

ITEM 4.1	STRATEGIC REVIEW OF DEFERRED LANDS IN OXFORD FALLS VALLEY AND BELROSE NORTH
REPORTING OFFICER	STRATEGIC PLANNER
TRIM FILE REF	2013/299083
ATTACHMENTS	1 Attachment 1 – Draft Strategic Review Report 2 Attachment 2 – Submissions Report on the Draft Strategic Review Report 3 Attachment 3 – Submission received on the Draft Strategic Review Report 4 Attachment 4 – Ministers Letter dated 17 March 2013 - Council’s Response - Department Media Release dated 15 May 2004 5 Attachment 5 – Maps A, B, C, D and E 6 Attachment 6 – Table A – List of proposed additional permitted uses

PURPOSE

That the Warringah Development Assessment Panel (WDAP) undertake an independent public hearing and provide its opinion as to the most appropriate land use zones for inclusion in a Planning Proposal, to bring land in Oxford Falls Valley and Belrose North into Warringah Local Environmental Plan 2011 (WLEP2011).

SUMMARY

Warringah Council and the NSW Department of Planning and Environment (the Department) have undertaken a Strategic Review to inform how a formal Planning Proposal should bring land in Oxford Falls Valley and Belrose North into WLEP2011.

Extensive consultation was undertaken to prepare a draft Strategic Review Report. This report was publicly exhibited and consideration of the submissions received resulted in a recommendation where the majority of the land was zoned E3 (option 1). Following a letter from the Minister for Planning (dated 17 March 2014) where the opinion was expressed that any lands zoned E3 containing ‘no-to-moderate’ environmental constraint remain deferred, further discussions were held with the Minister. A compromised Planning Proposal (option 2) has been developed by Council.

Prior to proceeding with a formal Planning Proposal, Council seeks an independent hearing and recommendation from WDAP as to the most appropriate land use zones to be applied to the land.

RECOMMENDATION

That Option 2 proceeds to a formal Planning Proposal to bring land in Oxford Falls Valley and Belrose North into WLEP2011.

BACKGROUND

In December 2011 the (then titled) Minister for Planning and Infrastructure deferred land in Oxford Falls Valley and Belrose North from the WLEP2011 in response to stakeholder concern regarding the adequacy of consultation during the preparation of WLEP2011. Therefore, planning controls under WLEP2000 continue to apply to the deferred land (Map A – Attachment 5).

The transfer of planning controls from WLEP2000 into WLEP2011 is required in accordance with the NSW Governments Standard Instrument (Local Environmental Plans) Order 2006. It is also required to eliminate unnecessary duplication, management and operational cost of operating two LEP's within Warringah.

There are 2 stages for the future planning of Oxford Falls Valley and Belrose North. Stage 1 is to transfer the deferred lands into the WLEP2011. Stage 2 to involves considering the future development potential for the area.

The NSW Department of Planning and Environment have worked in partnership with Warringah Council to prepare the initial Stage 1 Strategic Review.

The purpose of the Stage 1 Strategic Review Report is to recommend an appropriate set of zoning and planning controls to transfer from WLEP2000 to WLEP2011, and to engage the community in the process. Through this initial stage it was never intended to significantly change the urban development potential of land in Oxford Falls Valley and Belrose North.

The purpose of Stage 2 is to investigate the future development potential of land as recommended by the Planning Assessment Commission in its 2009 report of the *Review of four sites in Oxford Falls Valley for Urban Development*. Stage 2 will commence upon on the completion of consolidating the deferred lands into WLEP2011.

STAGE 1 – STRATEGIC REVIEW

The following points briefly outline the steps that have been taken to inform the content of a future Planning Proposal to bring the land in Oxford Falls Valley and Belrose North into WLEP2011:

1. Initial stakeholder consultation by Council and the Department including a community information evening and site visits of all private landholdings within the study area. Receipt of stakeholder submissions throughout this process.
2. Preparation of a draft Strategic Review Report that recommends how to transfer planning controls from WLEP2000 into WLEP2011.
3. Public exhibition by the Department of the draft Strategic Review Report from 22 June until 30 August 2013.

124 submissions were received by the Department.

4. The Department prepared a Submissions Report on the exhibited draft Strategic Review Report. The submissions report details:
 - The community engagement / public exhibition process undertaken.
 - Consideration of issues raised by submissions.
 - Proposed changes to the exhibited draft Strategic Review Report following consideration of submissions. (Option 1)
5. Warringah Council staff considered the Minister's letter dated 17 March 2014, and proposed an alternative zoning map with no deferred land remaining under WLEP2000 to prevent the continued inefficient operation of two Warringah LEPs. (Option 2).

6. On 15 May 2014 Department of Planning and Environment sent a media release to all stakeholders re-stating the Minister's opinion from the 17 March 2014 letter.

TWO PLANNING PROPOSAL OPTIONS

Two Planning Proposal options have been developed for consideration via an independent public meeting and WDAP opinion. The two options are detailed as follows:

OPTION ONE:

This option would result in the following key amendments to WLEP2011:

- Majority of land is to be zoned E3 (Environmental Management) with areas of R2 (Low Density Residential), R5 (Large Lot Residential), RU4 (Primary Production Small Lots) and SP2 (Infrastructure) as identified in Map C, Attachment 5.
- Schedule 1 Additional Permitted Uses being amended to include land identified in Map E, Attachment 5, as detailed in Table A, Attachment 6.
- Amendment to Clause 6.6; 3(b) to ensure a dwelling house will continue to be permitted on certain land as permitted under WLEP2000.

This option consists of the proposed zoning changes as exhibited in the Draft Strategic Review Report (Attachment 1) with minor amendments as outlined in the Submissions Report (Attachment 2) with regard to Schedule 1 Additional Permitted Uses and Clause 6.6;3(b).

Analysis - Option One:

The analysis for this option is contained within the draft Strategic Review Report and Submissions Report, Attachment 1 and 2 to this report.

Following this option, the Minister for Planning provided an opinion (Attachment 4) that any lands containing 'no-to-moderate' environmental constraint be deferred. These lands are identified on Map B (Attachment 5) by the areas coloured green and yellow.

OPTION TWO:

This option would result in the following key amendments to WLEP2011:

- Land zoned similar to option 1, with the conversion of some proposed E3 land to RU4, R5 and SP2 as illustrated in Map D.
- Schedule 1 Additional Permitted Uses to remain the same as those identified in option 1.
- Amendment to Clause 6.6; 3(b) to remain the same as those identified in option 1.

This option is a compromise between options 1 and the Minister's opinion. Further consideration has been given to large contiguous areas with 'no-to-moderate' environmental constraint, which is in close proximity urban or rural developed land. These areas could be rezoned to RU4, R5 and SP2 whilst retaining a reasonable level of environmental protection.

Analysis - Option Two:

The proposed land use zoning (Map D) is the preferred option as:

- It will result in no land being deferred.
- It will result in one LEP for Warringah, providing administrative cost savings.
- It will ensure that land within Oxfords Falls Valley and Belrose North that has a high level of environmental constraint will be appropriately managed into the future via an E3 Zone.
- It will satisfy the majority of stakeholder concerns.
- Additional land to the east and western side of Wakehurst Parkway, Oxford Falls, and northern side of Wyatt Avenue, Belrose, is proposed to be zoned RU4 (Primary Production Small Lots) because of the lands geographical location, topography, predominant history of rural land uses, existing and desired future character of the area and the fact that the land is not significantly affected by environmental or infrastructure constraints.
- Additional land to the eastern side of Forest Way, Belrose, is proposed to be zoned R5 (Large Lot Residential) because the land is generally located at the interface of environmentally sensitive land. The recommended zoning provides a way of minimising land use conflicts within the zone and adjoining zones. It also supports residential housing in a rural setting whilst preserving and minimising impacts on environmentally sensitive locations and the scenic quality of the area.

The R5 zone will ensure that future development will not result in an unreasonable increase in the demand for public services and facilities and will make efficient use of existing infrastructure and services.

- Additional land to the eastern side of Forest Way is proposed to be zoned SP2 (Infrastructure) as the land is operated by Sydney Water as a water supply system.

This option is supported by Council staff for progression to a formal Planning Proposal.

CONCLUSION

Council must proceed to make a planning proposal to bring land in Oxford Falls Valley and Belrose North into WLEP2011.

Stage 1 has involved investigation and extensive consultation, resulting in 2 options for proposed land use zones. The first option resulting from the Strategic Review Report and Submissions Report and the second which is a compromise between Option 1 and the opinion of the Minister. Consideration in developing this option has been given to large contiguous areas of land with 'no-to-moderate' environmental constraint, which are in close proximity to existing urban or rural development. These areas could be rezoned to RU4, R5 and SP2 whilst retaining a reasonable level of environmental protection.

The compromised option removes the inefficient management of lands under 2 separate planning instruments. Should all lands be zoned under WLEP2011 this will not compromise investigations under stage 2 to determine future development potential of this area.

Option 2 is supported as the preferred option to proceed to a planning proposal. Any planning proposal will be undertaken with further community consultation.