

9.5 Freshwater Village Draft Development Control Plan

EXECUTIVE SUMMARY

Purpose

To submit the Draft Development Control Plan (DCP) for Freshwater Village as contained in the Attachment Booklet for Council's consideration and to seek Council's resolution to publicly exhibit the Draft Development Control Plan.

Summary

- At its meeting on 27 April 2010, Council resolved (among other matters):
 - B. Prepare a draft DCP for the Freshwater Business Centre.*
- The draft DCP has been prepared as a collaboration between the Freshwater Village Working Party, consultants and council staff.
- The Freshwater Village Working Party has made several points in regard to the revised draft DCP in its recommendation of 17 December 2011. These are addressed in the body of this report.
- The draft DCP is ready for public exhibition.

Financial Impact

The draft DCP has been prepared within the Sustainable Urban Planning budget.

Policy Impact

Once finalised, the Freshwater Village DCP will provide the community, developers, staff and Councillors with clear and practical controls for the built environment of Freshwater Village.

RECOMMENDATION OF ACTING DEPUTY GENERAL MANAGER STRATEGIC DEVELOPMENT SERVICES

- A. That Council note the contents of this report and the Freshwater Village Draft Development Control Plan in the Attachment Booklet.
 - B. That Council place the Freshwater Village Draft Development Control Plan in the Attachment Booklet on public exhibition for a minimum 28 days and invite submissions from interested persons.
 - C. That Council note the Freshwater Village Working Party recommendations in regard to the draft Development Control Plan.
 - D. That Council staff give priority to the preparation of a planning report that considers the appropriate functions, zoning and classification of the Oliver Street car park.
 - E. That this planning report be undertaken as part of the Sustainable Urban Planning work program as identified in the Strategic Community Plan 2011, which involves the review of zoning and land classifications of Council car parks in Warringah.
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REPORT

Development of the Freshwater Village Draft DCP

At its meeting on 27 April 2010 Council resolved to prepare a draft DCP for the Freshwater business centre. Subsequently Council resolved that the development control plan for Freshwater was to be prepared by independent consultants, rather than by staff, at its meeting on 22 June 2010.

The brief for the preparation of the DCP included the requirement that the plan must 'fit' within the parameters established by the controls under Warringah Local Environmental Plan (WLEP). In other words there was to be no additional building height, land acquisition or zoning changes to the WLEP arising from this work.

Preparing a DCP that fits within the parameters of the WLEP has been a challenging task for the Working Party. There has been a desire to gain village improvements such as through-site links and new roads aimed at improving pedestrian and vehicle accessibility in the village. However it has been highlighted that there is a cost to either the developer or the council to fund such initiatives, which ultimately needs to be recouped through additional development rights, eg funding mechanisms for proposed land acquisitions, increased building height, or changed zoning.

Consideration of these matters was addressed in the report to Council on 26 July 2011 when Council considered investigating the feasibility of creating a new road, essentially by extending the Council car park through to Albert Street (previously referred to as Option 2 Moore Road West). Some of the practical considerations and potential impediments to WLEP changes included:

- community concerns regarding additional height
- gaining the agreement of affected owners
- possible compulsory acquisition, and
- high land values in Freshwater leading to significant costs.

Following the Council meeting of 26 July 2011, the Working Party agreed to proceed and complete the draft DCP. The Working Party has expressed concerns that the draft DCP does not go far enough in delivering improved outcomes for Freshwater Village. These matters are discussed below under the heading Freshwater Village Working Party.

Revision of the draft DCP

In an effort to deliver the vision of the Working Party for improvements in the public domain (eg through-site links; street improvements), the consultants' work went beyond the requirement to fit within the WLEP.

To ensure a legally sound DCP is developed, Council staff needed to revise the document prepared by the urban design consultants. There were several reasons this was needed including:

- to remove conflict with WLEP 2011 (eg height of buildings)
- to ensure no duplication or conflict with State Environmental Planning Policies (eg SEPP 65 Design Quality of Residential Flat Development)
- to ensure sections of the comprehensive Warringah Development Control Plan are not repeated for Freshwater (eg C2 Traffic, Access, and Safety)
- to reduce focus on works in the public domain (eg proposed mid-block links)
- to ensure that the document's focus is on controls needed for the assessment of DAs

- to provide a document format that is consistent with Council's e-planning and internet delivery platform

The draft DCP has been revised so that each objective is linked to a requirement and vice versa, via a table format for each control. This fits with the electronic tools for comprehensive Warringah DCP.

Freshwater Village Working Party

The Freshwater Village Working Party met in December 2011 and staff presented the revised draft DCP. In response, the Working Party made the following recommendations:

1. *The working party note the tabling of the Freshwater Village DCP and supports its progression to Council and public exhibition as an interim measure.*
2. *The working party note that due to the constraints of the DCP (to be consistent with the LEP) it fails to deal with the following issues:*
 - *laneway usage*
 - *connectivity*
 - *service delivery to commercial business services*
 - *traffic management and pedestrian safety including access and driveway separation*
 - *the creation of publicly accessible mid block links*
3. *The working party recommends rezoning (or reclassification) of the Oliver Street car park for the specific purpose of gaining traffic access to the rear of the sites on the northern side of Lawrence Street.*
4. *The working party recommends that the council give consideration to amending the LEP to address the deficiencies identified above in point 2.*
5. *The working party recommends that the GMU document (Draft DCP December 2010) be used as a reference document in the review process.*
6. *The working party requests an opportunity to address the Councillors at a Councillor briefing.*

Comment

The following comments are made in response to the points above.

Point 3: the rezoning / reclassification of the Oliver Street car park forms part of the Sustainable Urban Planning team's current work program as it forms part of the task to "review zoning and classifications of Council car parks and land" under Council's Strategic Community Plan 2011. However, it is noted that there are 237 Council car parks to review and that this is a large task scheduled over the 2011/12 and 2012/13 fiscal years. Consequently the Oliver Street car park may need to be prioritised if Council concurs with the Working Party's resolution, and a report prepared on the Oliver Street car park including its future use, zoning and land classification prior to the more generic review that has been scheduled.

Points 2 and 4: as part of the review of the car park's zoning and land classification, there is an opportunity to undertake an analysis and review of the functions, opportunities and constraints to address the issues listed in point 2. This work would draw from the documents prepared by GMU consultants being the *Analysis, Vision and Design Strategies Report* (November 2010) and the *Draft Development Control Plan* (December 2010). Once this analysis is completed it is recommended that a further report be brought to Council to address whether changes to WLEP

2011 are needed or warranted and the possible programming of the work into the Sustainable Urban Planning work program.

Point 5: the GMU *Draft Development Control Plan* (December 2010) and the *Analysis, Vision and Design Strategies Report* (November 2010) have both been used as foundation documents for the revised draft DCP and can be used as reference documents in any future work.

It should also be noted that consideration of matters deleted from the consultants' original DCP relating to the public domain, such as landscaping, street trees and furniture, paving etc, can be incorporated most appropriately into the project to update Council's Public Domain Manual. This is scheduled for the 2011/2012 financial year under the Sustainable Urban Planning key initiatives of Council's Strategic Community Plan.

Consultation

It is recommended that Council place the Freshwater Village draft DCP on public exhibition and invite submissions, in accordance with the *Environmental Planning and Assessment Regulation 2000*.

Under clause 18 of the *Environmental Planning and Assessment Regulation 2000*, following its preparation, a draft DCP must be publicly exhibited for at least 28 days to enable public participation and to invite submissions on the draft DCP.

It is proposed to exhibit the draft document on Council's website, in Council libraries, Council's offices and the Manly Daily. Supporting documents for the exhibition of the Freshwater Village draft DCP can include the comprehensive Warringah DCP, the GMU draft DCP, the *Analysis, Vision and Design Strategies* document, and the Warringah Local Environmental Plan 2011.

Timing

Following the exhibition, the consideration of any submissions received and any changes made to the draft DCP, the draft DCP will be reported back to Council for its approval.

Under clause 21 of the *Environmental Planning and Assessment Regulation 2000*, a development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

Policy Impact

Once finalised, adopted and in force, the Freshwater Village DCP will provide the community, developers, staff and Councillors with clear and practical controls for the assessment of development applications in Freshwater Village. The DCP will also help to guide the vision for future development in Freshwater.

The DCP will form a section in Part G Special Area Controls of the comprehensive Warringah Development Control Plan.

Financial Impact

This project is being undertaken within the existing budgeted resources of Sustainable Urban Planning.

Group Manager Strategic Planning

Attachment Booklet – Freshwater Village Draft Development Control Plan

