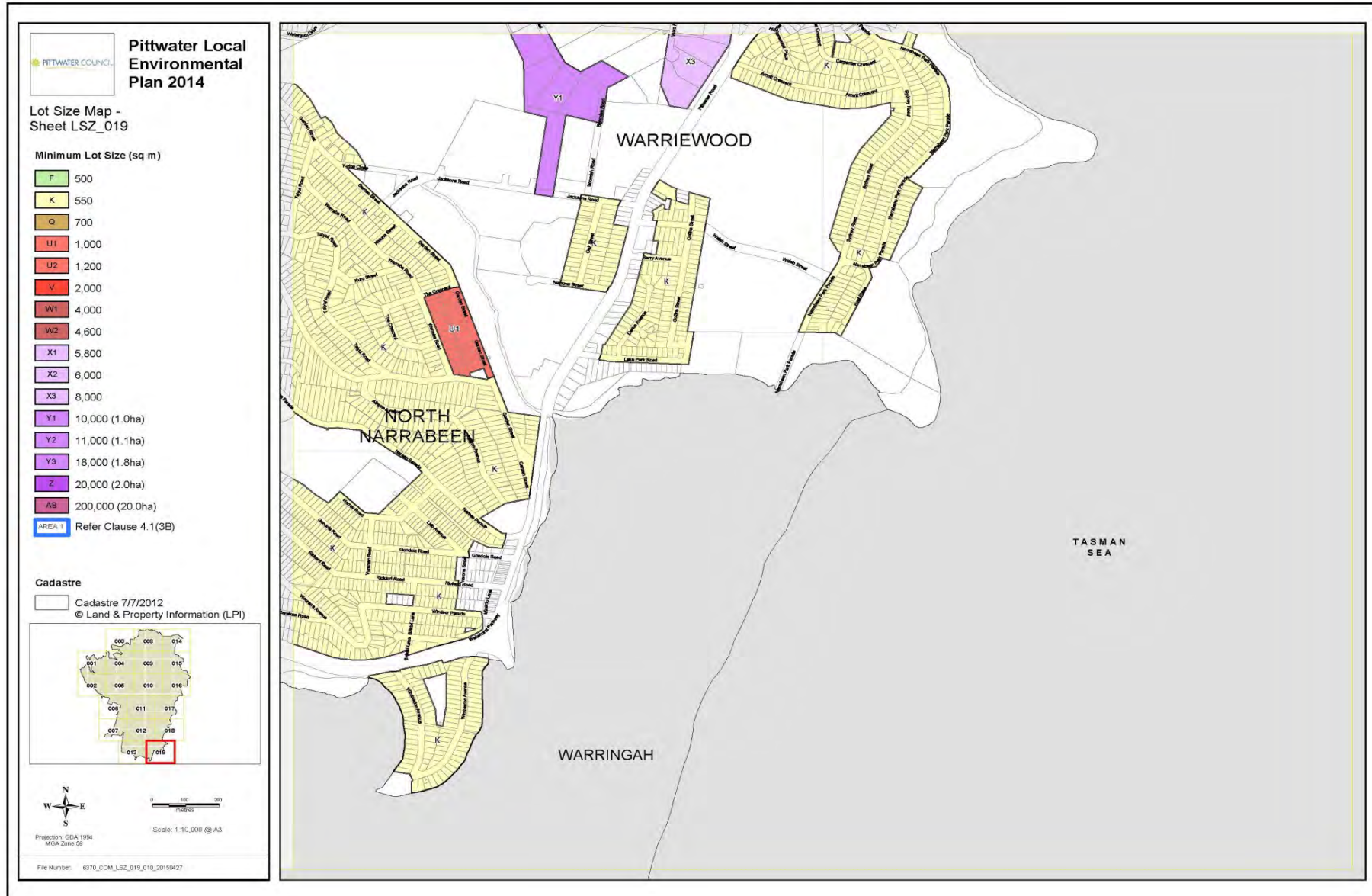
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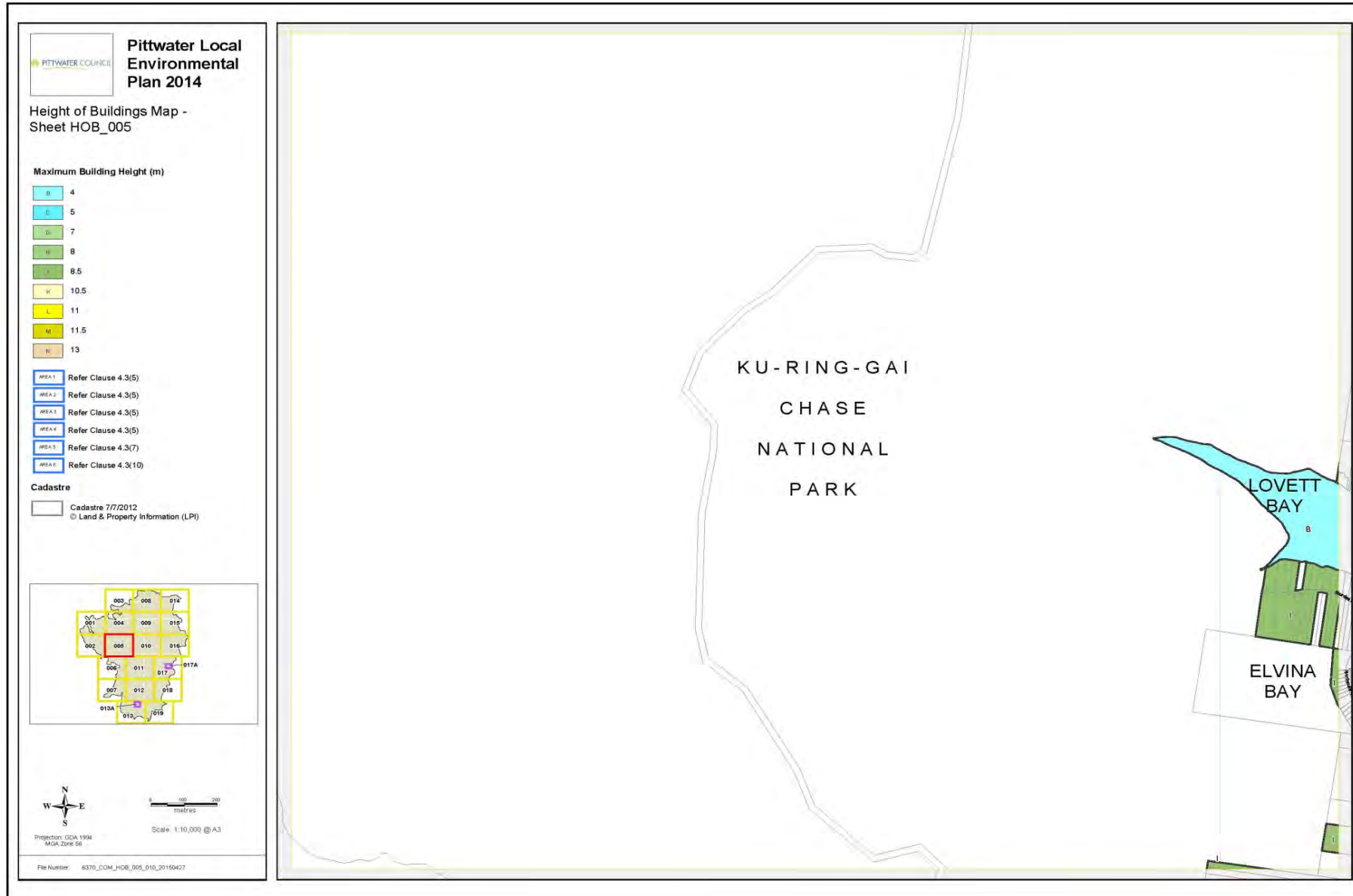
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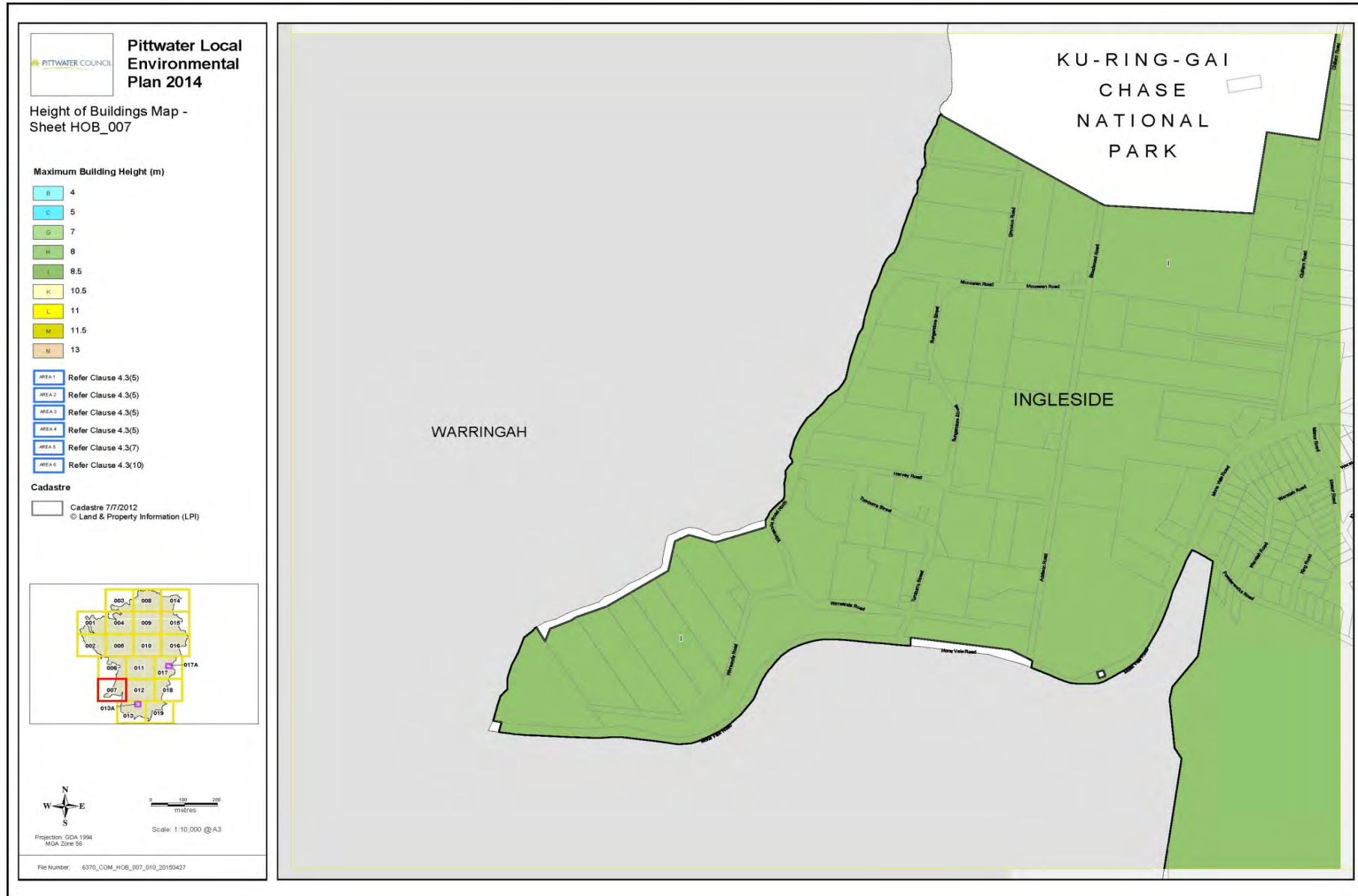
## Attachment 4.14



## Attachment 4.15



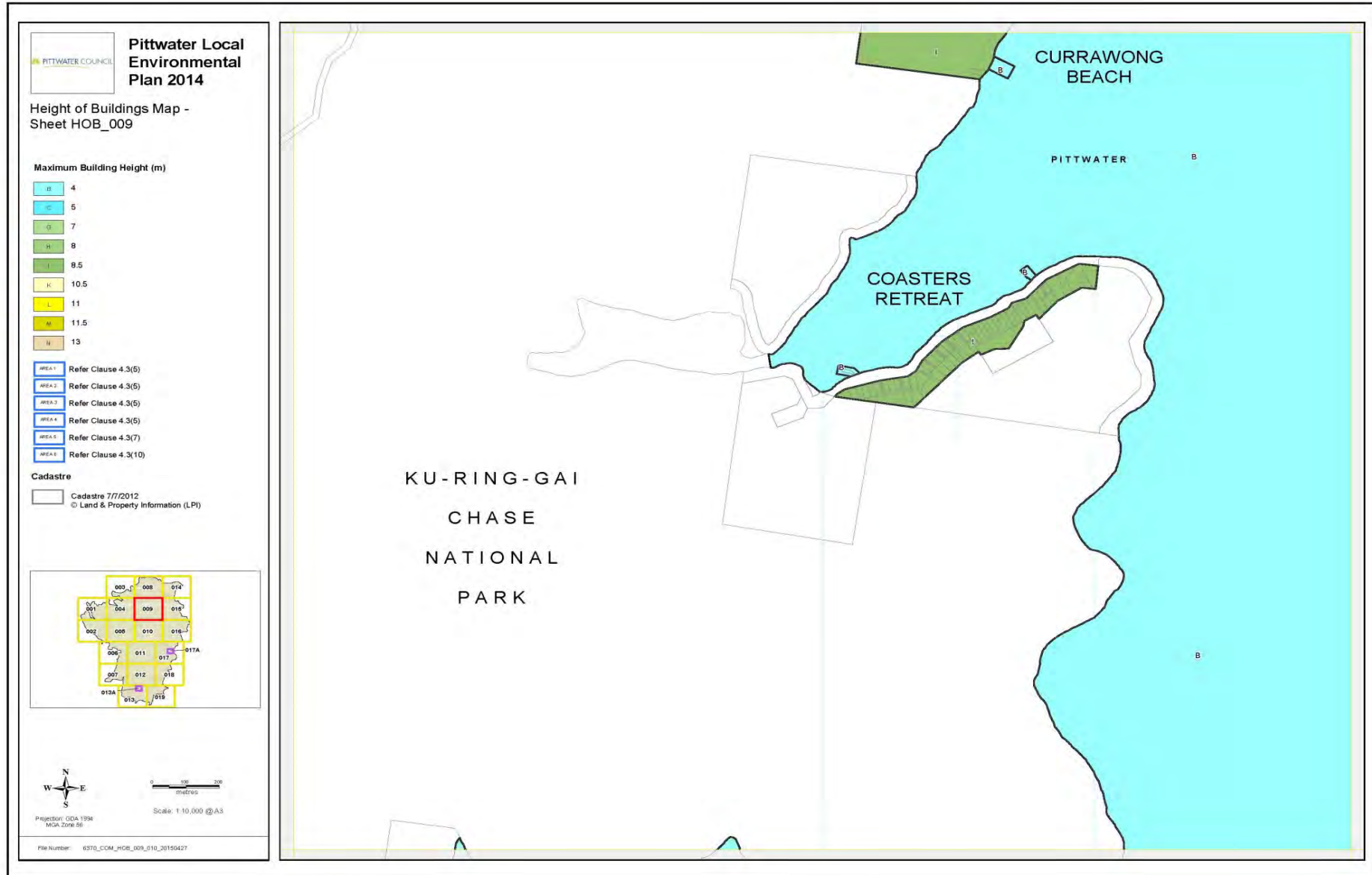
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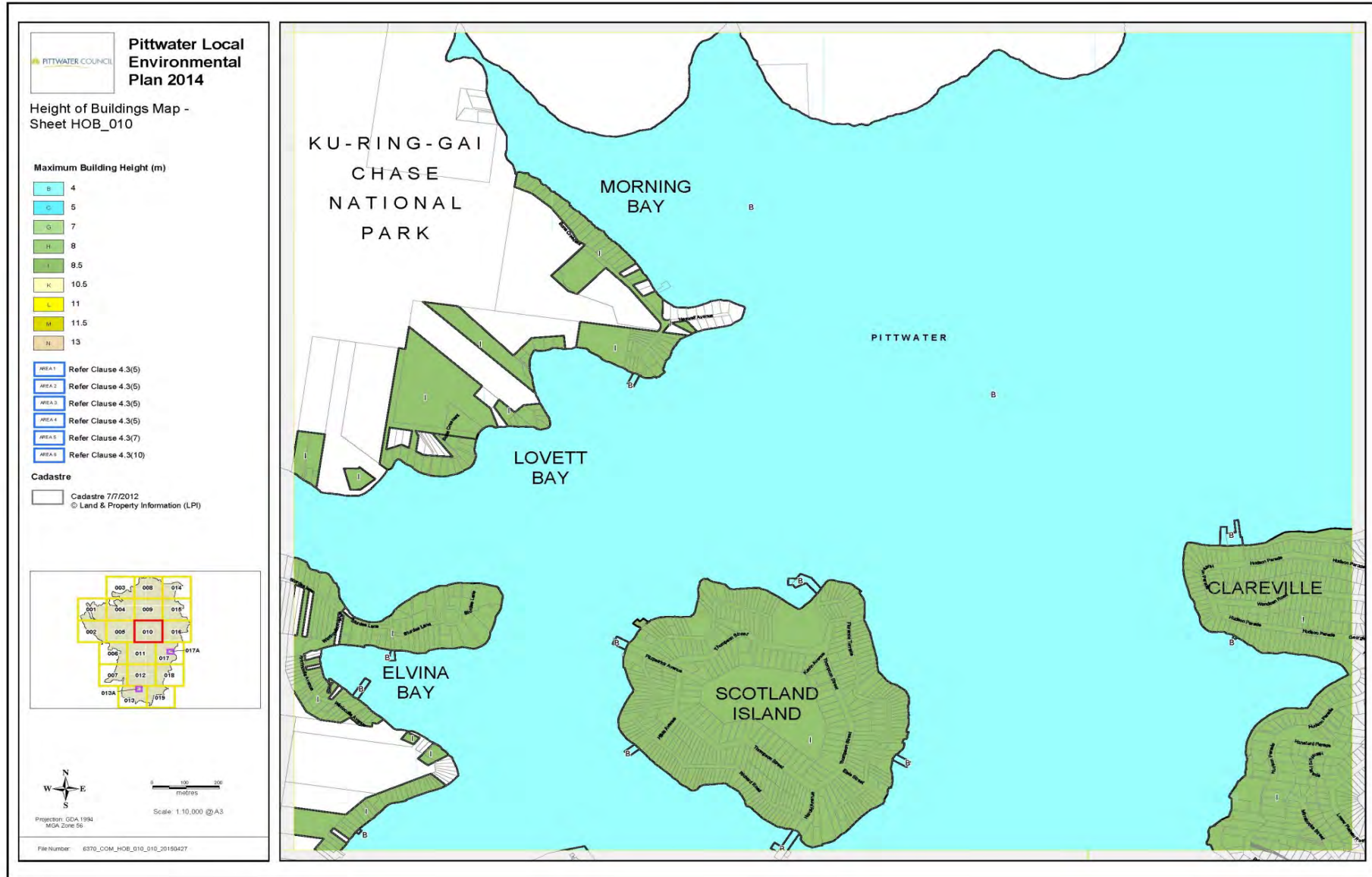
## Attachment 4.17



## Attachment 4.18



## Attachment 4.19



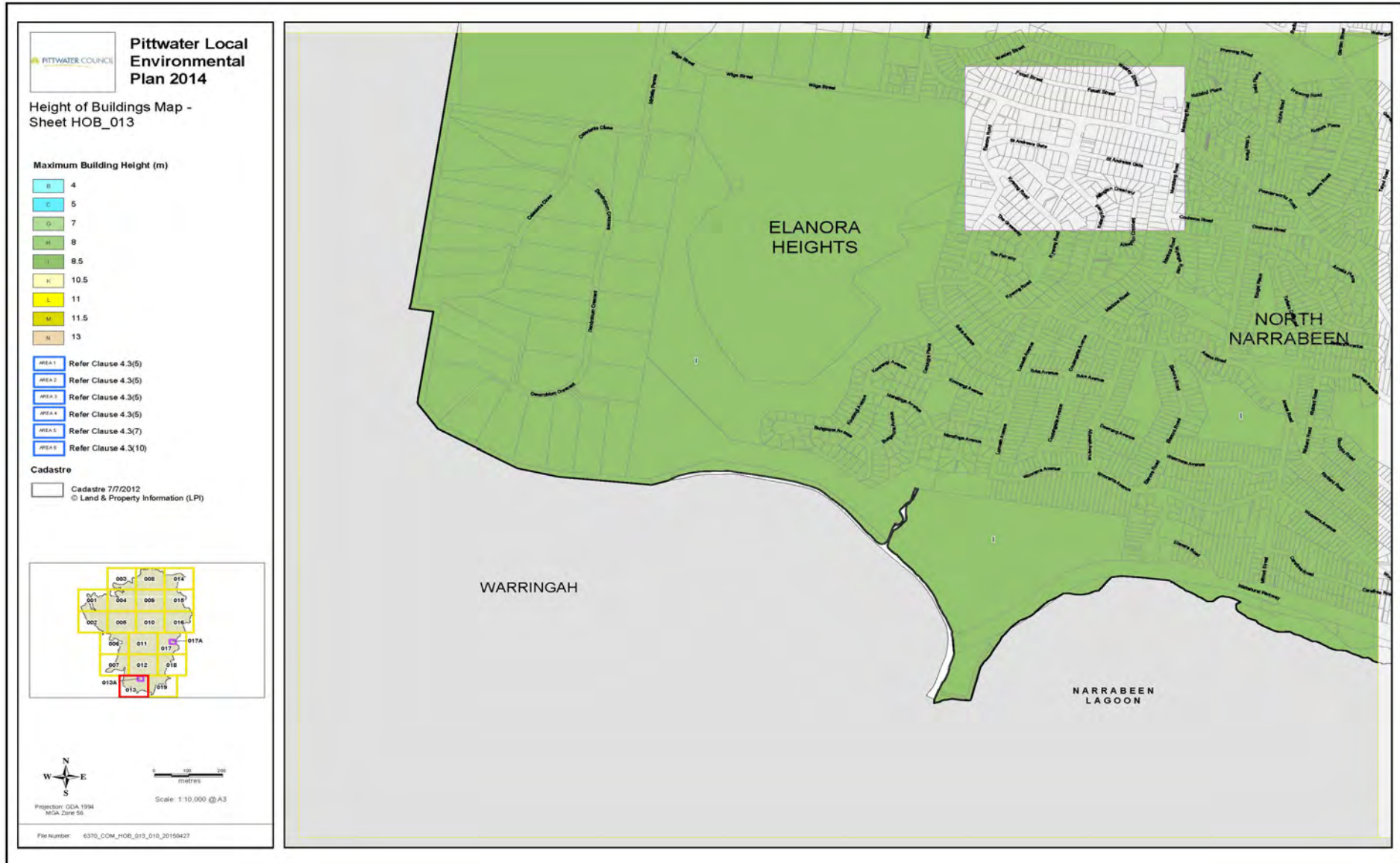
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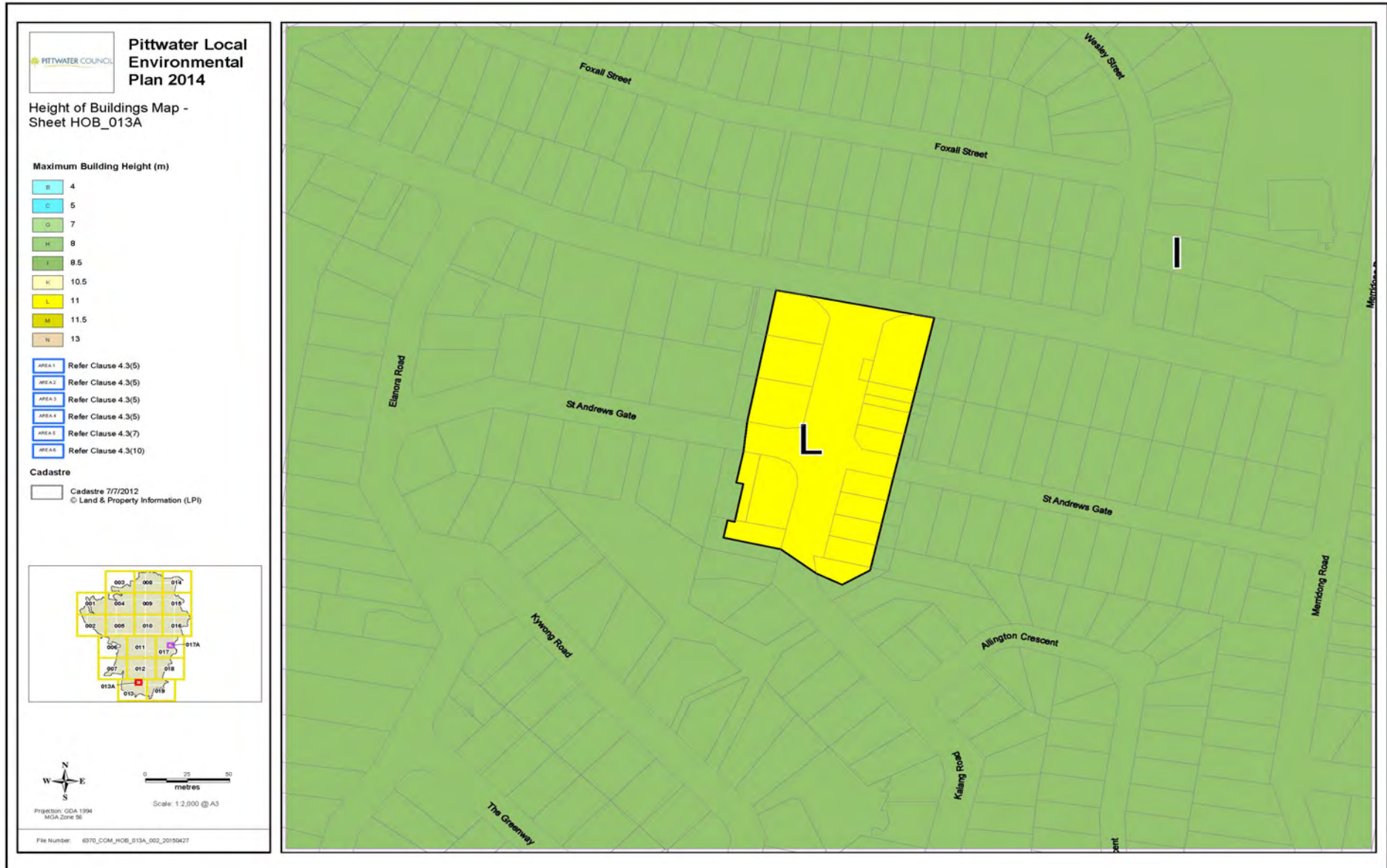
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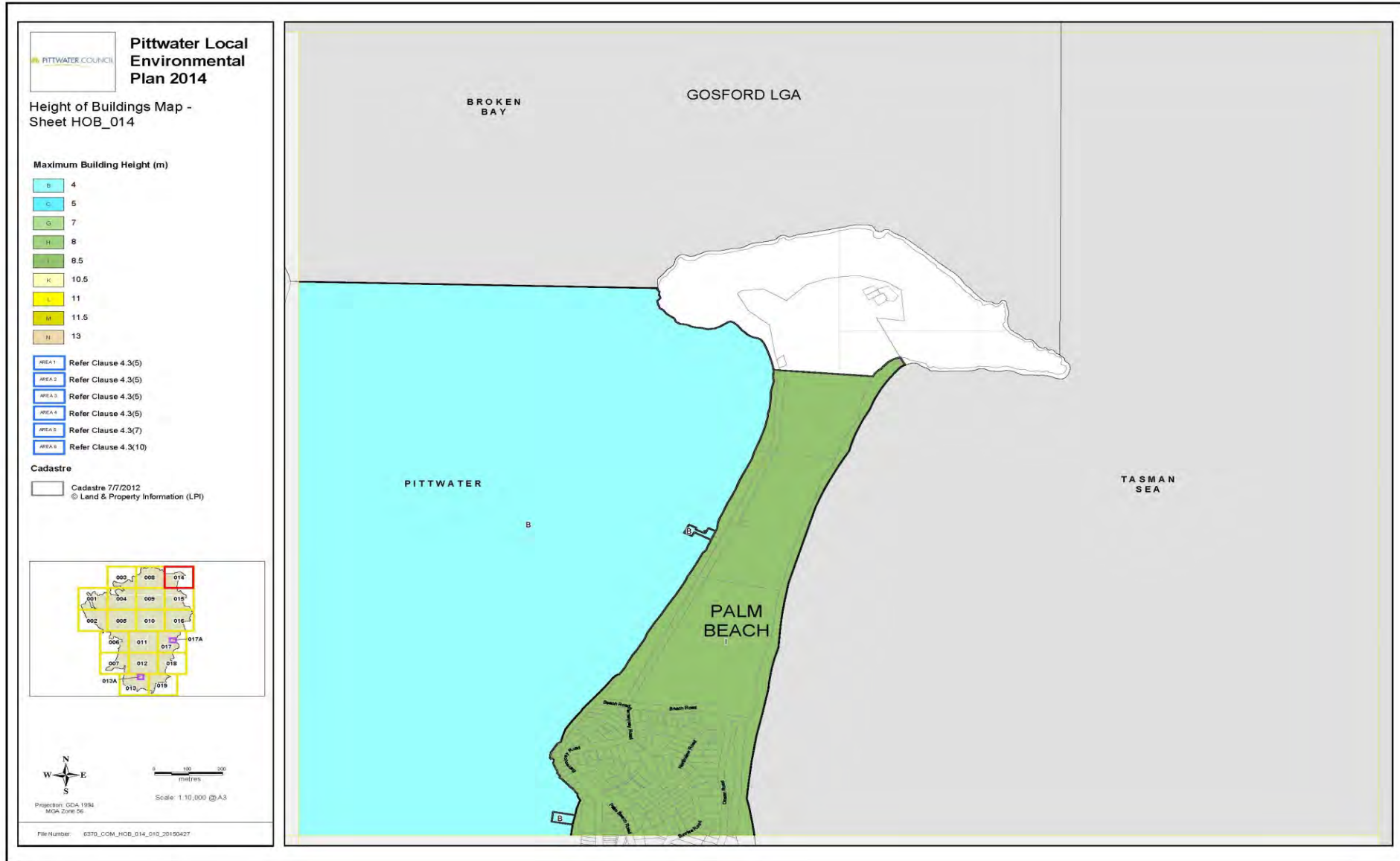
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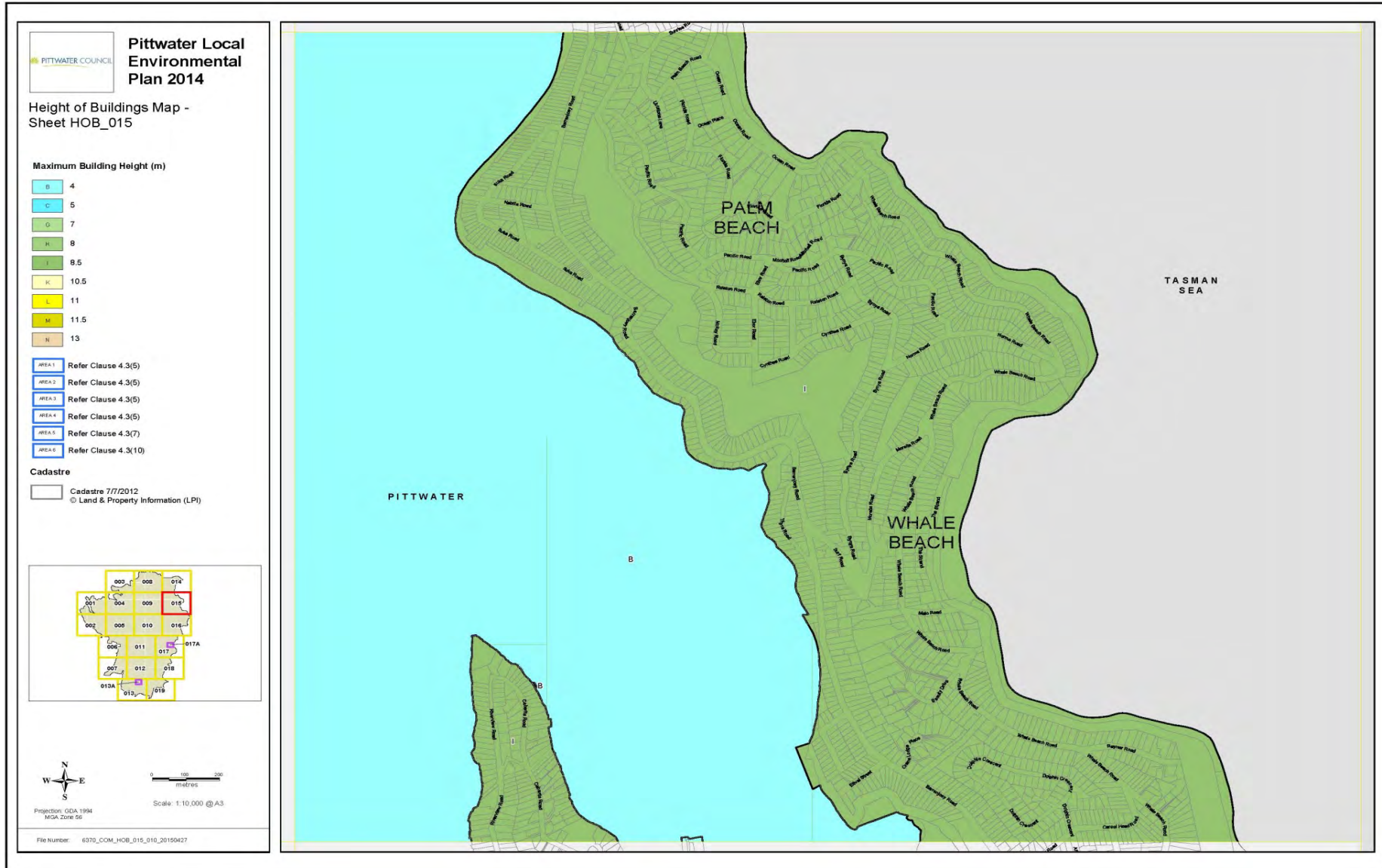
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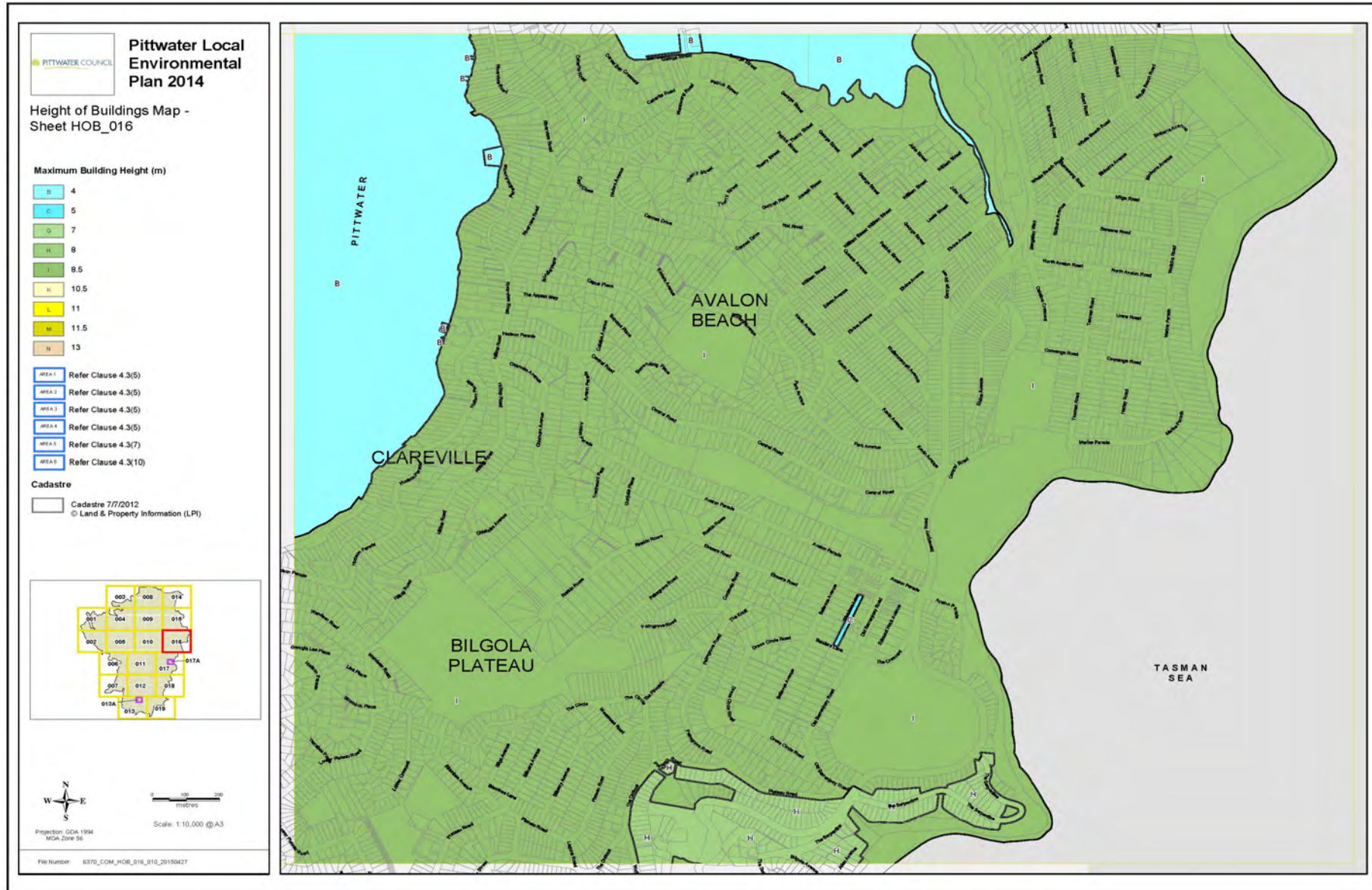
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## Attachment 4.25



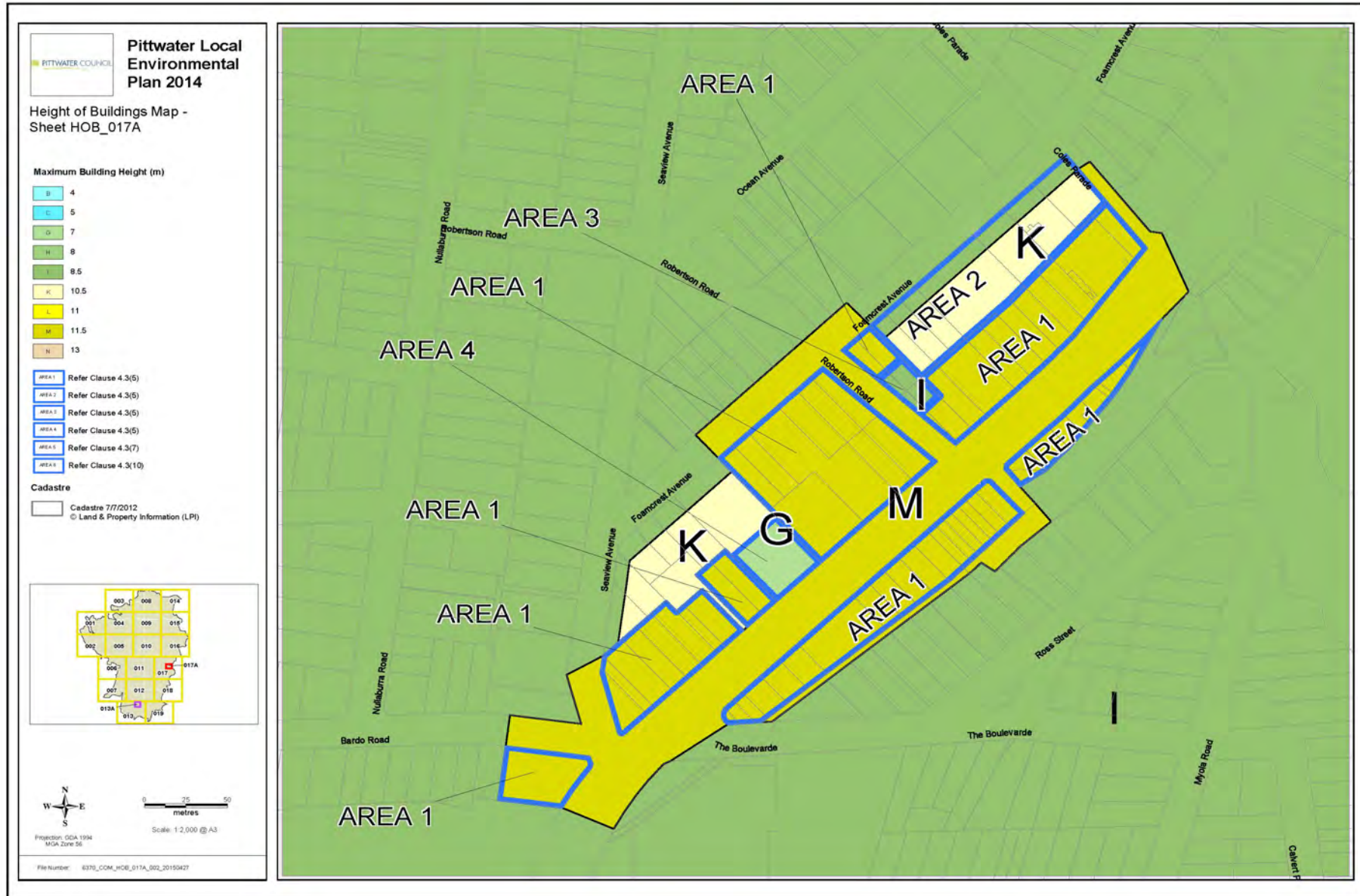
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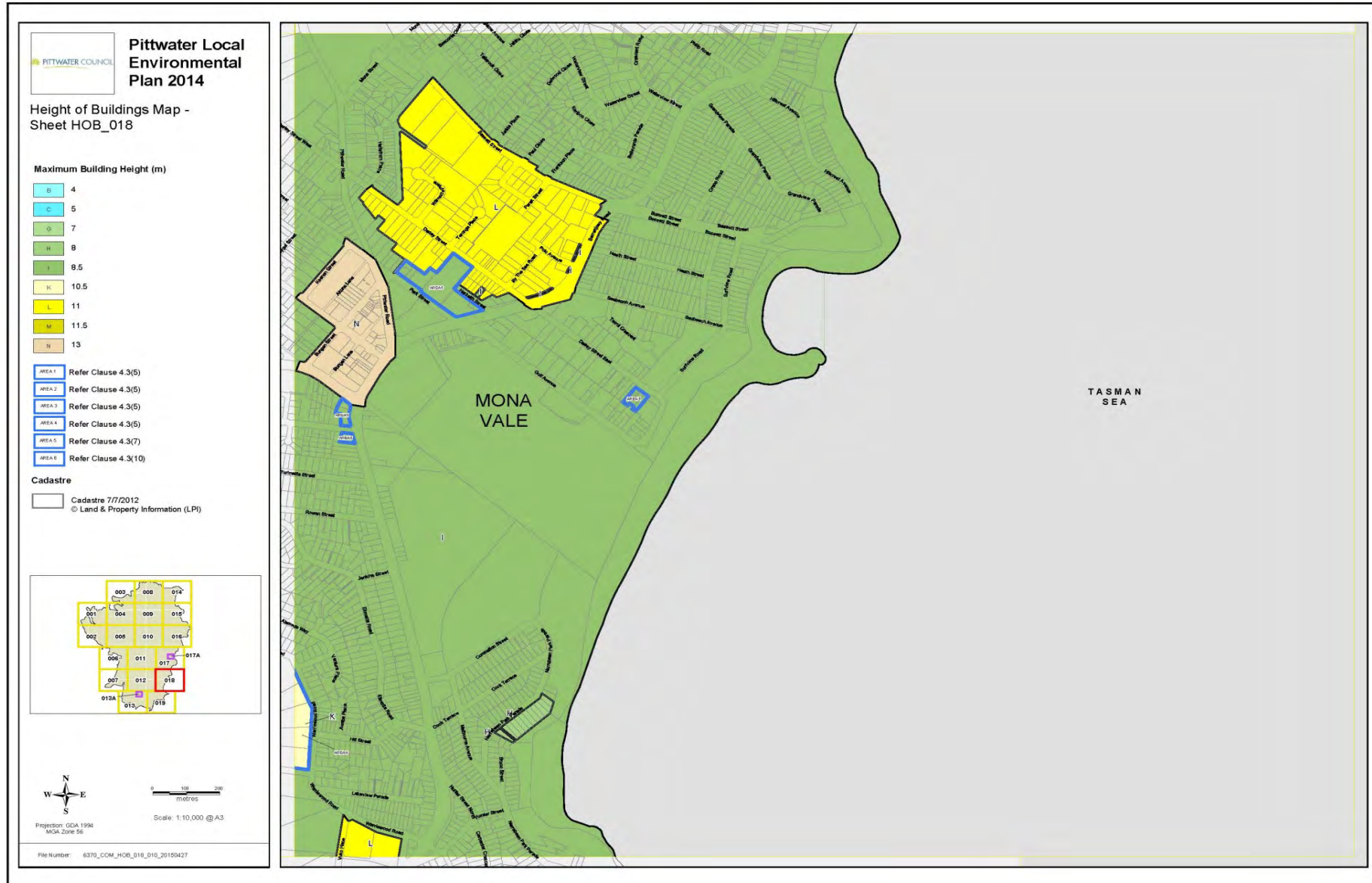
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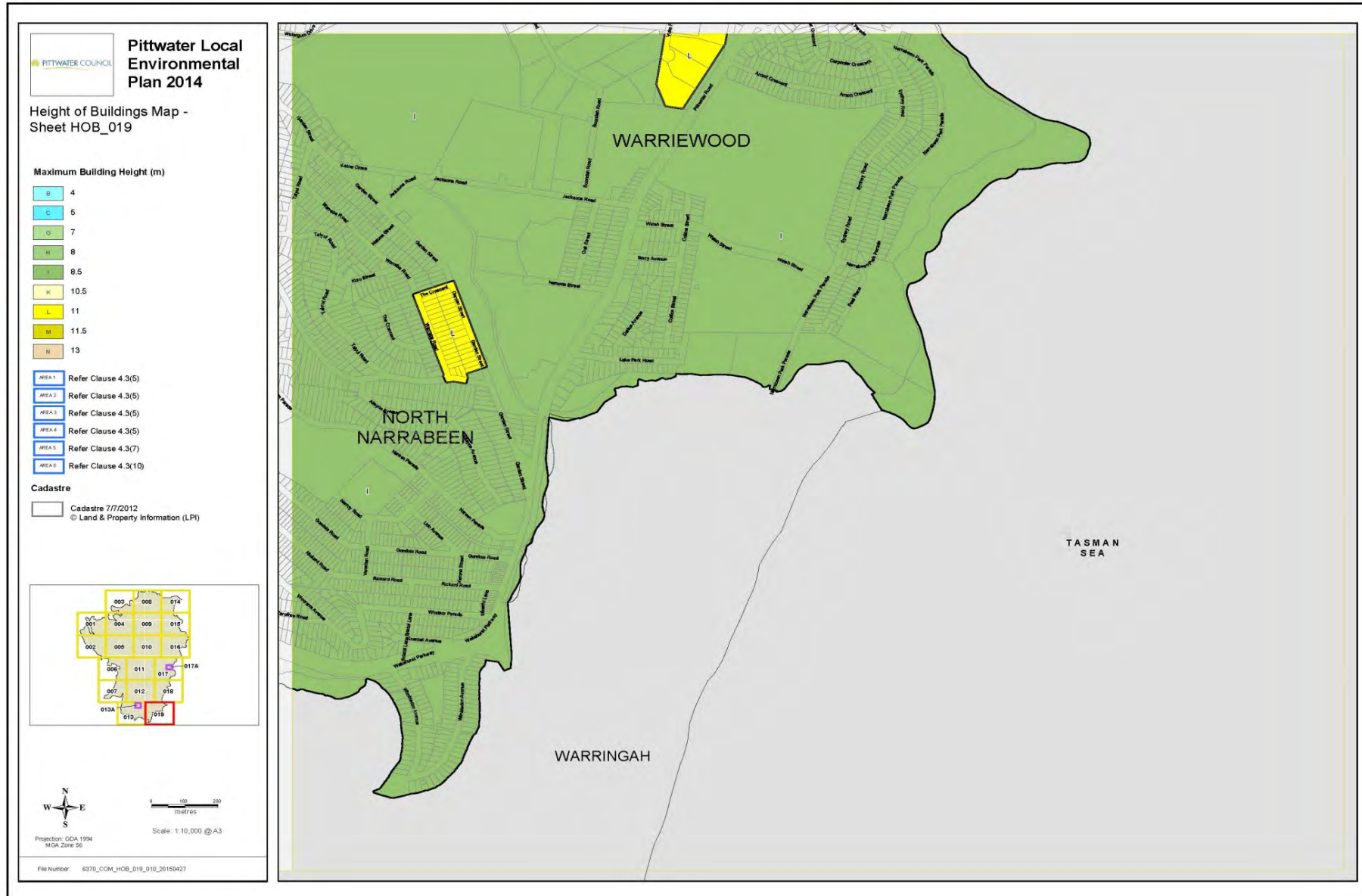
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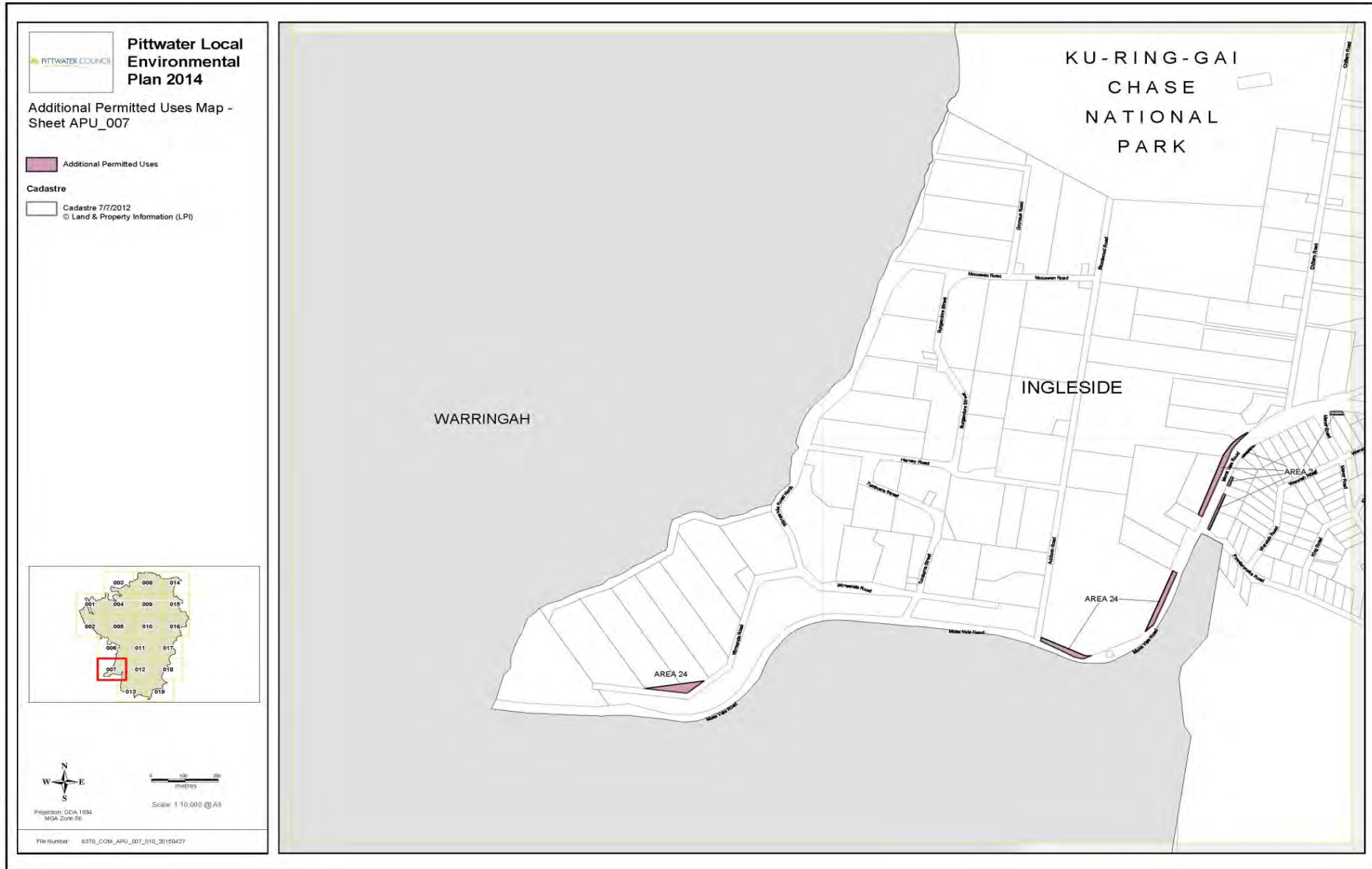
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## Attachment 4.30



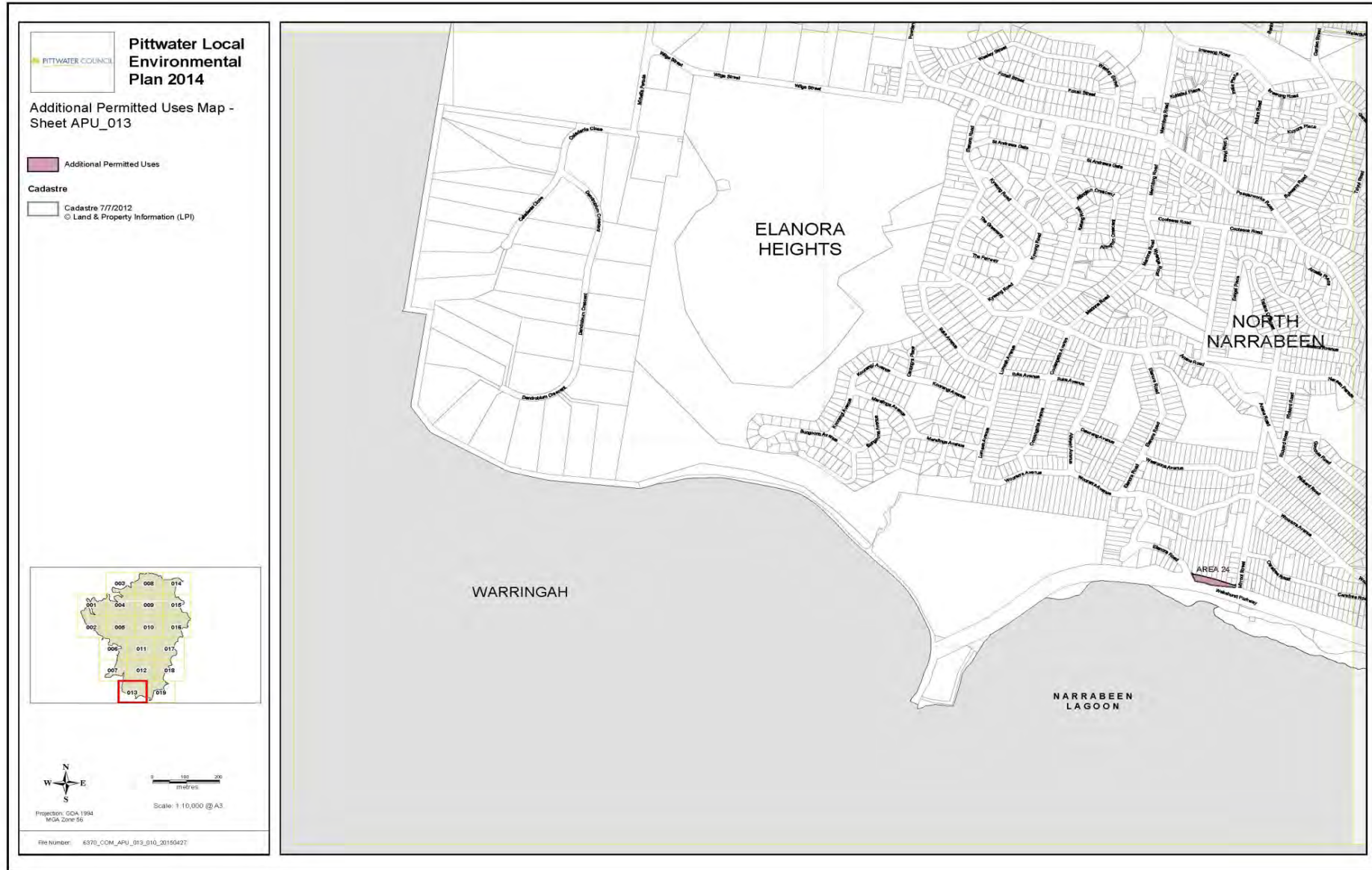
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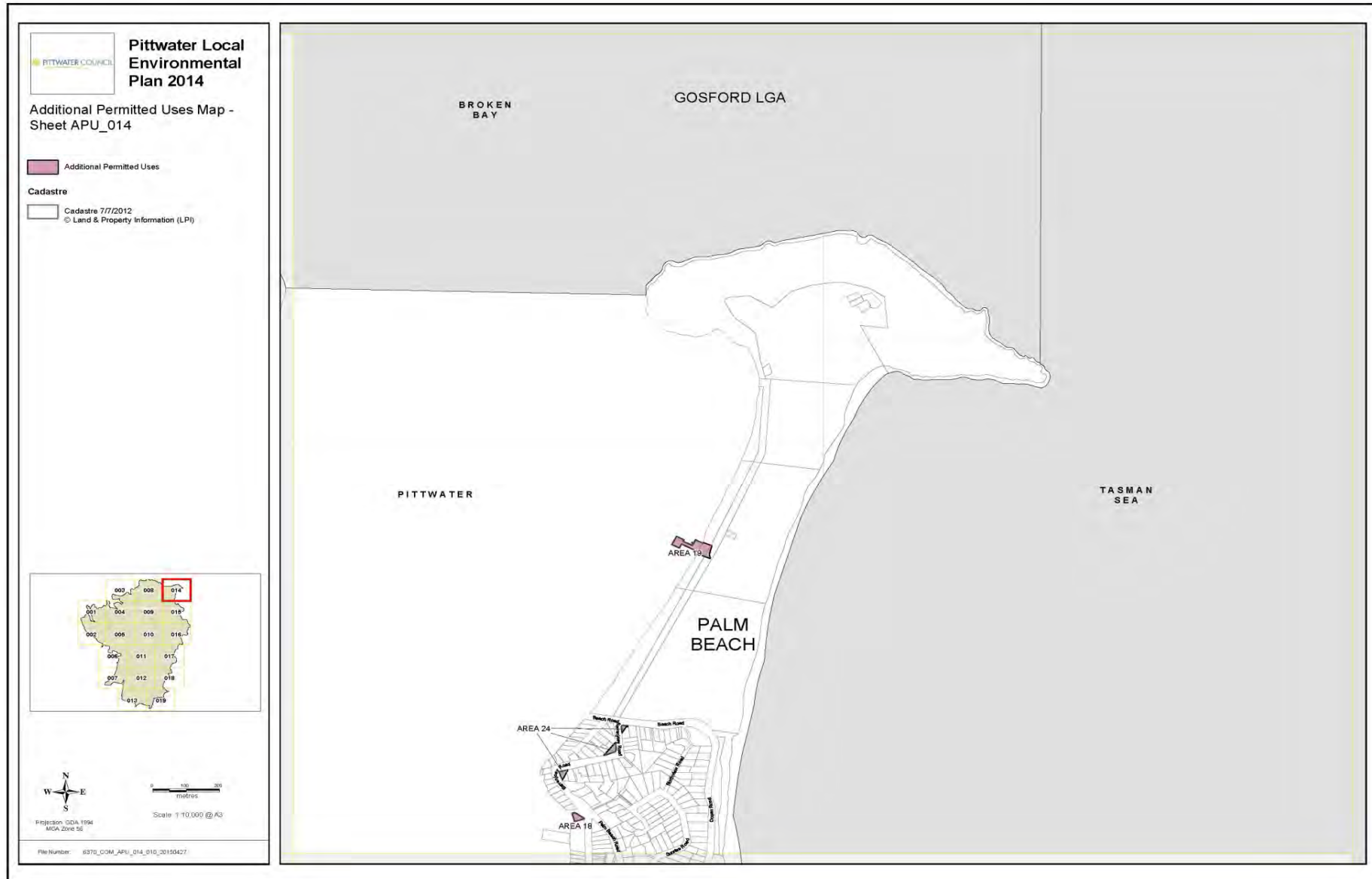
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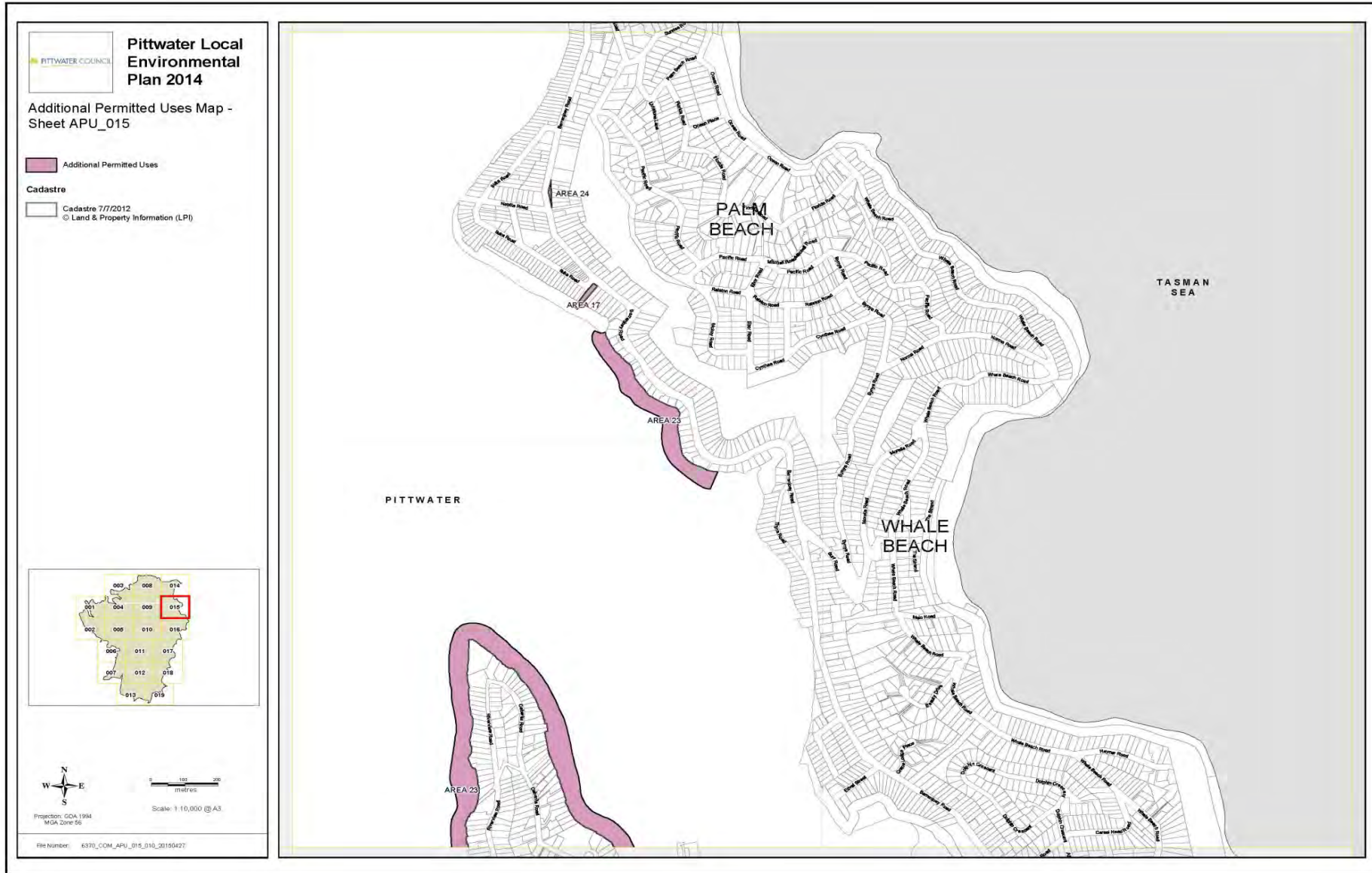
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## Attachment 4.34



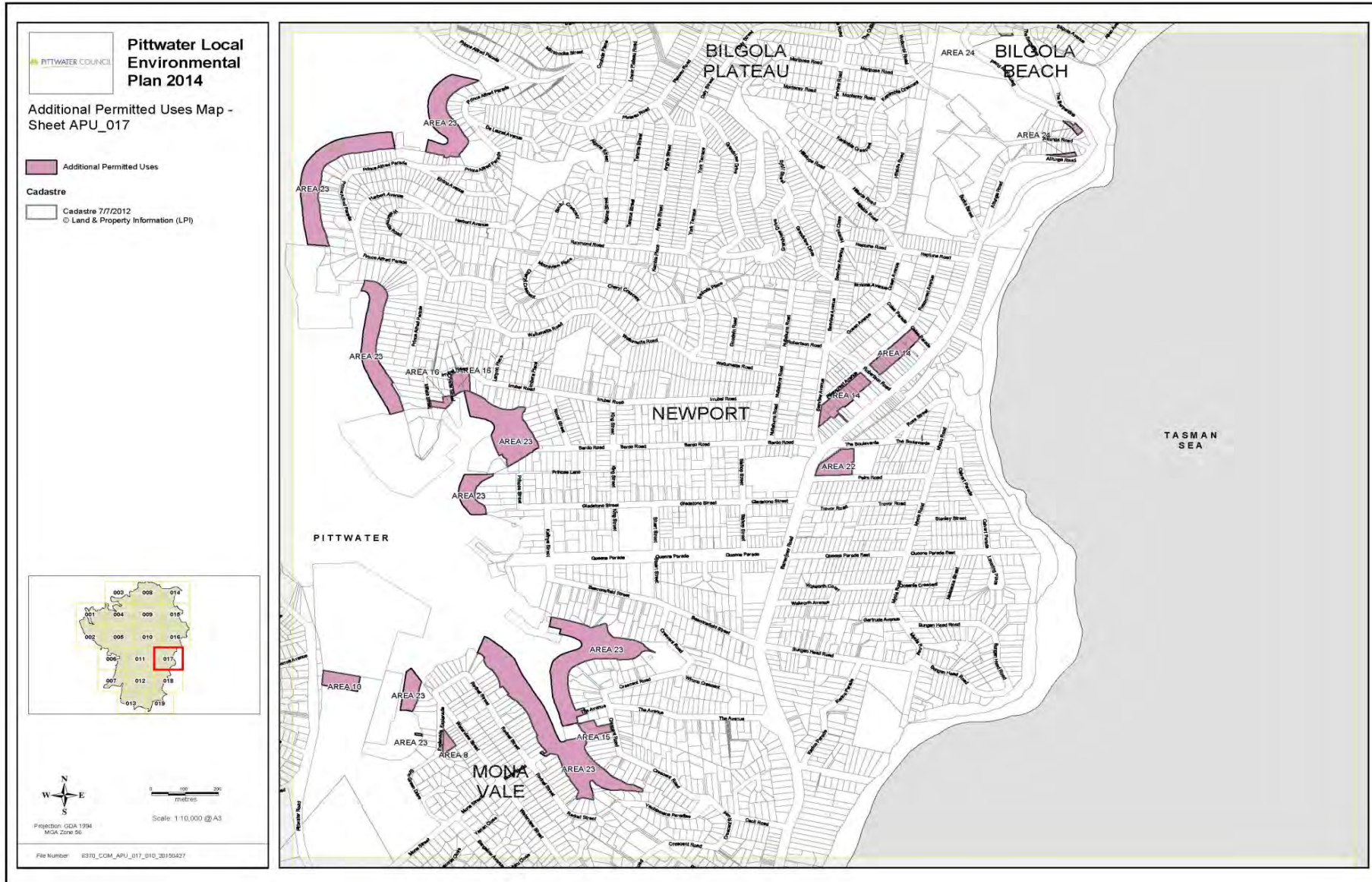
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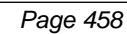
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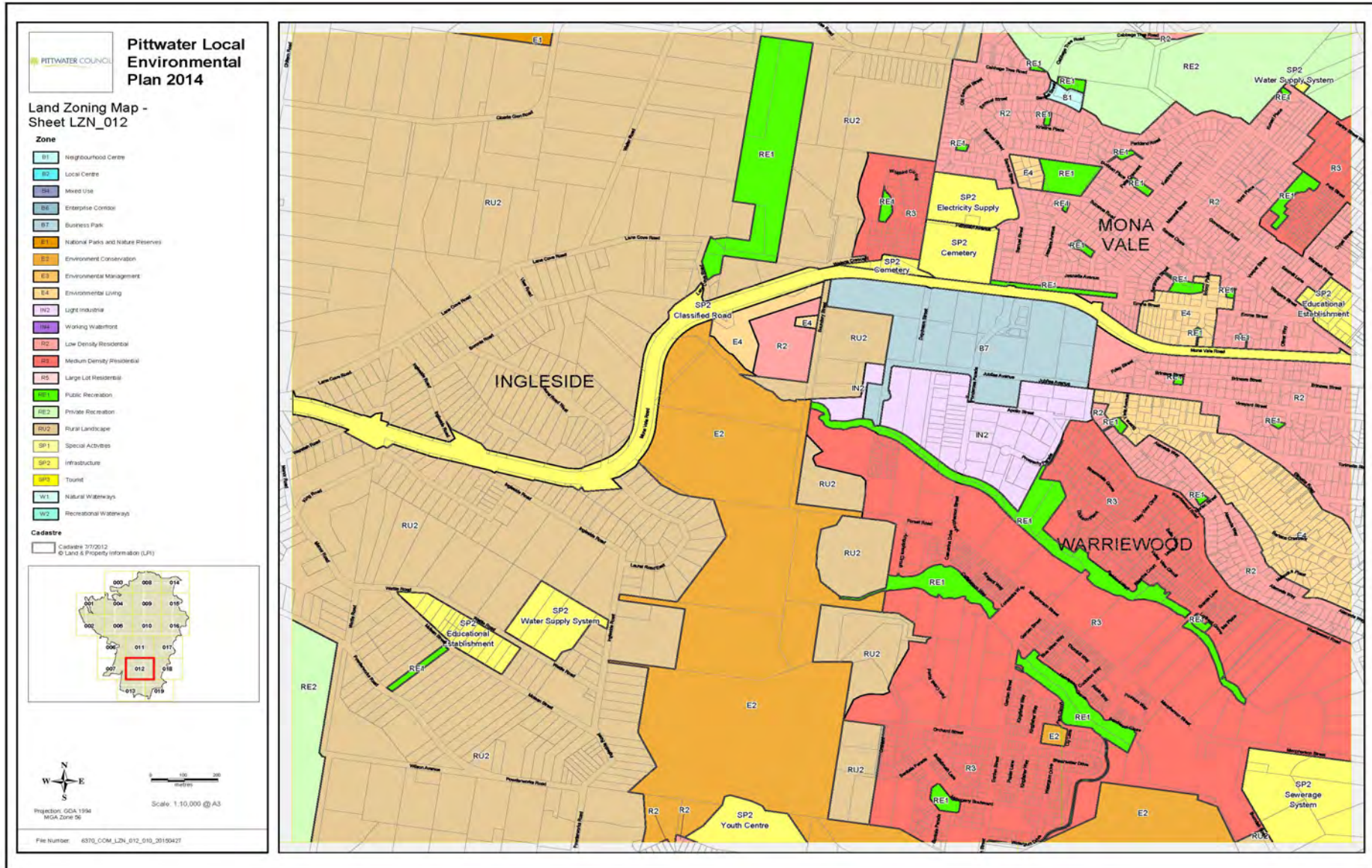


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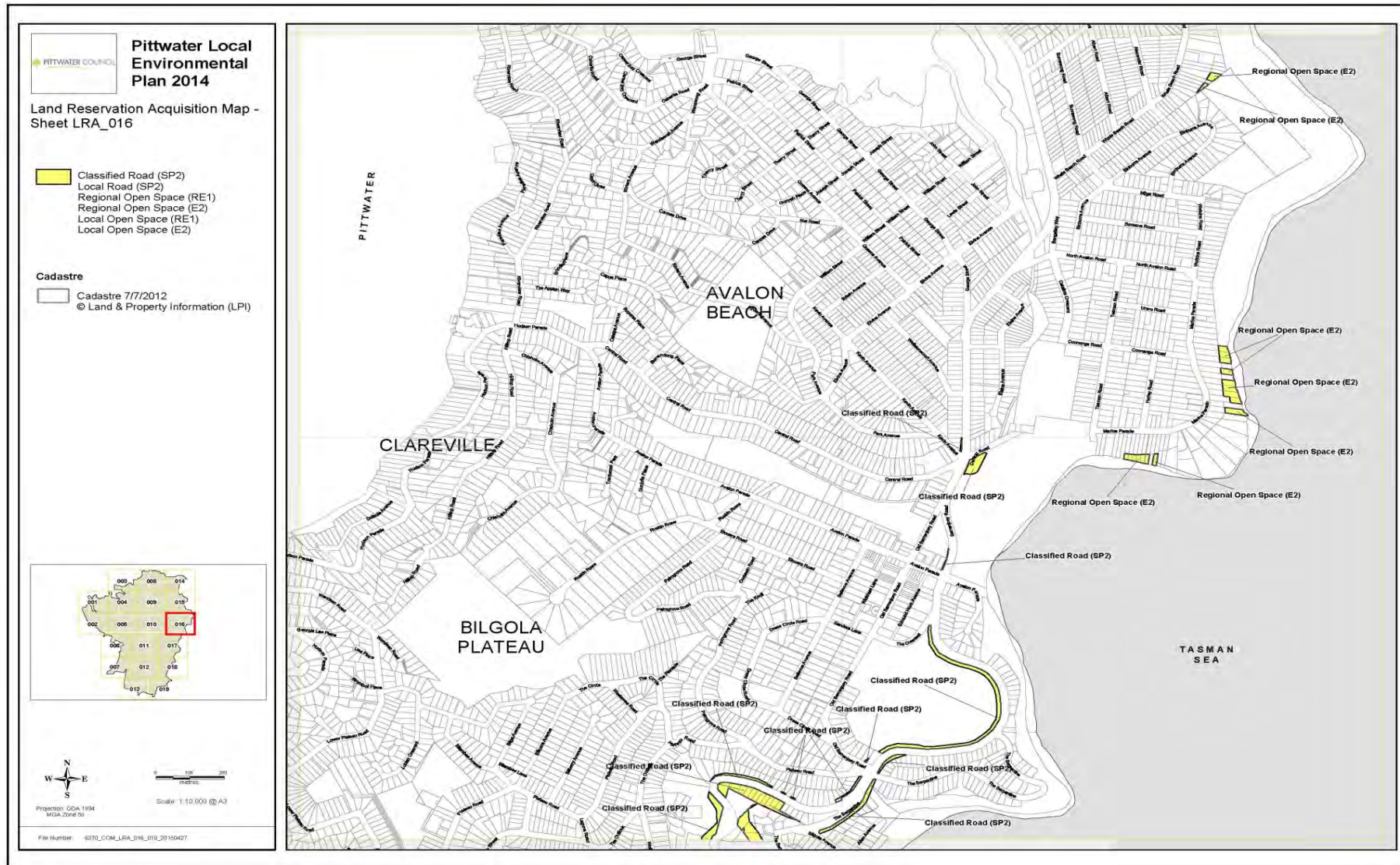


*Agenda for the Council Meeting to be held on 15 February 2016.*





## 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)