

No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
				<p>located within public land is recommended to the Council. Refer to Recommendation 14 for details.</p> <p>Similarly, preparation of a register for all memorials and monuments within the Pittwater LGA is recommended to Council. Refer to Recommendation 12. Some of the memorials and monuments are already part of listing or nominated for listing.</p> <p>Movable items, although they could be listed under the NSW Heritage Act, 1977, there are no provisions under the Local Environmental Plans for their listing. Therefore, a recommendation has also been made for the preparation of a register of movable items that are held by Council (see Recommendation 11).</p> <p>The current study is Community Based Heritage Study, and as such all items considered had to be nominated by the community. There was no nominations for the Church Point significant trees including the Spotted Gum</p>	

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40	356 Whale Beach Road, Palm Beach	11 th September 2014	<ul style="list-style-type: none"> Changes incorporated into the revised SHI form from Louise Cox to be used for the Pittwater Heritage Inventory. The house should be referred to as Cox House Palm Beach not Ocean House. 	<p>trees.</p> <p>Comments on review of the heritage items in regular intervals with community's involvement has been brought to Council's attention accordingly.</p> <p>Comments have been incorporated into the SHI form.</p>	<p>Retain on the potential heritage items list.</p>
41	Report	9 th September 2014	<ul style="list-style-type: none"> The Statement of Historical Themes (Section 3 of the report) is not an adequate statement for the public to appreciate the link between history and heritage in Pittwater... At the very least, the Historic Themes section should have been scanned for mistakes by the Local Studies unit of Pittwater Council.... See Thematic History recommendations. 	<p>Comments have been noted and amendments have been made accordingly.</p> <p>The Thematic History has been reviewed and rewritten in a narrative manner by the Historian, Sue Rosen. It includes thematic comments to guide the reader when assessing how a potential heritage item demonstrates elements of Pittwater's history.</p>	<p>Council notes the revised Thematic History in Section 3 of the Community Based Heritage Study Review final report.</p>
55	Statement of Historical Themes	Undated.	<ul style="list-style-type: none"> Recommends creating a Heritage Committee for the preparation of Statement of Historical Themes for Council's approval noting that the history is constantly evolving and collaboration between the Council staff and the community specialists will ensure the Statement of Historic Themes is dynamic and relevant. The submission states that the current Statement of Historical Themes is neither dynamic nor relevant. It also recommends that the Committee meets every 6 months for 8 years (2 council terms) with their role including reviewing: 	<p>As noted above, the Thematic History has been reviewed and rewritten in a narrative manner by the Historian, Sue Rosen.</p>	<p>Following review, the Thematic History more adequately reflects Pittwater's relevant historical themes. It is noted that this history will continue to evolve. Future Heritage Studies and reviews will continue to update this element as</p>

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			<ul style="list-style-type: none"> - Plaques and memorials - Movable heritage - History related events - Outdoor/indoor exhibitions and history - Marine history and heritage - History and heritage promotion <p>The submission also notes that such Heritage Committee could assist in the implementation of the recommendations made by City Plan in the 'Heritage Review'.</p>		necessary, in consultation with the community.
56	Smoky Dawson's Range Gates	9 th October 2014	<ul style="list-style-type: none"> • Concerns on the limitations of the heritage listing on the whole lot of the property rather than only the curtilage of the Gates, which is established as 2 metres around the Gates. • Recommends the listing boundary to be part lot of DP 808703 and the heritage map to indicate only the Gates as listed not the whole lot. 	The listing is for part of the allotment rather than the whole allotment. Further clarification has been made in the SHI form.	Retain on the potential heritage items list. Ensure the relevant updated heritage map of the Pittwater LEP 2014 indicates only the gates, not the whole allotment.
57	62 Chisholm Avenue, Avalon Beach (Hy Brasil)	10 th October 2014	<ul style="list-style-type: none"> • Notes the replacement of the log cabin within the property with a new house and provides a photo of the new house for inclusion in the SHI form. 	Comments are noted and amendment have been made to the SHI form accordingly.	N/A

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OBJECTION SUBMISSIONS (Where parts of a submission are quoted they are indicated in <i>italics</i>)					
1	19-21 Cynthia Road, Palm Beach	20 th July 2014	<ul style="list-style-type: none"> Insufficient time provided in order to write a submission prior to the Council meeting on 21st July 2014 given the date the letter was received and would like more time in the public comment period for an open review of the Report and the surrounding law and circumstances. The owners have previously expressed their objection to the listing of the property and feels that the Council should treat owners with respect and fairness and give due and serious weight to the objections of the owner The owner objects to the listing based on the adverse effect of heritage listing on the property value and the rights of the occupier to use the land in question. 	<p>The letter referred to advised the owner that the draft Pittwater Community Based Heritage Study Review was being reported to Council on 21 July 2014 with a recommendation that it be placed on public exhibition. It is noted that the owner of 19-21 Cynthia Road, Palm Beach was originally informed of the potential listing in July 2013 and of the public exhibition (held 2 August to 13 September 2014) on 31 July 2014, during which times the opportunity to provide comments was invited.</p> <p>Cohen House has been recommended for listing as it demonstrates Harry Seidler's approach to residential design in the early 1990s 40 years apart from its neighbour 'Treetops', at 23 Cynthia Road, Palm Beach, which was designed in 1952. Many of Seidler's works have been nominated for the State Heritage Register and are listed on the Register. Cohen House meets five of the seven NSW Significance Assessment criteria</p>	Retain on the potential heritage items list.

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2	153 Queens Parade East, Newport Beach	21 st July 2014	<ul style="list-style-type: none"> Comments requested to be kept confidential and not to be published. The owner objects to the proposed heritage listing of the property. 	<p>for heritage listing. The house is the first example of Seidler's use of a 'wave roof' and retains a high level of aesthetic and technical significance. Economics of the heritage listing as noted in the NSW Heritage Council's publication '<i>Heritage listing explained – What it means for you</i>' as "has no effect on property value in most cases, and sometimes improves resale value." The same publication provides a list of recent Australian studies, study evaluations, and case law which conclude listing has a positive or no effect on property values and economic viability. This publication can be accessed at http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/HeritageListing2010final.pdf</p>	<p>Retain on the potential heritage items list. Council notes the owner's suggestion for the preparation of a brochure to better inform owners of heritage listed properties "similar to the one used by Willoughby Council".</p>

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14		31 st July 2014	<ul style="list-style-type: none"> Submission expresses concern that some errors have been repeated in this draft document. Proposed suggestions at the Newport Residents Association on how Pittwater Council could better inform owners of heritage listed properties in a brochure similar to the one used by Willoughby Council. 	<p>The SHI form has been amended accordingly.</p> <p>Recommendation for the preparation of such brochures and educational workshops have been made in the Community Based Heritage Study Review report for Council's consideration.</p>	
3	7 Gunjulla Place, Avalon	22 nd July 2014	<ul style="list-style-type: none"> Owners recently purchased the property and only found out about the potential heritage listing of their property from their neighbours and wish to be kept updated on the status of the situation The owners draw attention to the alterations and additions which have taken place: <i>all the walls and ceilings are now plaster board, two en suite bathrooms have been added, the verandas were enclosed and re floored, heated travertine flooring was laid in the sitting area, two large skylights were installed and the kitchen was re floored, given new sliding glass doors and fitted out in an amateurish fashion. The only feature left more or less intact was the kitchen fireplace, which at least from the outside is in original condition. In addition there are three outside structures, a large conservatory, a sauna and an artists studio. The net effect is an odd mish-mash of unsympathetic additions almost completely obliterating the original interior character of the dwelling.</i> Request from the owners to be directly consulted and 	<p>Refer to Submission 9 (dated 8th August 2014), which notes the support of the owners for heritage listing.</p> <p>Amendments have been made to the SHI form to include the changes noted in the submission.</p>	<p>Retain on the potential heritage items list.</p>

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4	34 and 36 Plateau Road, Bligola	21 st July 2014	<p>kept up to date on all developments that affect them.</p> <p>The owners note the following:</p> <ul style="list-style-type: none"> The Gardener's Cottage does not have any remaining architectural merit and the (Draft Heritage Study) Review's recommendation is that the cottage be excluded from the Heritage Listing... The Draft Review further recommends that a curtilage be set around that part of the main house that sits on 34 Plateau Road. Request that 34 Plateau Road not be listed because no heritage items would occupy this property The 1930s house on number 36 Plateau Road is readily identifiable as 40% of the current footprint. 60% of the current footprint is comprised of extensions to the building undertaken after 1993. The owners request that the heritage listing should cover only the 1930s original building and not the later extensions. Request an opportunity to discuss these matters in person prior to the finalisation of the decision to list the properties. 	<p>The SHI form of this potential heritage item has been further amended to clarify the significant aspects that relate to the 1930s original building. However, 34 Plateau Road could not be excluded from listing at this stage as the allotment boundary for the original house crosses over the house. Without the realignment of this boundary line to maintain the house in one allotment (as recommended in the SHI form) the listing will have to be over the two allotments.</p>	<p>Retain on the potential heritage items list.</p> <p>It is noted that City Plan Heritage and Council's Executive Strategic Planner met with the owner of 34 and 36 Plateau Road, Bligola on 11th September 2014 to discuss matters raised as requested.</p>
5	127 Avalon Parade, Avalon Beach	21 st July 2014	<ul style="list-style-type: none"> Owner objects to any heritage listing of the property for reasons stated in previous consultation and correspondence. 	<p>As noted in the previous response to the submission, the gateposts are the only surviving element of the property known as Gunjulla House therefore it is important in demonstrating the changes to the original subdivision pattern. Listing the gateposts with a one metre curtilage around them will not reduce the potential future development of the site. The houses within the lots are not part of the proposed listing and this has been clearly defined on</p>	<p>Retain on the potential heritage items list with clear definition of the listing to show only a one metre curtilage around each gatepost not the whole allotment.</p>

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6	42 Bynya Road, Palm Beach	23 rd July 2014	<ul style="list-style-type: none"> Objects to the heritage listing of the property due to the extensive modifications that have taken place prior to them purchasing the property in 2013. The property no longer retains the integrity or design intent of Peter Muller's work. The images in the draft Heritage Study review are very old and do not reflect the current interiors of the house. Peter Muller has publicly listed 36 Bynya Road and 42 Bynya Road as 'disowned projects' as they have been dramatically altered. Request a 1-on-1 meeting with Council. Same as above. Attached correspondence from Peter Muller: <i>There is absolutely no point in considering my two houses at 42 and 36 Bynya Road for Heritage Listing. They have both been so dramatically altered that I have catalogued them in my official website as being "Disowned Projects: as they do not represent or retain the true integrity my work [sic]</i> 	<p>the SHI form.</p> <p>Following a meeting with the owners and review of the comments from Peter Muller, it is noted that the house no longer represents his design intent and integrity of his work due to the extensive changes undertaken.</p>	<p>Remove from the potential heritage items list.</p> <p>No further consideration is required.</p>
6 (2)		23 rd July 2014	<ul style="list-style-type: none"> Same as above. Attached correspondence from Peter Muller: <i>There is absolutely no point in considering my two houses at 42 and 36 Bynya Road for Heritage Listing. They have both been so dramatically altered that I have catalogued them in my official website as being "Disowned Projects: as they do not represent or retain the true integrity my work [sic]</i> 		As above.
24		1 st September 2014	<ul style="list-style-type: none"> Submission made in order to provide recent photos of the house to show how it has lost the integrity of Muller's work which is the reason why he placed the house on his "Disowned Projects" list. 		
7	21 Bilgola Avenue, Bilgola	20 th July 2014	<ul style="list-style-type: none"> Objection to the listing of the property as well as the short notice for the Council meeting: <i>The short notice of the meeting denies me my democratic right to voice my opinion as I cannot attend. The meeting should be deferred for at least 21 days until my return.</i> Will be contesting Council's actions through all legal channels available to me. Wishes for absence to be recorded at the Council meeting. 	<p>The letter referred to advised the owner that the draft Pittwater Community Based Heritage Study Review was being reported to Council on 21 July 2014 with a recommendation that it be placed on public exhibition. It is noted that the owner of 21 Bilgola Avenue, Bilgola was originally informed of the potential listing in July 2013 and of the public exhibition (held 2 August to 13 September 2014) on 31 July 2014, during</p>	<p>Council note the request for recording their absence at the Council meeting held on 21 July 2014.</p> <p>Consider a thorough investigation and assessment of the heritage significance of the remnant garden and</p>

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23	21 Bilgola Avenue, Bilgola Beach	1 st September, 2014	<ul style="list-style-type: none"> The submission notes that the Heritage Review is a very thorough study in every respect except for the proposed Bilgola Heritage Conservation Area and this section needs more time for investigation to ensure that what is represented is true. There has been no consultation with the general membership by the Bilgola Preservation Society during the two year "Review" and therefore many inaccuracies have been put forward. The submission states that <ul style="list-style-type: none"> The property contains no urns or stone piers, stone fences and street cairns or any bridge structures; The Bilgola Creek running through the property is Crown Land according to a 1941 survey, therefore, listing the rest of the property is absurd; The Cabbage Tree palms are protected by tree preservation orders. Not all existing Cabbage Tree palms where [sic] planted historically as can be seen from the photo of Mrs MacLurcan's house attached [see submission]. There are now many more Cabbage Tree palms in Bilgola Beach and Bilgola Beach valley; individual items should be heritage listed not a blanket cover all properties in the old subdivision as some parcels of land have no heritage items on them at all; 	<p>which times the opportunity to provide comments was invited.</p> <p>Request for recording of owner's absence from the Council meeting on 21 July 2014 is a matter for Council's consideration.</p> <p>Comments on the Community Based Heritage Study Review are noted.</p> <p>Due to limitations on the detailed analysis and comparison with the historical evidence of the remnant garden and landscape elements of the former Bilgola Estate/House under the current Community Based Heritage Study Review, it is considered a further analysis and assessment of the nominated elements of the Bilgola Estate/House be undertaken to inform the decision making on their heritage values.</p>	<p>landscape elements of the former Bilgola House in any future heritage study within 24 months following the completion of this Heritage Study Review.</p>

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34	15 Biggola Avenue and the Biggola Heritage Conservation Area between 3 and 21 Biggola Avenue	5 th September 2014	<ul style="list-style-type: none"> o In regard to lot 5A and lot 7A: <i>The adjoining owners at 5 and 7 Biggola Avenue have erected a small fence around these two lots and planted Cabbage Tree palms. These actions will result in ratepayers deprived of any future entitlement parcels of land should Council wish to increase the beach parking area.</i> • Objects to the listing of 15 Biggola Avenue and the Biggola Heritage Conservation Area between 3 and 21 Biggola Avenue. • Objects to the listing of the remnants in some of the properties until <i>an accurate, detailed, serious study has been made. Now it is simply supposition with not much historical fact finding</i> (in regards to garden remnants, boundaries and original rainforest areas) • Submission highlights some inaccuracies in terms of the age of the stone fence and gate posts. • The creek running through the properties in the Heritage Conservation Area are Crown Land and some of the owners were never aware that this was heritage listed. • Why have some properties in Allen Ave which have Cabbage Tree Palm's been excluded? • Questions raised as to what element of the Biggola Cottage and later Biggola House is significant? Socially significant but not architecturally significant? • Strongly opposed to the Biggola Heritage Conservation Area and notes that <ul style="list-style-type: none"> o <i>City Plan Heritage has only surveyed 2 properties on Biggola Avenue and this is an insufficient data set to form a conclusion</i> • Submission requests <i>Pittwater Council survey the entire Biggola Estate Subdivision ... encompassing Allen Avenue, part of The Serpentine and the northern AND southern sides of Biggola Avenue for any potential heritage inventory;</i> <p>OR</p> <p><i>Defer the acceptance of the recommendation of a Biggola</i></p>	<p>Refer to above response.</p> <p>The properties 15-21 Biggola Avenue, Biggola Beach were listed in the Pittwater LEP 1993 under 'Drainage and bridge structures' with the respective allotments marked as heritage items on the heritage map. This heritage listing was also transferred to the LEP 2014.</p>	As above.
38	Biggola Heritage Conservation Area	11 th September 2014	<ul style="list-style-type: none"> • Strongly opposed to the Biggola Heritage Conservation Area and notes that <ul style="list-style-type: none"> o <i>City Plan Heritage has only surveyed 2 properties on Biggola Avenue and this is an insufficient data set to form a conclusion</i> • Submission requests <i>Pittwater Council survey the entire Biggola Estate Subdivision ... encompassing Allen Avenue, part of The Serpentine and the northern AND southern sides of Biggola Avenue for any potential heritage inventory;</i> <p>OR</p> <p><i>Defer the acceptance of the recommendation of a Biggola</i></p>	<p>Refer to above response.</p>	As above.

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			<p><i>Beach Heritage Conservation Area until sufficient funds are available to perform the survey and further test the authenticity of any individual discovery. Pittwater Council cannot apply the Heritage Conservation Area criteria unless it is fully informed, that is, it CANNOT accept this recommendation on what is NOT known.</i></p> <ul style="list-style-type: none"> Submission contains link to article on Bilgola. 		
18	1667 Pittwater Road, Mona Vale (Concrete Statute - Peter & the Bullock)	21 st August 2014	<p>Submission objects to the listing for the following reasons:</p> <ul style="list-style-type: none"> The work was commissioned by Rundle who gave the Statue to a neighbour on the demise of his business. The statue was then moved to the current location and then became the corporate logo associated with EJ Shaw Landscape and Building Materials yard which was taken over by MK Segedin approx. 35 years ago. There is no association between the statue and the current site other than its commercial identification. The statue is not associated with the earlier development of Pittwater and has no association with the local area. The sculpture is not a significant example of Harold and Mabel Squires work. The statement fails to address other publicly available pieces of the Squires work and does not assess the artistic significance. The sculpture is constructed of ferro-cement and has no creative or technical achievement. The significance of the piece is not dependent on any association with the site. That the assessment criteria should be revised and that the statue does not contain local heritage significance. 	<p>The sculpture is a landmark that is well-known to the local community who has nominated it for recognition as a rare remnant of the 1930s artworks representing the working conditions, transport of local produce and ways of commercial advertisement at the time.</p> <p>Harold and Mabel Squires are also valued by the local community as Pittwater artists who were active in the early 20th century.</p> <p>The sculpture meets five of the seven NSW Significance Assessment criteria, therefore it qualifies for listing on the heritage schedule.</p>	<p>Retain on the potential heritage items list.</p>
19	17 Palm Beach Road, Palm Beach	21 st August 2014	<p>Submission objects to the heritage listing of the property for the following reasons:</p> <ul style="list-style-type: none"> The dwelling is subject of approved DA N0256/12 for alterations and additions that involve replacement of the roof, new highlight windows, an attic space with new master bedroom, ensuite, circulation space, changes to the balcony and internal changes. Works have commenced and the statement of significance fails to address the current state of the property. As a result of the works, approved by Council, the 	<p>Review of the submitted documentation and extent of the construction work (in particular demolition) undertaken in accordance with the approved DA N0256/12 it is clear that the house has lost its integrity since the original survey for the Community Based Heritage Study Review and preparation of</p>	<p>Remove from the potential heritage items list. No further consideration is required.</p>

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21	Newport Public School, Ingleside High School and Nairraheen North Public School	27 th August 2014	<p>dwelling is considered to be non-representative of the original structure.</p> <ul style="list-style-type: none"> The DA was subject to a LEC hearing in which B McDonald noted that the house had not been included in the 1989 Barrenjoey Peninsula and Pittwater Heritage Study because it had already been significantly altered by this time. The Statement of Significance fails to address the prior assessments of the site and Council's previous considerations of applications involving the site. The historical notes fail to address Herbert Maitland's minimal connection with the site (see submission for further information) and this has implications for the significance of the site. The house should not be considered an item of local heritage significance due to incomplete and inaccurate information. There is no objection to the listing of the bronze bell or foundation stone, however the submission objects to the listing of the Union Jack flag as the School has no knowledge of such flag and the Department of Education has no record of its current location. The Department opposes the heritage listing of various trees at Ingleside High School and Newport Public School for issues relating to the age of specimens, instability and associated safety concerns. 	<p>the SHI form for this potential heritage item. The item has lost its ability in demonstrating the characteristics of a Californian bungalow.</p> <p>Union Jack flag is not part of the heritage nomination as noted in the Statement of Significance. Further amendments have been made to the SHI form to remove references to the flag.</p> <p>Group of Monterey Pines within the grounds of Ingleside High School is an existing heritage item on Schedule 5 of Pittwater LEP 2014 (No. 2270346) and assessment by Musecape concludes that the trees are significant cultural landscape features and, as such, recommends retention on the heritage list.</p> <p>Similarly, the Hoop Pine (No. 2270036) and Port Jackson Fig (No. 2270028) trees within the</p>	<p>Retain the bronze bell and foundation stone on the potential heritage items list.</p> <p>Retain heritage items 2270346, 2270036 and 2270028 on Schedule 5 of the Pittwater LEP 2014.</p>

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25	10 Manor Road, Ingleside	2 nd September, 2014	<ul style="list-style-type: none"> • Objection to the listing of the Bini Domes at Narrabeen North Public School because the Bini Domes have some structural flaws resulting in increased maintenance costs. The Bini Domes have <i>surpassed their serviceable cycle and require replacement.</i> • Requesting a review of the listing of the property on the basis that: <ul style="list-style-type: none"> - The home is not part of the Powder Works. - There is no (to the knowledge of the owner) cobble stone road in the property. - Loose stones near the house are not part of the Powder Works. 	<p>ground of Newport Public School are two existing heritage items listed on Schedule 5 of the Pittwater LEP 2014. The condition and age of the heritage trees were taken into consideration during the survey for the Community Based Heritage Study Review and recommendations have been made in the SHI forms accordingly.</p> <p>Concrete geodesic domes are also existing heritage item (No. 2270341) under Schedule 5 of the Pittwater LEP 2014. They still retain their integrity and, as such, are recommended for retention on the heritage list.</p> <p>A site inspection was carried out to clarify further the information of the submission. Although no visible remnants of the Powder Works Ruins could be seen, two detailed Non-Indigenous Heritage Assessment and Landscape Visual Analysis studies undertaken by GML Heritage and Richard Lamb & Associates respectively, in relation to the Ingleside Precinct Planning Process consider both 10 Manor Road and 2 Manor Road as a whole. This is because the ruins of the Powder Works are scattered within several parts of the allotments of these properties along the</p>	<p>Retain heritage item 2270341 on Schedule 5 of the Pittwater LEP 2014.</p> <p>Retain on Schedule 5 of the Pittwater LEP 2014.</p>

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29	1 Kalinya Street, Newport (Newport Arms Hotel)	4 th September 2014	<ul style="list-style-type: none"> Objects to the heritage listing of the property. Submission agrees that the <i>Hotel site is of high local historic and social significance...</i> but believes there are some inaccuracies in the inventory form for the site, including: <ul style="list-style-type: none"> The form refers to the significant modifications of the building. The submission wishes this paragraph to be replaced with: <i>The Newport Arms Hotel was rebuilt following extensive damage by fire in 1971 and the hotel building has undergone extensive alterations and additions, particularly over the past 25 years and, accordingly, the physical fabric including the exterior and interiors of the hotel building are not included in the listing.</i> Incorrect date in first sentence of Physical Description Argues that the site is significant <i>due to its continuous operation as a Pub in the Pittwater area since 1880 and as it is the oldest Pub in the area, however the building itself has no heritage significance... as it has been rebuilt and significantly modified over the years</i> Submission also proposes changes to Recommended Management and Integrity/Intactness sections. 	<p>creek.</p> <p>The SHI form has been amended to include the information obtained from the owner and to clarify that the house is not part of the listing.</p> <p>The SHI form has been amended to incorporate some facts provided in the submission where applicable.</p>	<p>Retain on the potential heritage items list.</p>
30	Ku-ring-gai Chase National Park	3 rd September 2014	<ul style="list-style-type: none"> Submission agrees that the Ku-ring-gai Chase National Park is an area of significance, however feels that the <i>National Parks and Wildlife Act 1967</i> is an adequate protective measure. The park spans across three local government areas. Recommendation that if Pittwater Council chooses to proceed with the listing, then the listing should only apply to the parts of the Ku-ring-gai Chase National Park within the Pittwater LGA. 	<p>The recommended listing for the Park includes only the parts that are within the Pittwater LGA for additional protection under the local statutory instrument (Pittwater LEP 2014).</p>	<p>Retain on the potential heritage items list.</p>

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42	307 Whale Beach Road, Palm Beach	11 th September 2014	<p>The submission notes that:</p> <ul style="list-style-type: none"> Following recent advice and meetings with Council representatives, I would like to make a request to have the above property [307 Whale Beach Road] removed from the heritage register. The block was purchased separately from 309-311 (which contains the property 'Orcares') approximately one year ago. 	<p>The SHI form has been amended and 307 Whale Beach Road (Lot 233 DP 16362) has been removed from the listing.</p>	<p>Amend address and property description of the existing heritage listing of item 2270087 on Schedule 5 of the Pittwater LEP 2014 as below:</p> <p>309-311 Lots Whale Beach DP Road 16362</p> <p>Amend Heritage Map to remove 307 Whale Beach Road (Lot 233, DP 16362).</p>
44	6 & 6A Mitchell Road, Palm Beach	12 th September 2014	<ul style="list-style-type: none"> No. 6 Mitchell Road was subdivided following the Council meeting of 5 April 2005, forming Lot 2 DP213975, now 6A Mitchell Road known as "The Bible Garden". Lot 1 remained 6 Mitchell Road known as Treetops. We have no hesitation in supporting the Heritage Listing of 6A The Bible Garden (Lot 2, DP213975). We object strongly to the proposed Heritage Listing of 6 Mitchell Road Treetops (Lot 1 DP213975) being a 2-storey fibro dwelling of no heritage value... The owner Coosee will suffer an economic loss as a result if Council proceeds. Council approved the subdivision on the basis that No.6 could be redeveloped which included a Master plan (see attached Sketches 1-5) which provided for Treetops to be demolished and a new house built (see master plan attached to submission). The driveway above Treetops is on the title of no. 6 Mitchell Road and is an important private right of way not only for 6 Mitchell but also 7, 9, 11, 13 & 15 Florida Road 	<p>Lot boundary information of the SHI form has been adjusted accordingly to reflect the Pittwater LEP 2014 listing curtilage boundaries for the Bible Garden, which is for 6A Mitchell Road, Palm Beach.</p>	<p>No action is required. Maintain existing listing information for the Bible Garden (2270329).</p>
45	3 Pindari Place, Bayview	12 th September 2014	<ul style="list-style-type: none"> The study used to justify the listing is fundamentally flawed. The subject property was not visited by the author of the 	<p>As outlined previously, all nominated properties were inspected from the public</p>	<p>Retain on the potential heritage</p>

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			<p>study and fails to take into account the extensive changes made to the property since 1962.</p> <ul style="list-style-type: none"> Information in the SHI form seems like a direct copy of the profile of Peter Muller by Philip Drew. The report states that the property was first entered on the Pittwater Heritage Inventory on 24th May 2000 yet 149 Certificates issued by Pittwater Council in 2010 and 2014 makes no reference to the listing. This fact raises a seriously unjust and potentially unlawful situation where Pittwater Council knew that the property in question was listed on the heritage register but failed to notify our clients prior to their purchase of the property. A Complying Development Certificate has been issued to carry out extensive additions and alterations to the property. This has not been considered in the report to Council recommending the listing. Council is aware that construction has commenced on the property for alterations and additions. 	<p>domain for the initial assessment. Access to the property was requested during two consultation periods but could not be arranged. However, internal and external photographs of the house (taken in March 2009) have been provided by the Australian Institute of Architects.</p> <p>It is common a practice to obtain historical background information from readily available resources including PHD theses and architect biographies, which were obtained from the Heritage Officer of the Australian Institute of Architects and the website of Peter Muller. These studies and resources are considered to be reliable and the most appropriate resources for such architecturally renowned houses.</p> <p>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 10th December 2014 (Government Gazette, Number 118). This is indication of the property's heritage significance for architectural works of Peter Muller.</p> <p>As previously outlined, use of</p>	<p>items list.</p>

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No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
47	3 Pindari Place, Bayview and 21 Rock Bath Road, Palm Beach	18 th July 2014	<ul style="list-style-type: none"> 3 Pindari Place submission notes the notice of commencement of building work involving renovation to existing first floor including new garage roof and replacement of existing doors and windows. 21 Rock Bath Road – owner objects to the property being listed and requests that the property be removed from the Heritage Study Review. A Complying Development Certificate for demolition of the subject house and swimming pool has been issued and assessment by two heritage architects have concluded that Merson House does not warrant heritage listing. See Complying Development Certificate and heritage assessment attached. 	<p>redundant and duplicate numbers in the SHI database is a common practice and is recommended by the NSW Heritage Division, Office of Environment and Heritage. The subject site has not been considered for listing prior to the Pittwater Community Based Heritage Study Review. Accordingly, the Section 149 Certificate would not yet incorporate details of the listing. 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>3 Pindari Place – refer to the above response.</p> <p>21 Rock Bath Road – the submission and the associated heritage reports were considered as part of the previous consultation process and it was concluded that Merson House meets three of the seven NSW Significance Assessment criteria therefore it is considered to be eligible for nomination for heritage listing. However, the house has since</p>	<p>Retain 3 Pindari Place on the potential heritage items list.</p> <p>Remove 21 Rock Bath Road from the potential heritage items list.</p>

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46	25 Waterview Street, Mona Vale	8 th September 2014	<p>The submission objects to the listing for the following reasons:</p> <ul style="list-style-type: none"> The key architectural components that define Baldwinson's residential works were not achieved on the property at 25 Waterview Street. The Council, at the time of the initial application, rejected the plan for a flat roof, requiring a fully pitched, hip or gable roof. A flat roof was considered by Baldwinson to be essential to the harmony and style of this design. Baldwinson was known to never be satisfied with the final design. In addition, the owners constructed a studio built in the open space beneath the building which had an effect on the design intent of Baldwinson for the dwelling to appear as a floating form. The current inventory still refers to a 5 inch pitch roof which is incorrect – the roof is 2ft 10" at its highest point. In addition, the owner, whilst appreciating the property's appealing design and style, objects to the heritage listing of the property because of the associated financial burden. The owner would like to undertake significant maintenance, repairs and upgrading works and feels that these works would not be achievable with the added expense of the property being listed. 	<p>been demolished.</p> <p>As previously outlined, a recent study commissioned by the Heritage Council of NSW (<i>The Modern Movement in NSW - A Thematic Study and Survey of Places</i>) notes Baldwinson as one of the key practitioners of the Modern Movement. The Andriese House at 25 Waterview Street, Mona Vale has similarities with the Baldwinson's own family home of 1953 including a suspended upper floor and large glazing along the façade.</p> <p>Amendment has been made to the SHI form in respect to the roof pitch.</p> <p>Most of the repair and maintenance works may be undertaken without a full DA provided that they meet the relevant exemption provisions of the Pittwater LEP 2014.</p> <p>Consultation with Council's Heritage Advisor is recommended when the scope of works are known.</p>	<p>Retain on the potential heritage items list.</p>
48	20-24 Beauty Drive, Whale Beach	11 th September 2014	<ul style="list-style-type: none"> Owner disputes the heritage merit of the property. Report attached to submission by Brian McDonald of CCG Architects. <p>The submission further notes that:</p> <ul style="list-style-type: none"> The SHI form says the house and garden need restoration. This is considered to be an understatement. The concrete toughed beam roof structure has 	<p>Ronchi House reflects the Italian Tuscan style architecture experience of its designer, John Harcourt, for whom it was built as a family residence in 1959. The House appears to have been partially stripped of its</p>	<p>Retain on the potential heritage items list.</p>

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			<p>experienced spalling due to insufficient cover to reinforcing steel throughout the building. Also notes that the currently visible corrosion is likely to be just the tip of the iceberg.</p> <ul style="list-style-type: none"> The submission states that as an example of post-World War 2 domestic architecture, 'Ronchi' House does not represent well any aspect of the architectural philosophies or contemporary design approaches of the time. The submission concludes that the house does not meet most of the listing criteria. 	<p>landscape elements since the Study Team's survey on 1st September 2012. Its condition most likely has also been further deteriorated and, as such, its architectural and aesthetic values may appear less. In many aspects the design of the house show careful consideration into detailing such as the exposed decorative rafters to the principal portion, balustrades to the terraced roof including the stair overrun, Tuscan style colonnaded veranda to the courtyard, simple rectangular fenestration to the façades, pockets of garden beds featuring matching balustrades, and finishes that reflect the Tuscan style architecture. The house is unusual for the Pittwater area giving consideration to the large number of modernist contemporary houses of its time. It shows a continuous residential use since 1959 and represents the influx of various types of residential designs that were mostly the work of the architects active on the Northern Beaches in the 1950s and 1960s. The issues associated with its poor condition does not reduce its ability in meeting the NSW Significance Assessment criteria.</p>	

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No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
49	35 Foamcrest Avenue, Newport Beach	12 th September 2014	<p>Objection to the listing on the basis that:</p> <ul style="list-style-type: none"> The Church is no longer used for Church services and due to its small size, does not meet the needs of the Anglican community or the various other uses of the Church. The Church is fast outliving its usefulness. Further, there are many maintenance issues with the building, including aged timber. The owners may be forced to spend money on an ageing timber building which, in all likelihood, will not suit their purposes for much longer. Any new listing should be made concurrently with the provision of funding to heritage item owners. 	<p>As previously outlined, the church building is important in demonstrating the early timber church construction in the locality as well as expansion of the St Michael's congregation. Change in its use from church to multi-purpose hall does not reduce its ability in demonstrating the above noted values.</p> <p>Due to the nature of the building, being moved from elsewhere to the current site, relocation of the building will be possible to a suitable location within the site as well as sympathetic additions to the building to increase its capacity. Consultation with Council's Heritage Advisor is recommended to discuss appropriate design options.</p>	<p>Retain on the potential heritage items list.</p>
52	99 Riverview Road, Avalon Beach	15 th September, 2014	<ul style="list-style-type: none"> Owners do not believe that the listing of the house is appropriate considering the extent to which it has been altered internally and externally. They request that <i>before any recommendation is made that Council review its own files and attend the property.</i> 	<p>As previously outlined, the Lochhead House is considered to be a good example of the early residential works by Keith Cottier of Allen Jack + Cottier (AJ+C) designed in 1965. The architectural value of the house is recognised by the Australian Institute of Architects through listing on the Register of Significant Architecture in NSW (item # 4703057).</p> <p>The house was also included in the architectural book on the 50 years work of AJ+C's written by</p>	<p>Retain on the potential heritage items list.</p>

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No	Property Address	Date of Submission	Summary of issues	Response	Recommendation
53	7A The Serpentine, Bilgola Beach	19 th September, 2014	<ul style="list-style-type: none"> The owners of the property object to the heritage listing of the site and the grove of Cabbage Tree Palms because the site is currently not practical for its desired use by the organisation who intend to subdivide and sell the site to finance ongoing Church and charitable works programs and to purchase a more appropriate apartment facility which is more accessible to older members of the organisation. Heritage Report prepared by Rappoport Heritage states that <i>the site is subject to a number of restrictive controls that may negatively impact the potential for future appropriate development.</i> Rappoport also note that due to the land zoning of the site as SP2 and E4, only 32% of the total land area can be considered as usable land. Rappoport propose that a <i>modification of the heritage listing boundary be considered by the committee to rectify the inequity existing between the listed and unlisted residential allotments on The Serpentine... The purpose of the proposed boundary amendment is not to recommend or allow removal of trees without due cause but is to remove bias against the limited number of private land holders affected by the listing.</i> Rappoport propose that <i>conditions could be placed by Council on any future development that any Cabbage Tree Palms removed in any such development should be replaced with new specimens in alternative limited areas on the site and that any new landscaping on the site should take into account best management practices for the long term health of remaining specimens.</i> 	<p>Trevor Howells and published in 2002 (<i>Allen Jack + Cottier 1952-2002</i>).</p> <p>The original design intent of the house is still evident from its exteriors, which are relatively intact.</p> <p>Review of the Rappoport report and the extent of the Cabbage Tree Palms within the subject property and the adjoining residential properties that are located within the listing boundaries of the heritage item the "Grove of Cabbage Tree Palms (<i>Livistona australis</i>)", clearly show that these properties contain more dense Cabbage Tree Palms than the other residential properties, which are outside the listing boundaries. As noted in the SHI form of the heritage item (2270031), much of the species habitat in the Sydney Metropolitan area has been lost to urban development. However, good stands survive at Bilgola Beach and Palm Beach, with remnants in sheltered coastal gullies elsewhere in the area.</p> <p>The recommendation of Rappoport for the new boundary modification to allow for the full development potential of the residential properties within the curtilage of the heritage item</p>	<p>Maintain existing listing boundaries of the heritage item as defined under Schedule 5 of the Pittwater LEP 2014.</p>

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				<p>excludes most of the existing Cabbage Tree Palms of these properties, in particular the ones within 7A The Serpentine, from the listing curtilage. This is considered a significant adverse impact to the extant grove of Cabbage Tree Palms, which are important and an increasingly uncommon part of the natural and cultural heritage landscape of the Northern Beaches.</p> <p>Difficulties and issues associated with the site's use by the Marist Fathers are acknowledged. However, regardless of the heritage listing any modification to the Cabbage Tree Palms will require a Development Application to Pittwater Council. As such, the recommendation by Rappoport for placement of conditions will still restrict the development options and will require careful design consideration. Any removal or relocation as well as future management of the Cabbage Tree Palms will need to be justified in order to gain consent of the Council.</p> <p>The Grove of the Cabbage Tree Palms is such an important natural and cultural landscape heritage that the amendment to the existing heritage listing boundaries of the heritage item (2270031) is not warranted on</p>	

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				the basis of increasing development potential of the subject residential sites. It is believed that development of the sites will still be achievable under the heritage listing controls, which are not more strict than the Council's tree protection controls.	

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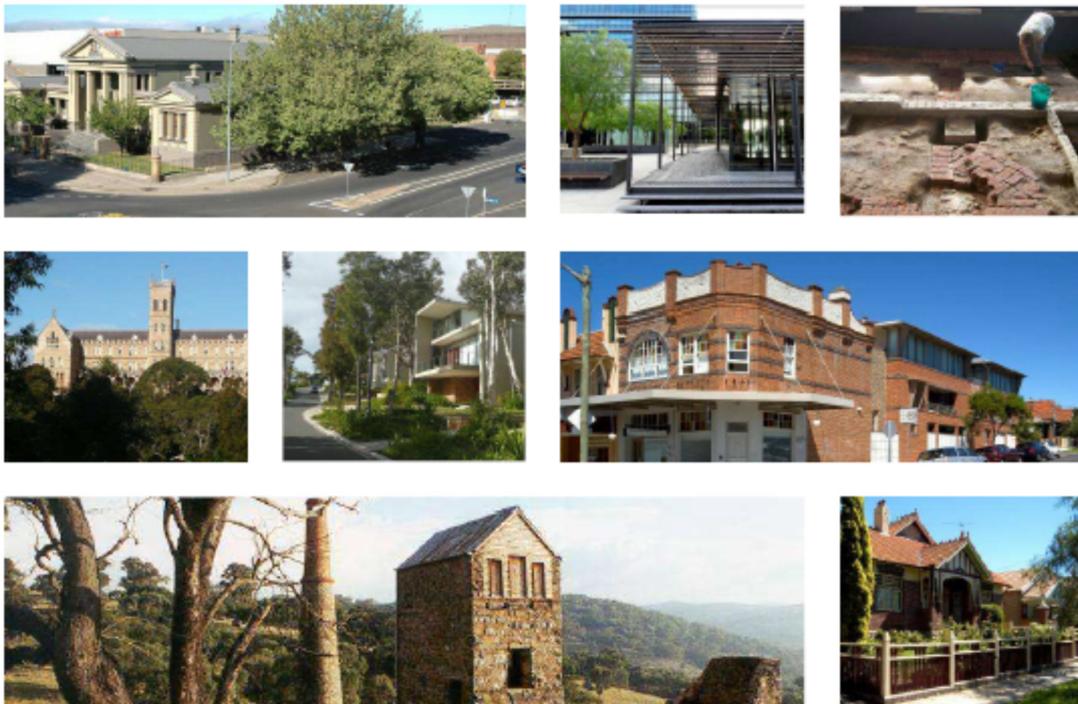
NSW Heritage Branch publication *Heritage listing explained (What it means for you)*



Heritage listing explained



What it means for you





Produced especially for owners of heritage properties, this leaflet answers commonly asked questions about listing. It explains the benefits and effects of listing in New South Wales. It also gives owners a practical insight into how to make sympathetic changes.

What are heritage listings?

New South Wales has two main types of heritage listings known as *heritage items* and *conservation areas*. Heritage listings flag that a place or object has heritage significance.

Four main statutory lists contain heritage listings for places that are significant locally, state-wide, Australia-wide and/or world-wide. Locally significant heritage places are listed on local council Local Environmental Plans. The State Heritage Register lists our State’s most significant heritage places and objects known as items of state heritage significance. Nationally significant places are listed on the National Heritage List. Places of world-wide significance like the Sydney Opera House are inscribed on the World Heritage List.

Heritage places from all four lists collectively demonstrate the unique history and achievements of the people of NSW and Australia. As physical links to Australia’s past, heritage places trace the transition of Australia from its ancient indigenous origins to a penal outpost of Great Britain to the advanced culture of today’s developed nation.

How does heritage benefit you?

The heritage places of NSW not only reveal the story of Australia’s past; they safeguard and enrich our present and future.

For our environment, sustainable development begins with recycling—heritage buildings and their embodied energy included. Recycling heritage buildings reduces our consumption of resources and ecological footprint. Re-using instead of demolishing an average 19th century terrace is equivalent to saving 15,000 litres of petrol or five car trips around the planet in embodied energy. The Heritage Council’s expert committees give free technical advice on sustainably upgrading heritage buildings for contemporary needs. Advice is given



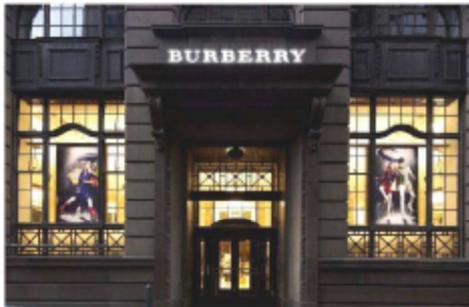
Retaining our limited heritage resources is green, sustainable, an investment and community building.



From top: Cadia copper mine’s Engine House near Orange, c.1867; St Patrick’s seminary, Manly, 1885, now converted to a college; New houses and subdivision of St Patrick’s grounds retain its significant setting and trees; A characteristic Federation residence, c.1910.



Listing keeps heritage places authentic, alive and useful.



From top: Walsh Bay Wharves, c.1921, once a major shipping port, now a vibrant apartment, theatre and restaurant precinct; Burberry, Sydney, converted from major bank headquarters, c.1925; Burberry interiors re-using bank tellers, seats and desks; The Mint, Sydney, c.1855, where colonial coins were made, now offices.

on upgrading historic buildings for disabled access, fire safety, building code standards and new services in ways which retain their heritage significance.

For our economy, heritage attractions underpin tourism, enhancing long-term growth. Heritage places provide the material to promote our State and neighbourhood profiles. Limited in supply, the rarity and authenticity provided by heritage places are attractions that cannot be built or recreated anywhere else.

Not long ago, areas like the Rocks and Paddington were considered 'slums' slated for demolition. Since listing and conservation, their value has appreciated enormously. The Rocks now supports Sydney's tourism industry, boosting the economy.

For individuals, the benefits extend beyond the timeless character often found in heritage places. Studies show heritage properties can attract higher resale values. Price premiums attracted by heritage character and listing can also extend to adjoining properties. Listing gives owners greater certainty the heritage qualities of the area are protected. Sensibly maintained, the old keeps its appeal in the long-term and only grows in rarity with age.

For communities, heritage plays a major role in the appeal and life of neighbourhoods. Even heritage places with no current use or in a neglected state can provide the impetus for revitalising a neighbourhood. The adaptive reuse of heritage buildings like Walsh Bay's finger wharves shows how retaining the old as part of a new use creates unique precincts and renews community life and enjoyment of the place.

Heritage places create and support jobs in your community. As well as jobs for specialist repair tradespeople and heritage consultants, heritage places support jobs for architects, planners, builders, building material suppliers, real estate employees, and the many people working in tourism for heritage sites, hotels, food and travel.

In other words, retaining our limited heritage resources is green, sustainable, an investment and community building. Owners, businesses, residents and visitors all benefit as a result.

Why list?

Listing is the way our heritage places are identified and managed. This safeguards the environmental, economic and social benefits of this limited resource for present and future generations.

As with zoning, certainty is the driving reason for listing. By flagging our heritage places, listing gives owners and the community certainty about what is a heritage place. It provides advance knowledge about the approvals process, and confidence that future changes to listed places and surrounds will be

sympathetic ahead of important decisions such as purchasing.

Early listing avoids the uncertainty, delays, unforeseen costs and unnecessary conflict that can result when heritage is identified late in the development process. For example, temporary heritage listing known as Interim Heritage Orders, cannot apply to locally significant places already listed as local heritage items or state significant places already listed on the State Heritage Register.

Listing is the established world-wide method for managing heritage. Before listing existed in NSW, community protests about widespread heritage destruction resulted in the building union 'green bans' of the 1970s. This saved the Rocks and other heritage places from demolition at the time and ultimately led to our State's first contemporary laws for heritage listing in 1977, the *Heritage Act*.

What does listing mean?

By providing a balanced framework for managing change, listing keeps heritage places authentic, alive and useful. Australian heritage places are not inflexibly bound or 'mothballed' by listing. Listing will not stop all change or freeze a place in time. Listing is a beginning—the first step in protecting our significant places—not the end result. Statutory listing protects our State's heritage places in three basic ways: recognition, approvals and support.

1. Recognition

Listing gives public recognition to heritage places under Australian or State law. Listing as a heritage item or area is a mark of community distinction that can be useful for promoting resale or business. It will not change property ownership or open private property to the public. Listing produces information about the history and significance of a place to help owners understand and manage their property. This information is published on the online heritage database at www.heritage.nsw.gov.au/shi.

For owners who wish to attract visitors, state listing also gives heritage bed and breakfasts, pubs or other heritage attractions free promotion on the heritage tourism website: www.visit.heritage.nsw.gov.au.

2. Approvals for change

Listing permits sympathetic development of heritage places through an approvals process. The process to gain approval ensures changes retain the significance of heritage places.

State listing normally prevents demolition and neglected maintenance. NSW listings do not otherwise prescribe how a place can or cannot be changed. Any change to a listed place can be assessed for approval.



Listing will not stop all change or freeze a place in time.



From top: NSW Parliament House, converted from the 1816 Rum Hospital; Sydney Harbour's Fort Denison, c.1862, once a colonial fort, now an events venue; Restored façade of the partly burnt-down George Patterson House, Sydney, c.1895, showing the old and reconstructed parts; Above interiors converted into a bar using the old ruins as a feature.



Listing gives owners improved access to heritage grants.



From top: Babworth House, 1915, a mansion converted into five flats; New kitchen/living addition opening onto the rear gardens of above; Convict-era hospital relics, c.1818, at the old Parramatta hospital site now converted into the Parramatta Justice Precinct; Above relics are displayed in a glazed café building in front of the new Justice Precinct buildings.

Changes are assessed on their merits when owners submit development applications. In this assessment, the relevant government agency decides whether the proposed works will have an acceptable impact on the heritage significance of the place. Owners have an opportunity to submit their own assessment in the 'statement of heritage impact' before this decision is made. Upgrading kitchens, bathrooms and services and rear extensions to meet contemporary standards are commonly approved changes.

Minor works, day-to-day repairs and maintenance rarely need approval because they will normally fulfil criteria for exempt development. There is no obligation to restore a listed place. No approval is needed to sell or lease a listed place.

Tips for sympathetic alterations are shown in the table over the page. Interested owners can also access free best practice guidelines from the Heritage Council to help with these works at www.heritage.nsw.gov.au/conservation.

For pre-application advice on proposed changes contact the relevant government agency:

- Local: for places listed on the Local Environmental Plan, call the local council's heritage planner.
- State: for places listed on the State Heritage Register, call the NSW Department of Planning's Heritage Branch on (02) 9873 8500.
- Federal: for places listed on the National or Commonwealth Heritage Lists: call the Heritage Division of the Department of Sustainability, Environment, Water, Population and Communities on 1800 803 772.

3. Support

Listing gives owners improved access to heritage grants, free advice from local council's heritage planners on how to make sympathetic changes, and often allows a wider range of uses than the current zoning would otherwise permit. NSW grants for conservation works are described further at www.heritage.nsw.gov.au/funding. Some local councils also offer local heritage grants. Find out by contacting the council's heritage planner.

Free technical advice is available to owners of state-listed places for upgrading historic buildings from the Heritage Council's expert technical committees. They provide advice on upgrades for disabled access, fire safety, building code standards and the introduction of new services for contemporary residential or business needs. Advice is also given on conserving historic building materials.

Heritage listing can reduce council rates and land tax when owners apply for a 'heritage valuation' from the NSW Valuer General's Office. An existing heritage valuation will be shown in the 'Notice of Valuation' issued for council rating purposes.

What is listed?

Places and objects are listed when they have what is known as *heritage significance*. Ancient, old and modern places are all listed. These demonstrate the length and breadth of Australia's rich history.

Heritage significance and listing is not only about buildings. Landscapes, gardens, parks, farms, streets, towns, Aboriginal sites, archaeological relics, bridges, dams, railway stations, shipwrecks and objects are also listed for their heritage significance. This includes both privately and publically owned places and objects.

The heritage significance of a place is measured using seven standard Heritage Council criteria. Local councils survey their areas for listing locally significant places and objects using these same criteria. Any person can also nominate a place for listing to the local council, NSW Heritage Council, and Australian Heritage Council for locally, state or nationally significant places respectively. Consulting owners and the community is a key part of the listing process for all types of statutory listing in NSW.

Desirable areas often feature large numbers of heritage listings—an indicator they have a great deal worth keeping. However, few places are listed overall. Across New South Wales less than one percent of properties are listed heritage items.

To find out how many heritage places you have listed in your local neighbourhood and how these places are significant, search the NSW online heritage database at: www.heritage.nsw.gov.au/shi or the Australian heritage places inventory at: www.heritage.gov.au/ahpi/index

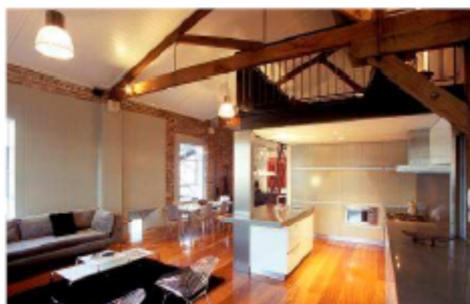
Listing effects in brief:

- Heritage significance is recognised by law.
- Brings greater certainty that future changes will be sympathetic.
- Physical changes may need approval.
- Conversion to new uses can be approved.
- Complete demolition is normally prevented for state-listed items.
- Normal maintenance is required for state items.
- Does not alter ownership.
- Does not oblige owners to restore or open their place to the public.
- No approval needed to sell or lease the place.
- Owners can apply for heritage grants.
- See www.heritage.nsw.gov.au for more details.

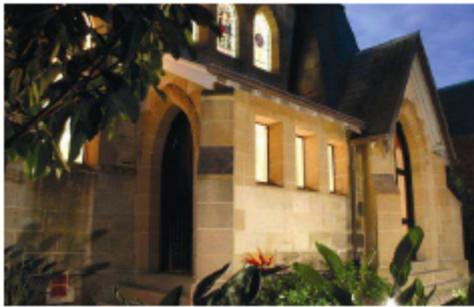
* Of 3.5 million total land parcels in NSW, less than one percent are listed as statutory heritage items. These include approximately 26,000 local, 1,600 state and 20 national items. Figures are derived from data from the NSW online heritage database as of May 2010.



Across New South Wales less than one percent of properties are listed heritage items.



From top: Canterbury Sugar Mill of c.1841 restored after fire and converted to apartments; The mill before restoration; Another contemporary apartment conversion of the c. 1920 McCafferys Stables at Pyrmont; New mezzanine level, kitchen and living space inserted into the stables building.



Above: Demonstrating these tips in practice for a church conversion into two homes: Toxteth Church, Glebe. The new internal structure inserted into the old church for new mezzanine levels was built in a way that allows its future removal without damaging heritage fabric (tip 8). The old roof structure is used as a feature in the new design (tip 3). A rear modern pavilion addition is discrete and lightweight (tip 4). Open courtyards separate the church and hall from the new addition, allowing the old building to remain prominent (tip 6).

Heritage renovating tips[†]:

Some common tips to help you renovate or extend your heritage place sympathetically:

1. Start with good advice: from the local council's heritage planner or a heritage consultant. This will help you understand your place, find out about available grants, the approvals process, information required, and how to develop sympathetic renovations.

2. Find a good fit: Fit the planned use to the site, building and room – whether the current use or a compatible new use. *Examples:* A bad fit is trying to fit four bedrooms and garage into a single-storey terrace on a small site. A good fit (or compatible use) is placing new kitchens or bathrooms into existing service rooms to limit damage to fine old interiors.

3. Keep authenticity: Aim to retain inside and outside heritage features (like fireplaces, decorative ceilings, windows, roofs and fences) as part of new work. Reuse rather than remove or replace sound heritage materials. To maintain the value of your investment and avoid expensive future repairs use maintenance guides at www.heritage.nsw.gov.au/conservation.

4. Position discretely: Place extra living space and changes to the rear or least-conspicuous position to maintain the main public appearance, setting and features of the place. *Examples:* Place additions and parking behind the building facade line. Converting the attic into an extra room may be an option where roof dormers can be fitted discretely at the rear.

5. Continue patterns: In modern or traditional additions, reflect forms and patterns of the adjoining old building without imitating its exact details to harmonise new with old. *Examples:* Window sill lines, materials, roof forms, building proportions and fences are typical patterns to follow in new additions.

6. Separate new forms: Separate the mass of new buildings from the old so the old remains prominent. *Examples:* Using the main heritage building as the starting point, step-down the height of additions (wall and roof ridge heights), increase building set-backs, or use a pavilion style addition with a separate roof and low link to the old building (see example on left).

7. Reveal heritage features: Removing unsympathetic alterations and restoring original features like open verandahs and fences can transform a place's appearance and appeal.

8. Make change reversible: meaning new work can be removed later without damaging the old. *Example:* Do not paint unpainted sandstone or face brick walls because paint cannot be removed without scarring. Impervious paints and sealants can also damage older masonry by spreading rising damp.

See more in *New Uses for Heritage Places and Design in Context* at www.heritage.nsw.gov.au/publications.

[†] These tips are not compulsory or inflexible. They do not replace other professional guidelines, planning controls or direct the consent authority's assessment of proposals.

Listing myths and facts snapshot:

Myth 1: "Listing stops change or inhibits growth"

Facts: Listing will not stop change. Changes may need approval. Any change can be assessed for approval. The approvals process promotes sympathetic changes to retain the authenticity of heritage places. Listed places can be converted to new uses and upgraded with approval. New bathrooms, kitchens and living space are commonly approved changes. Talk to the local council's heritage planner for advice on these or other changes. You can continue smaller works to listed places without approval like most day-to-day gardening, cleaning, painting interiors and basic maintenance when it fulfils criteria for what is known as *exempt development*. No approval is needed to sell or lease listed places. Managing our limited heritage resources in this way can drive revitalising unique precincts and long-term growth, including improved environments, property values, and visitor numbers.

Myth 2: "Listing devalues property"

Facts: Studies¹ 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 studies¹. Period features and other heritage attributes often feature prominently in property advertisements because of this appeal.

Myth 3: "Listing turns my place into a museum"

Facts: Listing does **not** oblige owners to restore or open a place to the public like a museum, dictate the use owners propose or freeze a place in time. More flexible than zoning, listing can actually allow more uses than the zone would otherwise permit. Finding a viable use is a priority for listed places. Only normal day-to-day maintenance is required for state-listed places, safeguarding your property as an investment.

Myth 4: "Listing penalises me and my property"

Facts: Listing gives you improved access to heritage grants, greater flexibility for uses including uses otherwise prohibited, and often reduced land tax. Listing also gives a local council greater control over preventing inappropriate neighbouring development—all advantages only for listed places.

Myth 5: "Listing complicates renovations."

Facts: Listing gives you advance notice about the issues and process for gaining development approval, including better access to heritage grants and free advice from local council professionals. Fewer delays and better design outcomes often result. Listing reduces the risk of delays and community protests when heritage values are identified late in the development process. Heritage consultants can help you through this process, however are not needed for all applications. Find out what information and advice you need for your renovations from the council's heritage planner.



From top: New buildings harmonising with the old (tip 5). The first two are a rear addition reflecting the height, building form, window proportions, lines and materials of the Federation corner store; Second steps its height and setbacks down from neighbouring Victorian buildings, uses similar forms to the adjoining, and integrates the garage discretely recessed below a verandah so it does not dominate (tip 6); The final building reflects Colonial forms, roofs, materials, heights and setbacks in the neighbourhood.



From top: Further new buildings harmonising with the old from different periods and purposes. The height of the first new home is single-storey adjacent to single-storey Victorian neighbours (tip 6). Materials and roof forms reflect surrounding buildings used in subtly different ways to distinguish the new buildings from the old (tip 5); The second is a new building adjoining a historic warehouse and Victorian hotel in Surry Hills; Last two are Orange Courthouse's rear additions continuing the old building's materials and building forms (tips 4 & 6).

Myth 6: "Listing is unfair interference"

Facts: Like zoning, listing is necessary government planning required by law for orderly development. Listing is part of good planning. Everyone gets a say before listing; owners and neighbours included. Listing decisions are made independently by government after considering public comments and using state-wide heritage standards. Professional heritage assessment against standard criteria guides these decisions. In this measured way, the heritage of your area is known and earning the rewards for its owners like greater protection against inappropriate neighbouring development, flexible uses, and tax breaks.

Myth 7: "I will look after my place better unlisted"

Facts: While you may be the best possible custodian for your heritage property, without listing no-one can guarantee future owners will look after it as well. If not listed, then you are also denied the benefits in 4.

Myth 8: "Listing reduces development potential"

Facts: While potential varies between sites, independent reviews of some Braidwood property concluded the state listing had **no impact** on development potential. Zoning, physical site constraints, limits on impacting neighbours and the environment, and other controls all mean development potential is not endless to begin with. Heritage concerns can still be raised by the community or council for unlisted places when development is proposed. Prior listing just makes the development process smoother; a known quantity. Illustrations in this guide show considerable development realised for listed places through adaptive re-use. For a typical listed home, a sympathetic modern rear addition for extra living space, sometimes taking advantage of an extra basement level, a second storey in the attic space or a granny flat may be possible.

Myth 9: "Listed places cannot be bulldozed"

Facts: State listing normally prevents demolition. The Heritage Council cannot approve demolition of a state-listed item. However, in some circumstances listed places can be partly demolished with approval, such as to remove detracting additions. If a listed place has lost its heritage significance or long-term conservation is no longer necessary, the place can be removed from the heritage list or demolished with government approval after assessment and advertising for public comments.

Myth 10: "Only the old, grand or beautiful is listed"

Facts: Seven different heritage criteria mean places can be significant for reasons other than age and beauty. Criteria such as design quality ('aesthetics') and connection to important people and events ('associations') mean that the fairly recent and old, modest and grand, plain and beautiful alike can form part of our history and heritage.

Myth 11: "Too much is listed"

Facts: Of 3.5 billion land parcels in NSW, less than one percent are listed heritage items, including less than 30,000 total heritage items.²

Endnotes

1. Some recent Australian studies, study evaluations, and case law which conclude listing has a positive or no effect on property values and economic viability include:
 - Abelson, P. & Dominy, C., *The Economics of Heritage Listing*, 2001 (on benefits, costs and economic viability of development).
 - Australian Government Productivity Commission, *Conservation of Australia's Historic Heritage Places Inquiry Report, Appendix C, Effect of heritage listing: a hedonic study of two local government areas*, 2006 (on property value).
 - Cotteril, D., Sinclair Knight Merz, *Value of Heritage to the City of Ballarat-Case Study*, not dated (on property value).
 - Deodhar, V., *Does the housing market value heritage? Some empirical evidence*, 2004 (on property value).
 - Heritage Victoria, *Heritage listing and property valuations in Victoria*, 2001 (on property value).
 - Moore, T., *Land and Environment Court of New South Wales judgement, Helou v Strathfield Municipal Council [2006] NSWLEC 66*, 2006 (on amenity and costs of heritage compared to knock-down and rebuild).
 - Newell, G., Wills, P., & Eves, C., *Heritage Australia: A Review of Australian Material Regarding the Economic and Social Benefits of Heritage Property*, 2005 (on property value, jobs, other general benefits).
2. Figures are approximate for the purpose of indicating the percentage of NSW property listed, based on data available at the time of publication from the NSW online heritage database as of 2010.



Above: Significant established trees retained by the careful design of a new housing subdivision in the grounds of St Patrick's Estate, Manly—Australia's first national Catholic seminary—here being enjoyed by a member of the next generation.

Provenance

This is an endorsed publication of the Heritage Council of NSW, written and designed by Claudine Loffi for the Heritage Branch, NSW Department of Planning, in 2010, updated in 2011 for the Office of Environment and Heritage. Photographs are from the collection for publication in *Design in Context* and *New Uses for Heritage Places* co-produced by the Heritage Council of NSW and the Royal Australian Institute of Architects in 2005 and 2008, Burberry 2011, and Heritage Branch staff.

Acknowledgments

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C12.5 Outcome of Exhibition of Planning Proposal Following the Adoption of the Warriewood Valley Strategic Review Addendum Report

Meeting: Sustainable Towns and Villages

Date: 20 April 2015

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.

1.0 EXECUTIVE SUMMARY

- 1.1 This report presents the outcomes of the public exhibition of the Planning Proposal reflecting the recommendations of the recently adopted Warriewood Valley Strategic Review Report 2014.
-

2.0 RECOMMENDATION

1. That Council note the outcomes of the public exhibition of the Planning Proposal reflecting the recommendations of the recently adopted Warriewood Valley Strategic Review Addendum Report 2014.
 2. That Council endorse the progression of the Planning Proposal.
 3. That those persons, organisations and state agencies that made a submission during the public exhibition of the Planning Proposal be advised of Council's decision.
-

3.0 BACKGROUND

3.1 PURPOSE

3.1.1 This report aims to:

- Inform Council on the outcomes of the public exhibition of the Planning Proposal to amend Pittwater LEP 2014 reflecting the recommendations of the recently adopted Warriewood Valley Strategic Review Addendum Report 2014,
- Respond to issues raised in submissions, and
- Seek Council's endorsement to progress the Planning Proposal for gazettal.

3.2 **Warriewood Valley Strategic Review Addendum Report and resolution of 17 November 2014**

3.2.1 The Warriewood Valley Strategic Review Addendum Report (Addendum Report), prepared in accordance with the Council's resolution of 12 June 2013, reviewed the undeveloped lands not afforded a forward path by the Warriewood Valley Strategic Review Report (2012 Strategic Review), including the Southern Buffer lands. The Addendum Report also considered some lands not originally investigated under the 2012 Strategic Review as they were considered to be developed at the time. The Addendum Report aimed to ensure a forward path has been afforded for all properties within the Release Area.

3.2.2 The Addendum Report recommended the following:

- Rezoning of several properties from RU2 Rural Landscape to R3 Medium Density Residential,
- Changes to the Release Area boundary,
- Changes to existing sector boundaries involving the creation of new sectors and the removal of several existing sectors,
- Changes to the dwelling yield allocation of several sectors resulting in an additional yield of 17 dwellings within the Release Area, and
- A review of Pittwater 21 DCP to ensure that it facilitates quality and compliant housing developments at 32 dwellings per hectare.

3.2.3 At its meeting on 17 November 2014, Council in resolving to adopt the Addendum Report also agreed to progress a Planning Proposal that reflected the recommendations of the Addendum Report. A copy of Council's resolution of 17 November is in **Attachment 1**.

3.3 **POLICY IMPLICATIONS**

The Planning Proposal has been prepared, exhibited, and if agreed, finalised in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.

3.4 **RELATED LEGISLATION**

Environmental Planning and Assessment Act 1979 and Regulations

3.5 **FINANCIAL ISSUES**

3.5.1 **Budget**

The amendments to the Pittwater LEP 2014 are aimed at facilitating development opportunities in Warriewood Valley generally that, in turn, will enable completion of the Release Area development including delivery of infrastructure funded by developer contributions.

3.5.2 **Resources Implications**

As the Delivery Program incorporates the action to *"Implement recommendations from the Warriewood Valley Strategic Review"*, a budget has already been allocated to facilitate amendments such as those proposed by this Planning Proposal to the Pittwater LEP 2014.

4.0 KEY ISSUES

4.1 Gateway Determination

- 4.1.1 A Gateway Determination (**Attachment 2**) was issued by the Department of Planning and Environment (DP&E) on 15 January 2015, enabling Council to commence the statutory public exhibition of the Planning Proposal.
- 4.1.2 Condition 4 of the Gateway Determination required referral to the NSW Rural Fire Service (RFS).
- 4.1.3 DP&E also authorised Council's delegate (the General Manager) to exercise his delegation to finalise the LEP.

4.2 Public exhibition process

- 4.2.1 The statutory public exhibition period was held between Saturday 31 January and Saturday 28 February 2015.
- 4.2.2 For the purpose of the statutory public exhibition of the Planning Proposal and supporting documentation, the following was undertaken:
- A 28-day exhibition period (in accordance with the Gateway Determination).
 - Notification in writing to all affected property owners and the Warriewood Valley Residents Association at the commencement of the public exhibition period.
 - Notification signs erected on the Council road reserve of affected properties.
 - 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.

4.3 Consultation with State Agencies

- 4.3.1 Council staff wrote to the RFS at the commencement of the public exhibition seeking comments on the Planning Proposal. A submission was received from the RFS. The issues raised in this submission and responses to these issues are contained in the Submissions Table in **Attachment 3**.
- 4.3.2 During the public exhibition of the 2012 Strategic Review the NSW Roads and Maritime Service (RMS) lodged a submission indicating that:

"The RMS supports the Strategic Review, provided that:

- 1. The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings.*
- 2. No further development is approved for the area identified as the Southern Buffer."*

The Planning Proposal seeks to rezone certain land for residential development and amend the dwelling yield of several sectors which could result in a maximum of 17 additional dwellings across the Warriewood Valley Release Area. This minor increase will not result in the total number of approved dwellings in the Release Area exceeding 2544 dwellings.

4.4 Responses to submissions

4.4.1 Seven (7) submissions were received during the exhibition period. Issues raised in the submissions and responses to these issues are contained within the Submissions Table (**Attachment 3**).

4.5 Changes to the Planning Proposal

4.5.1 A minor amendment was made to the Planning Proposal following public exhibition, namely confirming that consultation has occurred with the NSW RFS.

4.5.2 No other changes were made to the Planning Proposal. A copy of the Planning Proposal is in **Attachment 4**.

4.6 Forward Path

4.6.1 As Council's delegate (the General Manager) has been authorised to exercise delegation to finalise the proposed amendments to Pittwater LEP 2014, should Council endorse the recommendation contained within this report, the following are the next steps:

- A request will be sent to Parliamentary Counsel for a draft instrument.
- 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 amended LEP will come into effect.

5.0 ATTACHMENTS / TABLED DOCUMENTS (view Council Tabled Document Guidelines)

- **ATTACHMENT 1** – Council resolution of 17 November 2014
- **ATTACHMENT 2** – Gateway Determination issued 15 January 2015
- **ATTACHMENT 3** – Submissions Table
- **ATTACHMENT 4** – Planning Proposal

6.0 SUSTAINABILITY ASSESSMENT (view Council Report Template tool)

6.1 GOVERNANCE & RISK

6.1.1 Community Engagement

Landowner and community participation was facilitated during the public exhibition to ensure that decision making is ethical, accountable and transparent.

6.1.2 Risk Management

The Planning Proposal has been prepared, exhibited, and if agreed, finalised in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.

6.2 ENVIRONMENT

6.2.1 Environmental Impact

The Planning Proposal will assist the conservation of bushland, waterways and biodiversity.

6.2.2 Mitigation Measures

The Planning Proposal seeks to rezone certain land for residential development. Development applications for individual dwellings will need to demonstrate appropriate water management, waste management and building sustainability.

6.3 SOCIAL

6.3.1 Address Community Need & Aspirations

The Planning Proposal takes into consideration infrastructure, land capacity, urban form, social fabric and the area's current character.

6.4 ECONOMIC

6.4.1 Economic Development

The Planning Proposal continues the orderly planned development of the Warriewood Valley Release Area to ensure the delivery of a viable land release.

Report prepared by
Robbie Platt – Land Release Assistant Planner

Andrew Pigott
MANAGER, PLANNING & ASSESSMENT



PITTWATER COUNCIL

SUBJECT: Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report

Meeting: Sustainable Towns and Villages Committee

Date: 17 November 2014

COMMITTEE RECOMMENDATION

1. That Council note the attached Probity Report prepared by Procure Group.
2. That Council note the responses to the public exhibition process detailed in the submissions table.
3. That Council adopt the attached Warriewood Valley Strategic Review Addendum Report.
4. That Council note that the *Warriewood Valley Strategic Review Report 2012*, together with the *Warriewood Valley Strategic Review Addendum Report 2014*, supersedes the *Warriewood Valley Planning Framework 2010*.
5. That Council agree to forward the attached Planning Proposal to Department of Planning and Environment for Gateway Determination to amend *Pittwater Local Environmental Plan 2014* as follows:
 - Amend the Urban Release Area Map to:
 - Remove Sectors 201, 204, and 702
 - Identify Sectors 202, 203, 802 and 10C as new sectors
 - Identify Sector 3 and Buffer Area 2 as one sector, labelled "Buffer Area 2"
 - Identify Sector 172 and Southern Buffer as one sector, labelled "Southern Buffer"
 - Identify the properties 120 and 122 Mona Vale Road as Sectors 120 and 122 respectively
 - Amend boundary of Sector 901H to identify only the battle-axe portion.
 - Amend the Land Zoning Map to rezone:
 - Sector 901H (battle-axe portion only) to R3 Medium Density Residential
 - Sector 802 (5 Forest Road) be rezoned SP2 Educational Establishment
 - Amend the Lot Size Map to:
 - Remove minimum lot size applying to Sector 901H (battle-axe portion only)
 - Remove minimum lot size applying to Sector 801
 - Amend the Height of Buildings Map to:
 - Apply a 10.5 metre height limit to Sector 901H (battle-axe portion only)
 - Amend Clause 6.1(3) to:
 - Identify Sectors 901C and 901G together.
 - Allocate Sector 202 a yield of not more than 1 dwelling.
 - Allocate Sector 901H (battle-axe portion only) a yield not more than 3 dwellings.
 - Allocate Sector 10C a yield of not more than 17 dwellings.
6. That those landowners whose properties will be subject to the Planning Proposal be advised of Council's decision in regard to recommendation 5.

7. That a review of Pittwater 21 Development Control Plan be undertaken to ensure that it enables developments at a density of 32 dwellings per developable hectare. In addition, control C6.15 is to be amended to specifically identify 23B Macpherson Street (Sector 801) as the location for the Focal Neighbourhood Centre.
8. That landowners of properties within Sector 901A be advised of the pro-rata allocation specified in Table 6 of the attached Addendum Report.
9. That any person or organisation who made a submission to the draft Warriewood Valley Addendum Report be advised of Council's decision.
10. That a public notice be published in the Manly Daily notifying of the adoption of Warriewood Valley Strategic Review Addendum Report.

(Cr Grace / Cr Ferguson)

Notes:

1. Cr Hegarty left the meeting at 8.56pm and returned at 9.08pm, having declared a significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report - and took no part in discussion and voting on this item. The reason provided by Cr Hegarty was:

"My mother is a landowner in the Warriewood Valley area."

5. Cr Millar had declared a less than significant non-pecuniary interest in Item C12.6 – Outcome of Public Exhibition of Warriewood Valley Strategic Review Addendum Report, and elected to remain in the meeting and to take part in discussion and voting on this item. The reason provided by Cr Millar was:

"I live in Warriewood Valley which does not preclude me from debate."



Mr Mark Ferguson
 General Manager
 Pittwater Council
 PO Box 882
 Mona Vale NSW 1660

14/20835

Dear Mr Ferguson

Planning proposal to amend Pittwater Local Environmental Plan 2014

I am writing in response to your request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to implement the outcomes of the Addendum Report to the Warriewood Valley Strategic Review.

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.

I have also agreed the planning proposal's inconsistencies with Section 117 Direction 1.2 are of minor significance. No further approval is required in relation to this Direction.

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 Ms Lee McCourt of the Department of Planning and Environment's regional office to assist. Ms McCourt can be contacted on (02) 8575 4129.

Yours sincerely

RJ Cumming
 15/1/2015

Rachel Cumming
 Acting General Manager, Metropolitan
 Planning Services



Gateway Determination

Planning proposal (Department Ref: PP_2014_PITTW_003_00): to amend the Urban Release Area Maps, Land Zoning Map, Lot Size Map, Height of Building Map and clause 6.1(3) to introduce dwelling yield provisions.

I, the Acting General Manager, Metropolitan 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 to implement the outcomes of the Addendum Report (2014) to the Warriewood Valley Strategic Review to amend planning controls within the Warriewood Valley Urban Release Area should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be revised to update the explanation of provisions to remove reference to the relabelling of Clause 6.2 on the Urban Release Area Map Sheet URA_012.
2. Prior to public exhibition, the planning proposal is to be revised to demonstrate consistency with A Plan for Growing Sydney, released on 14 December 2014.
3. 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)*.
4. Consultation is required the NSW Rural Fire Service under section 56(2)(d) of the Act. The NSW Rural Fire Service 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.
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 15th day of January 2015.


15/1/2015

Rachel Cumming
Acting General Manager, Metropolitan
Planning Services

Delegate of the Minister for Planning

Submission	Name	Issues raised	Response
1	Meriton	<i>"Council's S94 Contribution Plan must be amended to reflect the riparian corridor to be acquired by Council".</i>	The Warriewood Valley Section 94 Contribution Plan (Plan 15) Amendment 16 Revision 1 (adopted 15 December 2014) identifies the creekline corridor land 25m either side of the creek centre line to be dedicated to Council. Changes to the location of the creekline corridor shown on the exhibited draft Urban Release Area Map results in consistency with the recently adopted Section 94 Plan.
		<i>"We continue to object with the density on the land known as Buffer 1m".</i>	Noted the issue raised however the Planning Proposal does not seek a change in relation to Buffer Area 1m.
		<i>"The proposed height map for all sites does not allow for any urban design or site typography considerations. LEP Clauses should be amended to include a provision for more height to ensure the density allowed can be achieved".</i>	The Planning Proposal reflects the recommendations of the recently adopted Warriewood Valley Strategic Review Addendum Report 2014 (Addendum Report). The Addendum Report did not recommend any changes to building heights.
		Council should acquire Buffer Area 1m for flood storage purposes.	Noted however this is not a relevant issue particularly as the Addendum Report does not consider or make recommendations for this site that need to be effected by the Planning Proposal.
2	Toumi	<i>"The western part of 4 and 5 Fern Creek Rd should also be rezoned".</i>	<p>The majority of 4 and 5 Fern Creek Road are, as noted in the recently adopted Addendum Report, located adjacent to Ingleside Chase Reserve and significantly constrained and limited in their ability to develop due to bushfire and geotechnical hazards, proximity to dense vegetation and access and visual amenity issues.</p> <p>The Addendum Report recommended that the least constrained portions of 4 and 5 Fern Creek Road (being the battle axe handles) are suitable for residential development and allocated a dwelling yield of up to 3 dwellings. The exhibited Planning Proposal reflects the recommendations of the Addendum Report for the battle axe handle of 4 and 5 Fern Creek Road (now Sector 901H).</p> <p>The submitter is advised that they may formally request rezoning of the majority of their property by lodging an application to Council, accompanied by supporting studies demonstrating that the property is capable of urban development and that the Release Area boundary be relocated to include the property.</p>

		<i>"We do not agree with the density being 3 dwellings when our neighbours have reached 28 dwellings".</i>	<p>The yield allocated to Sector 901H is based on a development density (32 dwellings per developable hectare) identical to that of the neighbouring properties at 901B and 901C.</p> <p>Based on the agreed density and the site area of Sector 901H, 1,138 m² or 0.1138 hectares, results in 3 dwellings being allocated to 901H.</p>
3	Hayes	<i>"We would like the rest of the driveway for 4 and 5 Fern Creek Road included in the rezoning".</i>	<p>The majority of 4 and 5 Fern Creek Road are, as noted in the recently adopted Addendum Report, located adjacent to Ingleside Chase Reserve and significantly constrained and limited in their ability to develop due to bushfire and geotechnical hazards, proximity to dense vegetation and access and visual amenity issues.</p> <p>The Addendum Report recommended that the least constrained portions of 4 and 5 Fern Creek Road (being the battle axe handles) are suitable for residential development and allocated a dwelling yield of up to 3 dwellings. The exhibited Planning Proposal reflects the recommendations of the Addendum Report for the battle axe handle of 4 and 5 Fern Creek Road (now Sector 901H).</p> <p>The submitter is advised that they may formally request rezoning of the majority of their property by lodging an application to Council, accompanied by supporting studies demonstrating that the property is capable of urban development and that the Release Area boundary be relocated to include the property.</p>
		<i>How can "Council propose our land to have only 3 dwellings per hectare when adjoining Abax and Australand properties can have 28 per hectare?"</i>	<p>The yield allocated to Sector 901H is based on a development density (32 dwellings per developable hectare) identical to that of the neighbouring properties at 901B and 901C.</p> <p>Based on the agreed density and the site area of Sector 901H, 1,138 m² or 0.1138 hectares, results in 3 dwellings being allocated to 901H.</p>
4	Urbanesque	<i>Object to the allocation of a dwelling yield of 1 dwelling to 14 Walana Crescent. "The change amounts to a down zoning of the land"</i>	<p>14 Walana Crescent is zoned part R3 Medium Density Residential and part RU2 Rural Landscape with only the land zoned R3 within the Warriewood Valley Release Area.</p> <p>The portion of the property within the Release Area is currently within Sector 20. This sector was not offered a forward path under the 2012 Strategic Review as it was already considered developed.</p>

			<p>The Planning Proposal reflects the recommendations of the recently Adopted Addendum Report by excising the portion of the property within the Release Area, and identifying it as a new sector (Sector 202) with a dwelling yield allocation of 1 dwelling. Despite notification during the public exhibition of the Addendum Report no submission was made at that time.</p> <p>The contention that the property currently has a dwelling yield allocation of 4 dwellings is incorrect. There is currently no dwelling yield allocation for 14 Walana Crescent. There is a dwelling yield allocation for Sector 20 of not more than 72 dwellings. These dwellings can be accommodated across the sector subject to a development application demonstrating compliance with Council's controls and policies and appropriate treatment of site constraints.</p> <p>The Addendum Report identified that the property is significantly impacted by environmental constraints limiting its development potential. A yield of 1 dwelling was recommended by the Addendum Report. The Planning Proposal reflects that recommendation.</p>
5	Von Drehnen	<p><i>"I do not consent to any plan Council may have in the future of allowing development of any kind on the wildlife corridor on the western side of Sector 203".</i></p>	<p>Sector 203 is undeveloped land in the former Sector 20. The land on the western side of Sector 203 is zoned RU2 Rural landscape and is not within the Warriewood Valley Release Area. This Planning Proposal relates to land within the Warriewood Valley Release Area based on the recommendations of the recently adopted Addendum Report. No change is being made to land outside of the Warriewood Valley Release Area.</p>
		<p><i>"Suggest that there is a ban on keeping cats to be applied to any new dwellings ... on properties that boarder the buffer zones to bush corridors".</i></p>	<p>This is not an issue for the Planning Proposal however there is an existing control in Pittwater 21 DCP regarding domestic animals (Control D16.10 Pets and Companion Animals).</p>
		<p><i>"Suggest encouraging a volunteer team to clear weeds from the buffer zones".</i></p>	<p>Thank you for your suggestion however this is not an issue relevant to this Planning Proposal.</p>
		<p>Concerned with increased traffic on Fazolarie Avenue.</p>	<p>Fazolarie Avenue was designed to accommodate vehicular trips from a maximum of 72 dwellings within this development (formerly Sector 20). The Planning Proposal does not propose to increase the total dwellings that access Fazolarie Avenue that in turn results in increased traffic on this street.</p>

		<i>"New dwellings in Sector 203 should have a front fence".</i>	This is not a relevant issue to the Planning Proposal however there are existing controls in Pittwater 21 DCP regarding fencing.
6	Don Fox Planning	Zoning anomaly and request for the whole of Sector 901B to be rezoned R3 and to be wholly within the Warriewood Valley Release Area.	<p>Sector 901B (2 Fern Creek Road) is zoned part R3 Medium Density Residential and part RU2 Rural Landscape with only the eastern portion of the land in the Warriewood Valley Release Area. The inclusion of the eastern portion of the site and subsequent rezoning as R3 Medium Density Residential, being limited to the land in the Warriewood Valley Release Area, is based on a suite of studies that originally established the Warriewood Valley Release Area boundary.</p> <p>Subsequent studies confirmed the boundary and in some cases, removed land from the Release Area based on contemporary studies that informed the recently adopted Addendum Report.</p> <p>It is inappropriate to rezone the western portion of Sector 901B as part of this process given the Planning Proposal is effecting the recommendations of the recently adopted Addendum Report.</p> <p>The author should be advised that a request for Council to rezone the whole property should be made by lodgement of an application including supporting information demonstrating that the western portion is capable of urban development and that the Release Area boundary be relocated to include this portion of 2 Fern Creek Road.</p>
		Error on the Lot Size Map applying to Sector 901B.	<p>This Planning Proposal does not propose changes to the Lot Size Map, but simply enacts the recommendations of the recently adopted Addendum Report in regard to rezoning of specific land to R3 Medium Density Residential or prescribing a dwelling yield for specific lands within the Release Area.</p> <p>Another Planning Proposal (PP0002/14) concurrently exhibited by Council aimed to rectify omissions with the Lot Size Map however the anomaly regarding this property was not part of that Planning Proposal. A report to Council on 16 March 2015 regarding the outcomes of the exhibition of PP0002/14 confirmed that the anomaly applying to this property would be subject to a future amendment.</p>

7	NSW Rural Fire Service	Future development on land identified on the Pittwater Council Bushfire Prone Land Map should be designed in accordance with Planning for Bushfire Protection 2006.	Noted. Council already requires all development on bushfire prone land to have considerations for the principles of Planning for Bushfire Protection 2006. Applications for subdivision of bushfire prone land are referred to the RFS for a bushfire safety authority under Section 100b of the Rural Fires Act.
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PLANNING PROPOSAL PP0001/14

To amend the Urban Release Area Map, Land Zoning Map, Height of Buildings Map and Minimum Lot Size Map applying to the Warriewood Valley Release Area

To introduce/amend the dwelling yield provisions applying to land within the Warriewood Valley Release Area

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PART 1: OBJECTIVES OF PLANNING PROPOSAL

The objectives of this Planning Proposal are to amend the Pittwater Local Environmental Plan 2014 to:

1. Amend the Urban Release Area Map by amending the boundary of various sectors within the Warriewood Valley Release Area, including adding and removing various sectors or parts thereof.
2. Amend the Land Zoning Map to rezone specific land.
3. Amend the Minimum Lot Size Map to remove the lot size applying to specific land.
4. Amend the Height of Buildings Map to amend the maximum height applying to specific land.
5. Amend/introduce dwelling yield provisions for sectors in the Warriewood Valley Release Area

		<p>The text related to Sectors 901C and 901G in the table in Clause 6.1(3) is to be amended as follows:</p> <table data-bbox="630 246 1412 414"> <tr> <td>Sector 901C</td> <td>Not more than 22 dwellings or less than 17 dwellings</td> </tr> <tr> <td>Sector 901G</td> <td>Not more than 6 dwellings</td> </tr> <tr> <td>Sectors 901C and 901G</td> <td>Not more than 28 dwellings or less than 23 dwellings</td> </tr> </table>	Sector 901C	Not more than 22 dwellings or less than 17 dwellings	Sector 901G	Not more than 6 dwellings	Sectors 901C and 901G	Not more than 28 dwellings or less than 23 dwellings		
Sector 901C	Not more than 22 dwellings or less than 17 dwellings									
Sector 901G	Not more than 6 dwellings									
Sectors 901C and 901G	Not more than 28 dwellings or less than 23 dwellings									
		<p>The following text is to be added to the table in Clause 6.1(3):</p> <table data-bbox="630 504 1324 638"> <tr> <td>Sector 901H</td> <td>Not more than 3 dwellings</td> </tr> <tr> <td>Sector 10C</td> <td>Not more than 17 dwellings</td> </tr> <tr> <td>Sector 202</td> <td>Not more than 1 dwelling</td> </tr> <tr> <td>Sector 203</td> <td>Not more than 4 dwellings</td> </tr> </table>	Sector 901H	Not more than 3 dwellings	Sector 10C	Not more than 17 dwellings	Sector 202	Not more than 1 dwelling	Sector 203	Not more than 4 dwellings
Sector 901H	Not more than 3 dwellings									
Sector 10C	Not more than 17 dwellings									
Sector 202	Not more than 1 dwelling									
Sector 203	Not more than 4 dwellings									

PART 3: JUSTIFICATION

Section A Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the result of the *Warriewood Valley Strategic Review Addendum Report 2014* (Addendum Report). The Addendum Report is a supplement to the adopted *Warriewood Valley Strategic Review Report 2012* (Strategic Review Report) which reviewed the appropriate height and density standards for medium density residential development within the Warriewood Valley Release Area (Release Area). The Addendum Report investigates and identifies a forward path for all other land in the Release Area that was not considered or provided with a forward path under the Strategic Review Report.

The Addendum Report is informed by an opportunities and constraints analysis undertaken by Council, and updated flooding and bushfire information, including an additional flooding analysis of the Narrabeen Lagoon Flood Study adopted in 2013 by the same consultant who produced the Warriewood Valley Strategic Review Hydrology Study 2011. Relevant environmental studies undertaken for the Strategic Review Report were also considered. Due to the significant environmental and development constraints affecting particular sectors within the Release Area, some sectors, or parts thereof, are recommended to be removed from the Release Area. The Addendum Report has also identified other relatively less constrained sectors with opportunities for development.

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

Progressing this Planning Proposal is the best means of achieving consistency with Council's strategic and land use planning documents.

The Planning Proposal is the only mechanism to enable land to be removed or added to the Urban Release Area Map, rezone land and enable changes to be made to the mapping and dwelling yield provisions in Clause 6.1(4) of Pittwater LEP 2014.

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)?

While this Planning Proposal is largely an administrative amendment and therefore will generally only have minor impact on the goals and directions within *A Plan For Growing Sydney*, it will provide for some new residential development in the Warriewood Valley Release Area and is therefore consistent with Goal 2 and Direction 2.1 where actions are set for increasing housing and land supply.

4. Is the Planning Proposal consistent with the council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the recommendations of the *Warriewood Valley Strategic Review Addendum Report 2014*.

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

This Planning Proposal is generally 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 generally consistent with the applicable Ministerial Directions. Where there are inconsistencies, justification has been provided addressing how the inconsistency can be waived consistent with the 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?

This Planning Proposal is largely an administrative amendment, involving various adjustments to the boundary of the Release Area and dwelling yield provisions.

- Amalgamation of adjoining Sectors 901C and 901G,
- Amalgamation of adjoining Sector 3 and Buffer Area 2,
- Minor adjustment to sector boundaries to identify properties within existing sectors as individual sectors (Sectors 202, 203, 10C),
- Removal of property known as 79 Cabbage Tree Road from Sector 20,
- Adjustment of dwelling yield provisions to reflect amended sector boundary (Sectors 20, 202, 203, 901C and 90G, 10C, Sector 3 and Buffer Area 2),

Some other minor amendments are proposed, these recommendations are supported by the opportunities and constraints analysis undertaken by Council. It is therefore unlikely that this Planning Proposal will result in adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

The sectors proposed to be rezoned under this Planning Proposal and/or allocated a dwelling yield under Clause 6.1(4) have already been zoned for urban development, are already developed upon and/or are located within existing residentially zoned areas.

- Sector 202 and 203 are subsectors of the current Sector 20 and already zoned R3 Medium Density Residential. The Planning Proposal seeks to amend the current dwelling yield provision applying to Sector 20 by attributing a yield to each of these subsectors based on the outcomes of the opportunities and constraints analysis undertaken by Council.
- Sector 802 is already developed as a school and proposed to be rezoned to reflect its current use.
- Sector 901H consists of the battle axe portion of two properties and is situated between residentially zoned Sectors 901B and 901C. Sector 901H is proposed to be rezoned from a rural zone to R3 Medium Density Residential zone. The sector is currently utilised as a driveway and largely cleared. The rezoning of Sector 901H will allow either adjoining sector, which have already been rezoned R3 Medium Density Residential, to incorporate this additional land (approximately 1,100 square metres) into their development site.
- Sector 10C, already zoned R3, is proposed to be allocated a dwelling yield to allow the property to be redeveloped from its current use as a retirement village to an urban residential development, similar in scale to the surrounding existing low density development.

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

As outlined above, this Planning Proposal is largely an administrative amendment, however will provide for a small number of additional dwellings within the Release Area (net increase of 17 dwellings). As outlined above, the sectors proposed to be rezoned under this Planning Proposal and/or allocated a dwelling yield under Clause 6.1(4) are mostly zoned R3 Medium Density Residential, are already developed upon and/or are located within existing residentially zoned areas.

These recommendations are supported by an opportunities and constraints analysis based on mapping layers adopted by Council in 2011 as part of the *Pittwater Local Planning Strategy 2011*, which have been updated based on Council's most current flood and bush fire mapping (*Narrabeen Lagoon Flood Study 2013* and *Bush fire Prone Land Map 2013*). The recommendations are also supported by an additional analysis undertaken by the consultant who produced the Warriewood Valley Strategic Review Hydrology Study 2011.

Any future development application will require assessment under Section 79C of the EP&A Act and will be subject to the provisions and development controls under Pittwater LEP 2014 and Pittwater 21 DCP, including those related to flooding, bushfire prone land, waste management, land contamination, geotechnical hazards, heritage and traffic.

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

The lands the subject of this Planning Proposal generally comprise land originally identified for release in the early 1990s under the State Government's Metropolitan Development Program. At that time a suite of studies were undertaken for the original Warriewood Valley land release area, comprising studies which addressed the social and economic effects of the release.

As this Planning Proposal is largely an administrative amendment it is concluded that it is unlikely to have any negative social or economic effects.

Section D State and Commonwealth interests

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

Local infrastructure to meet the needs of the current and expected future population of the Warriewood Valley community is planned for and funded through the *Warriewood Valley Section 94 Contributions Plan*.

Preliminary analysis indicates that the increased dwellings expected as a result of the Planning Proposal (17 additional dwellings) is unlikely to have a significant impact on the infrastructure requirements for the Release Area. Nonetheless, the additional dwellings proposed, will need to be factored into the Section 94 Plan.

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

The *draft Warriewood Valley Strategic Review Addendum Report 2014* was placed on public exhibition between June and July 2014 and the views of Sydney Water and Crown Lands, as landowners within the Release Area, were sought.

Sydney Water supported the current zoning of their land. The Addendum Report does not recommend changing the zoning of the land comprising the Warriewood Sewerage Treatment Plant as it is already zoned SP2 Infrastructure (Sewerage System) under Pittwater LEP 2014.

The NSW Roads and Maritime Service (RMS), dated 12 October 2012, in regard to the Warriewood Valley Strategic Review 2012 provided the following:

“The RMS supports the Strategic Review, provided that:

- 3. The maximum number of approved dwellings in the Warriewood study area does not exceed 2544 dwellings.*
- 4. No further development is approved for the area identified as the Southern Buffer.”*

The minor increase of 17 additional dwellings will not exceed the 2544 dwellings that would have otherwise required updated commentary from the RMS.

In accordance with Condition 4 of the Gateway Determination issued 15 January 2015, the NSW Rural Fire Service (RFS) was consulted in respect to this Planning Proposal. The RFS advised that all future development on land identified on the Pittwater Council Bushfire Prone Land Map should be designed in accordance with Planning for Bushfire Protection 2006 (see **Appendix 5**). Council confirms that all development applications on bushfire prone land are being considered against the principles of Planning for Bushfire Protection 2006 in accordance with the Environmental Planning & Assessment Act 1979. Additionally, applications for subdivision of bushfire prone land are referred to the RFS for a bushfire safety authority under Section 100b of the Rural Fires Act.

PART 4: MAPPING

The current Urban Release Area Maps (Sheet URA_012 and Sheet URA_013), Land Zoning Map (Sheet LZN_012), Height of Buildings Map (Sheet HOB_012) and Lot Size Map (Sheet LSZ_012) are contained **Appendix 3**.

The proposed amended maps are contained in **Appendix 4**.

PART 5: COMMUNITY CONSULTATION

This Planning Proposal is consistent with the pattern of surrounding land uses.

Local infrastructure within the Warriewood Valley Release Area is provided through the *Warriewood Valley Section 94 Contributions Plan*. Preliminary analysis indicates that the increased dwellings expected as result of the Planning Proposal (17 additional dwellings) is unlikely to have a significant impact on the infrastructure requirements for the Release Area. Nonetheless, the additional dwellings proposed and additional infrastructure requirements will need to be incorporated into the Section 94 Plan.

Subsequently, this Planning Proposal is considered to be a ‘low impact’ proposal. In keeping with *‘A guide to preparing local environmental plans’* (Department of Planning & Infrastructure, 2012) the following consultation is considered appropriate:

- 28 day exhibition period (*as specified by the Gateway Determination, 15 January 2015*),
- Notification in local newspaper at commencement of exhibition period,
- Notification on Council’s website for the duration of the exhibition,
- Notification in writing to affected landowners and the Warriewood Residents Association at commencement of the exhibition period.