

DRAFT OXFORD FALLS VALLEY AND BELROSE NORTH STRATEGIC REVIEW

LAND OWNER SUBMISSION

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CBRE



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1. INTRODUCTION

The Department of Planning and Infrastructure and Warringah Council have jointly prepared the Oxford Falls Valley and Belrose North Strategic Review following its deferral from Warringah's LEP when it was published in 2011, as directed by the Minister for Planning & Infrastructure.

Despite the report finding that some areas of land have been identified as of low environmental significance and therefore suitable for alternative zonings or uses, the report finds that *"the strategic review process is not intended to evaluate the future development potential"*. The Strategic Review Report found the majority of the area should be zoned E3 environmental management – because of, it states, *"its environmental values and relatively limited infrastructure"*.

This submission has been prepared on behalf of the following land owners in the southern part of the Study Area around Oxford Falls Road (Refer Figures 1 and 2 below). The land owners are:

- James Linklater and Anne Looby: 1111 Oxford Falls Road, Oxford Falls.
- Erik Bach Madsen and Cheryl Ann Madsen: 1336 Oxford Falls Road, Oxford Falls.
- Joseph and Helen Earl Lot 1108 Wearden Road, Oxford Falls.
- Anita Spalavero: 1113 Barnes Road, Oxford Falls.

The subject lands have been identified as having predominantly low environmental constraints to development. On the face of it, therefore, the development capacity of the lands have not been reduced when considering the objective of the strategic review was to inform the translation of planning controls from the LEP 2000 to the LEP 2011.

However, the E3 Environmental Management Zone brings with it a perception (in the least) that it is encumbered by environmental constraints, whilst the initial mapping for the site shows that it is not. Considering the Department has deferred the second stage, we believe that the E3 zoning will place an unfair and incorrect encumbrance on these properties, particularly as any future development will need to demonstrate compatibility with the objectives of the E3 zoning, which are heavily slanted towards environmental protection. We therefore suggest the lands should be, in the least, identified as 'deferred', pending completion of the second stage of the study.

We request that Council and the Department continue this study to inform the best possible fit for the zone rather than simply 'settle' at an E3 zone. It is both premature and misleading to enforce the E3 zone on lands that have already been identified from preliminary and secondary constraints analysis as being relatively unconstrained from future development. We are of the opinion that this is effectively a down zoning, particularly in light of the strategic directions recognised in the Metropolitan Plan and its recent Draft, that identify Warringah Council for additional dwellings, provided in a variety of dwelling typologies. Consideration of the Metropolitan Strategy is a Section 117 Ministerial Consideration that must be considered in any rezoning.

Regardless of whether the Department continues work on the second stage of the study, we are of the opinion that the subject lands are more suited to a Zone R5 – Large Lot Residential classification, which, whilst recognising the buffer nature of the lands and protecting environmental and scenic quality lands in the standard zone objectives, does not encumber the lands with an incorrect environmental overlay. The Department has identified other lands suitable for the R5 zone which carry a similar level of environmental constraints as the subject lands.



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This submission seeks two outcomes:

1. The continuance of the study in to Stage 2 to further analyse those sites identified as having low environmental constraints and continuing the deferred status of these under the Warringah LEP 2011 until such time as Stage 2 of the study has been completed;
2. Identification of sites for a R5 Large Lot Residential Zone.

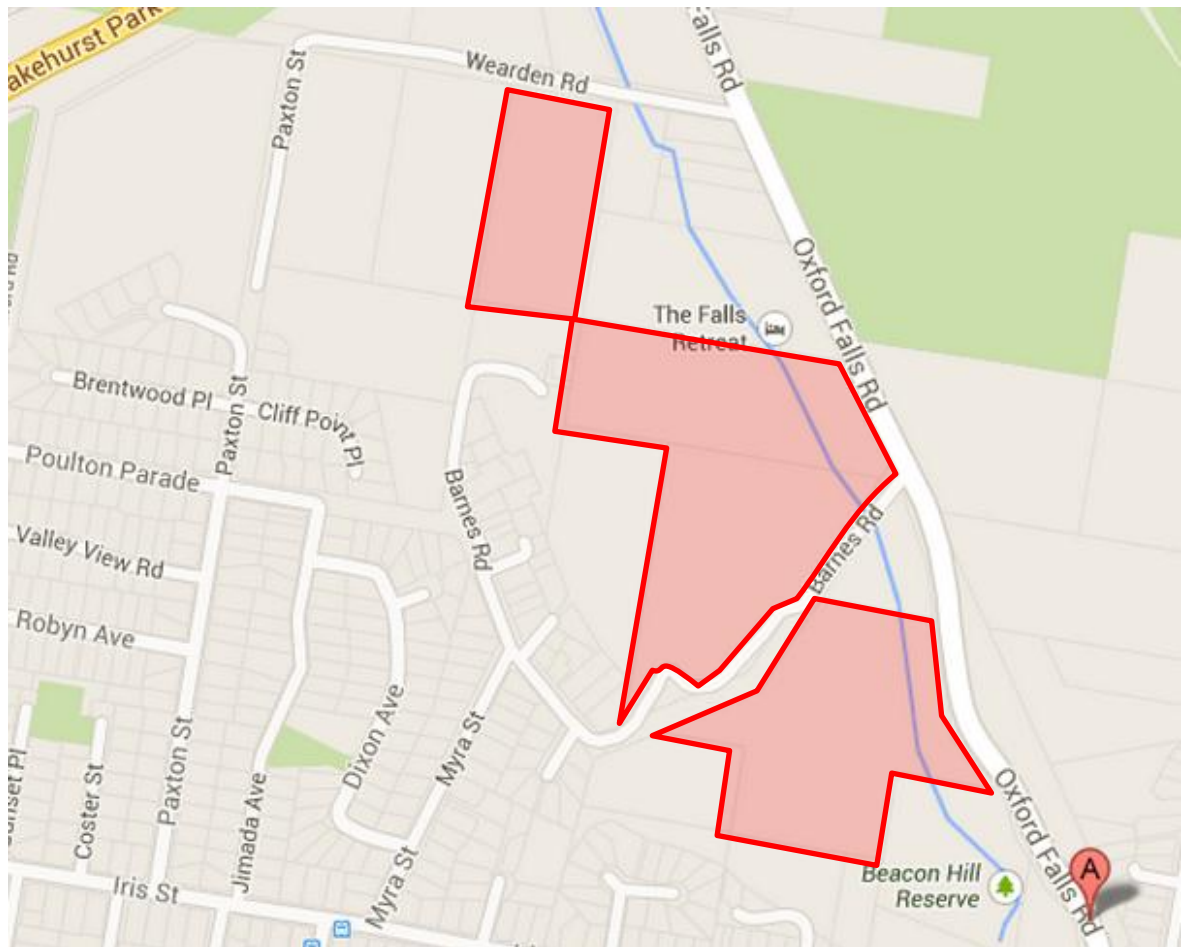


2. THE OWNERSHIP REPRESENTED

The ownership group represented is located toward the southern end of the deferred area and Oxford Falls Road. The location of the subject property is shown in Figure 1 & 2 below.

The subject sites are situated close to and within approximately 100 – 150 metres of existing urban development in Beacon Hill/Frenchs Forest East with public transport (State transit bus services) available along Iris Street as well as a bus stop outside the adjacent tennis academy. As can be seen from the aerial photograph in Figure 2, the subject property and those surrounding to the north and south are generally clear of vegetation, other than a relatively narrow corridor along the Oxford Falls road frontage.

Figure 1: Subject Sites



(source: Google Maps)



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The current land-use designation of the property is *B2 Oxford Falls Valley* under the Warringah LEP 2000. The desired future character or 'locality statement' made clear the intended semi-residential/rural outcomes for the precinct, however a diverse range of potential uses (including a number of commercial and housing types) were identified as Category 2 or 3 development under the LEP. That is, development or land-use types that are possibly permitted subject to a merits consideration by Council.

The subject lands are located within close proximity to existing urban development, being the residential areas of Frenchs Forest East and Beacon Hill, which are typified by single detached dwellings on 700 – 1,000sqm allotments. Further, the sites are within close proximity to existing public transport (State transit bus services) and road infrastructure (Warringah Road and Wakehurst Parkway) providing relatively direct access to nearby local centres in Beacon Hill, Frenchs Forest and Warringah Mall in addition to existing employment areas (north/south of Warringah Road) with direct linkages to other regional centres including Chatswood, St Leonards, North Sydney and the Sydney CBD.

Importantly, existing services within this area include town water, electricity and telecommunications. It is understood that the property adjacent to No.1111 Oxford Falls Road being the Australian Tennis Academy also benefits from a rising main to the nearest sewer connection in Barnes Road.



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3. SITE ASSESSMENTS

Both Council and the Department undertook site visits in December 2012 to understand land uses in the region and to verify technical information used in the review. All site reviews for the subject lands were taken from the street frontage only.

Analysis of the Department's review against mapping undertaken by CBRE is indicated in the following table:

Table 1: Site Assessment Review

Site	Moderate		Significant		Severe	
	DPI	CBRE	DPI	CBRE	DPI	CBRE
Lot 1108 Wearden Road	80%	85% (↑5%)	5%	7% (↓2%)	15%	8% (↓7%)
1111 Oxford Falls Road	100%	100%	-	-	-	-
1336 Oxford Falls Road ¹	85%	90% (↑5%)	10%	7% (↓3%)	5%	3% (↓2%)
1113 Barnes Road	90%	90%	10%	10%		

We provide the following in regards to the site assessments:

- 1111 Oxford Falls Road site assessment states 70% cleared and 30% uncleared which is inaccurate as it is probably closer to 85% cleared and 15% uncleared. Regardless, the land is clearly identified as not environmentally constrained. The land was previously used as a chicken farm and an unofficial tip. Therefore, an E3 Environmental Protection Zone is inappropriate.

Further, the Secondary Constraints Analysis is unsubstantiated and, at times, incorrect. It appears that the analysis is open for interpretation and subjective. For an important project such as this, we would assume that GIS or similar would be used to input and analyse the data objectively and empirically. For example:

- Heritage: rating of 1, but nothing of heritage value on the property. Neighbour at 1110 is rated 0.
- Centres: 3 – site is c. 2km from a proposed Specialised Centre (Northern Beaches Hospital). We question this assumption.
- Transport: 1 – there is a bus stop in front of 1110 (yet 1110 adjacent is rated a 2?).
- Infrastructure: 3. As discussed above, the sites are serviced.
- Corridor/ Habitat: 2 – however the adjacent 1110 is rated as 0. The land is mostly cleared apart from the component that fronts on to Oxford Falls Road and the adjacent land to the north is cleared. This effectively prohibits any opportunity for a corridor.
- Based on the above, we would rate the site a '10' rather than a '14' in terms of constraints severity. This throws into question the entire analysis undertaken by the Department and the rigour applied. We refer the Department to the Hawkesbury Residential Strategy that used GIS to analyse constraints similar to this process in a manner that was transparent and rigorous. The document can be found at:

¹ Noted as 1136 in Site Assessments, not 1336.



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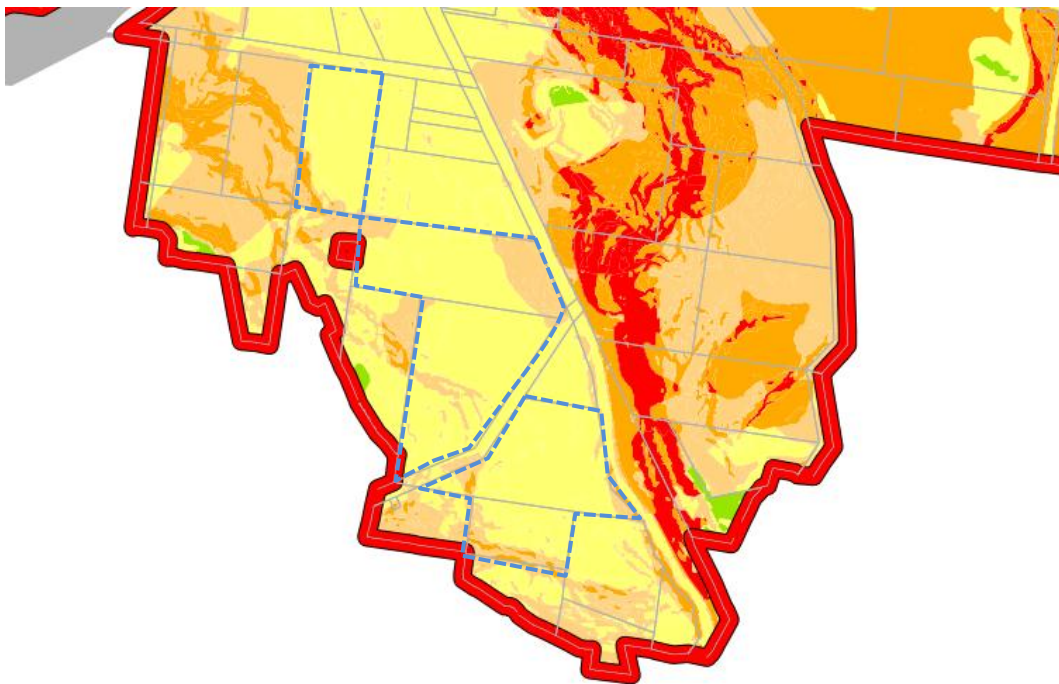
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http://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0008/37259/Final-HRLS.pdf

- 1108 Oxford Falls Road was previously a chicken farm – clearly it is not of environmental significance. To now classify this site as having environmental significance is clearly incorrect. Therefore, an E3 Environmental Protection Zone is inappropriate.
- The 1336 Oxford Falls Road site assessment questions the apportionment moderately, but the Department's assessment of the site as only 65% cleared is incorrect. Our analysis shows it is c. 85%.
- The 1113 Barnes Road site assessment is not questioned, however our analysis shows it closer to 80% cleared than 70%.

The preliminary and secondary mapping is provided in Figure 2 below clearly shows the sites as predominantly unconstrained. Therefore, an E3 Environmental Protection Zone is inappropriate.

Figure 2: Cumulative Level of Environmental Constraints





4. STATUTORY PLANNING CONSIDERATIONS

Concern has previously been expressed at the E3 Environmental Management zoning proposed by the draft Warringah LEP 2011. These concerns included:

- The zoning and permitted range of land uses was considered highly restrictive relative to the current B2 locality designation.
- The Department of Planning's Practice Notes (PN 09-002) states that the E3 zone is for land where *'there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values'*. Given the current physical characteristics of the cleared subject properties, the lack of environmental constraints and the urban nature of the surrounding lands, applying an E3 zoning to the area is inappropriate.
- It also noted that the circular (P7) states that the E3 zone *'is generally not intended for cleared lands including land used for intensive agriculture'*. The subject premises and lands to the north/south are not utilised for intensive agriculture and are largely cleared.

4.1. SUITABILITY OF THE ENVIRONMENTAL PROTECTION ZONE

The LEP practice note for Standard Instrument for LEPs – Standard Zones (PN 09-002; 30 April 2009) identifies that the E3 Environmental Management zone is for land where there are special items that require consideration/management and for uses compatible with these values. These items are:

- ecological,
- scientific,
- cultural or aesthetic attributes
- environmental hazards/processes

The DPI reporting clearly identifies that the sites in question are not affected by these items. The Practice Note goes on to state that:

Prior to applying the relevant zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. This is particularly important where land is identified as exhibiting high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves

Clearly, in this instance, the Study shows that the sites are not affected by environmental constraints and that the identified zoning for E3 is therefore erroneous. Importantly, this is supported by the Practice Note that says:

However, the zone is generally not intended for cleared lands including land used for intensive agriculture.

Again, the subject sites are predominantly cleared and therefore not suitable to the E3 Zone.



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The environmental constraints and development potential of the subject premises and surrounding lands in Oxford Falls were also investigated in the Non-Urban Lands Study prepared by PPK Consultants in 1998. The study mapped the subject area along Oxford Falls Road as:

- disturbed lands of lower environmental value;
- no significant environmental constraints to development; and
- having the potential for higher intensity development and land uses.

The PPK study recommended that the abovementioned areas be further investigated with particular regard to the transport, infrastructure constraints, bushfire, the cumulative effects on environmental values, and the regional demand for land generally with a view to their potential for more urban, or residential, purposes.

Based on the findings of these previous land-capability investigations, the area is considered relatively unconstrained and has the potential for higher intensity development, including residential uses or in the very least rural-residential subdivision. We note and generally concur with the recommendations of the submission by the Warringah Urban Fringe Association dated 2nd December 2012 particularly with regards to Precinct 12 (Oxford Falls Road South East). It states the preference of residents in this area is for a rezoning to R5 (Large Lot Residential), with a minimum lot size of 2,000sqm.

4.2. ALTERNATIVE ZONES CONSIDERED

CBRE have analysed the objectives of the Locality B2 Oxford Falls Valley as contained in the Warringah LEP 2000, against the objectives of the E3 Environmental Management and R5 Large Lot Residential zones as contained in the Standard LEP Template provided by the NSW Department of Planning and Infrastructure.

The breakdown is provided in Table 2 below.

Table 2: Analysis of Zone Objectives

Locality B2 Oxford Falls Valley (LEP 2000)	E3 Environmental Management (LEP 2011)	Zone R5 Large Lot Residential
The present <u>character will remain unchanged</u>	To protect, manage and restore areas with <u>special ecological, scientific, cultural or aesthetic values</u> .	To provide residential housing in a rural setting while <u>preserving, and minimising impacts on, environmentally sensitive locations</u> and scenic quality.
Future development will be limited to new detached style and <u>low intensity, low impact uses</u> .	To provide for a limited range of development that does not have an adverse effect on those values.	To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen lagoon and the Wakehurst Parkway.	To ensure that development, by way of its character, design, location and materials of construction, is integrated into the site and natural surroundings, complements and enhances the natural environment and has minimal visual impact.	To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
<u>The natural landscape will be protected.</u>	<u>To protect and enhance the natural landscape by conserving remnant</u>	<u>To minimise conflict between land uses within this zone and land uses</u>



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	<u>bushland</u> and rock outcrops and by encouraging the spread of an indigenous tree canopy.	<u>within adjoining zones.</u>
Buildings will be located and grouped in areas that will <u>minimise disturbance of vegetation.</u>	To protect and enhance visual quality by <u>promoting dense bushland buffers adjacent to major traffic thoroughfares.</u>	
A <u>dense bushland buffer</u> will be <u>retained</u> or established along Forest Way and Wakehurst Parkway.		
Development in the locality will not create siltation or pollution of Narrabeen lagoon and its catchment.		

Our consideration of the zone objectives indicates that the sites are better suited to a Zone R5 Large Lot Residential than the Department's preferred E3 Environmental Management (LEP 2011) for the following reasons:

- The subject lands do not contain special ecological, scientific, cultural or aesthetic values however can adequately minimise conflict within adjoining zones as per the R5 zone. By way of example, if the environmental lands were industrial, would this mean that the Department would seek to zone all surrounding lands as industrial to act as a buffer?
- By being cleared, the sites will not enhance the natural landscape by conserving remnant bushland however the lands can aid the preservation and minimising impacts on, environmentally sensitive locations and scenic quality as identified in the R5 zone.

We acknowledge that a subsequent strategic review will consider in more detail the environmental capability of the study area, in addition to the proximity of existing urban development and infrastructure together with the demand for increased housing opportunities in the area. In this regard, the owner looks forward to reviewing the outcomes of the strategic review and making a more detailed submission during its public exhibition.

Considering the timeframe that has already elapsed since the Phase 2 study was recommended in the Planning Assessment Commission's 2009 report on Oxford Falls Valley, we stress the importance that any momentum on this Study is not lost and the Department commit to Stage 2 as soon as possible. There is great concern that once the sites have been 'encumbered' by an environmental related zone, it will be difficult to change perception or otherwise. We therefore seek that the lands remain identified as 'deferred' until such time that the subsequent study is undertaken.



5. STRATEGIC PLANNING CONSIDERATIONS

As advised under the Ministerial Direction (s177) under the Environmental Planning and Assessment Act 1979, any rezoning of land must consider a number of key considerations.

Direction 3.1 relates to Residential Zones and states as its objectives:

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- to minimise the impact of residential development on the environment and resource lands.

We would consider that the subject lands have the potential for residential zoning with minimal impact on the nearby higher environmental value lands in the area, whilst providing residential development that is proximate to services and infrastructure and enabling a variety of housing choices in the area.

Allied to this direction, is the consideration that the Department must give to Direction 7 – Metropolitan Planning and the implementation of Metropolitan Plan for Sydney 2036.

The objective of the Direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036 and states that Planning Proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.

Considering the status of the Draft Metropolitan Strategy that has been publicly exhibited and is expected to be in force in early 2014, we submit that consideration should be given to the ambitious target of an additional 27,500 dwellings expected of the Draft Strategy across Metropolitan Sydney.

Analysis undertaken by CBRE shows that Warringah LGA will be expected to accommodate a total of 5,110 new dwellings to 2031, equating to approximately 284 dwellings annually, year on year. There is clearly a need to expand the rate of new dwellings in Warringah LGA region given that the LGA delivered approximately 149 dwellings per annum between 2006-11.

Table 3: Analysis of Draft Metropolitan Strategy Dwelling Targets

	2006 ABS Dwellings	Draft Subregion 2031 Target	2006-2011 Additional p.a.	Draft Metro Strategy LGA Target	per annum delivery
Warringah	54,465	10,300	149	5,110	284

We note that Page 7 of the draft report states "Oxford Falls Valley and Belrose North are identified in the draft Strategy as non-urban land". Whilst this reflects Figure 16 in the Housing section, it is contrary to the Draft Strategy mapping for the North Subregion, as shown in Figure 4 below.



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Figure 3: Draft Metropolitan Strategy mapping excerpt - North Subregion



Allied to this is the consideration of the proposed Frenchs Forest Specialised Health Precinct. These sites sit c. 2km from this important infrastructure for the northern subregion, yet the Department's Study finds these lands as not suitable for urban development. We suggest that increasing residential land supply in and around this future Specialised Centre will be critical in its success, particularly mindful of the issues of housing affordability for key workers allied to such infrastructure.

We are of the opinion that persisting with a 'down zoning' of these lands is short sighted and does not consider the long term challenges and opportunities that will be created by the proposed new hospital.



6. SUMMARY AND CONCLUSIONS

For the reasons outlined below we believe that the subject premises and surrounding precinct along Oxford Falls Road should be considered for:

1. Deferral pending completion of the secondary Strategic Review to confirm the capacity of the lands for higher order uses, subject to impact analysis of the nearby environmental lands.
2. Consideration of a R5 Large Lot Residential Zone that better reflects the environmental capacity of the lands.

A higher order land-use zoning than E3 (Environmental Management) is suitable for the subject sites for the following reasons:

1. The subject lands are located within close proximity to existing urban development, being the residential areas of Frenchs Forest East and Beacon Hill, which are typified by single detached dwellings on 700-1,000sqm allotments.
2. The subject lands are also within close proximity to existing public transport, nearby local centres in Beacon Hill, Frenchs Forest and Warringah Mall and employment lands on Warringah Road, Chatswood, Brookvale, St Leonards, Chatswood, North Sydney and the Sydney CBD.
3. Existing services within this area include town water, electricity and telecommunications. The property adjacent to No.1111 Oxford Falls Road (the Australian Tennis Academy) also benefits from a rising main to the nearest sewer connection in Barnes Road.
4. Any future higher order development of the subject lands is considered to represent a logical and orderly extension to an existing urban area (north of Frenchs Forest East/Beacon Hill) thereby avoiding the financial and social inefficiencies often associated with the creation of isolated communities and/or fragmented residential development fronts.
5. The subject sites have been identified as not being environmentally constrained and therefore the application of the E3 Environmental Management zone is erroneous and will constrain the land unfairly.
6. The E3 zone is contrary to s117 Ministerial Directions as outlined in the EP&A Act.

We look forward to the Department's consideration of this submission. Should you wish to discuss any of the above, please feel free to contact Tom Goode on 9409 8339.